

Procedural Information Bulletin No. 44

For the sitting period 29 August to 7 September 1989

PRIVILEGE

Bulletin No. 43 (pp 1-2) reported that the alleged unauthorised disclosure of the report of the Senate Foreign Affairs, Defence and Trade Committee on visits of nuclear powered or armed vessels to Australia had been referred to the Privileges Committee. On 31 August, the Chair of the Privileges Committee (Senator Giles) gave a notice of motion to authorise the Chairman of the Foreign Affairs, Defence and Trade Committee to appear before the Privileges Committee in order to produce relevant documents and to disclose relevant information. The motion was necessary because, after a committee has concluded its inquiry into a matter referred by the Senate, documents relating to the inquiry are in the custody of the Senate and not that of the Committee. The motion was agreed to as a formal motion on 1 September.

On 29 August, Senator Teague, one of the senators who had raised the question of premature disclosure with the President as a matter of Privilege (see Bulletin No. 43, p 1), made a personal explanation relating to an editorial which appeared in the Adelaide Advertiser, and drew the Senate's attention to his letter of response, published in the same paper.

BILLS AMENDED

The two weeks of sitting were dominated by consideration of the Aboriginal and Torres Strait Islander package of bills. As described in Bulletin No.43 (pp 7-8) a special order of the Senate applied to the three bills of the package. The order provided that, after the consideration of the second reading of the Aboriginal and Torres Strait Islander Commission Bill 1989, the second reading stage of the two associated bills should proceed immediately, with debating time limited to three hours. The second reading of the ATSIC Bill concluded on 31 August, and was agreed to on a division. The Senate then considered the two remaining bills, and later that day the second reading of these bills was also agreed to, on a division.

The order of the Senate specified the order in which the bills should be taken in committee of the whole. Leave was granted, however, to change the order, so that

the Australian Institute of Aboriginal and Torres Strait Islander Studies Bill 1989 was considered first. This bill was agreed to after a relatively short debate, which included acceptance of amendments moved by government and opposition. The Committee then proceeded to consider the Aboriginal Development Commission Amendment Bill 1989. Government amendments, and one opposition amendment, were agreed to on 31 August. When debate resumed on 1 September, a further opposition amendment, amended, by leave, as a result of committee debate, was agreed to; further opposition amendments were also agreed to; and one opposition amendment was withdrawn, by leave, in favour of a substitute government amendment.

The Committee then proceeded to consider the ATSIC Bill, the major bill of the package. The first item disposed of during consideration of the bill was a group of consequential amendments moved by Senator Peter Baume, as a result of the successful passage of amendments to the previous two bills. Senator Tate then moved a series of government amendments, amending one in the process and withdrawing another, by leave, as a result of amendment of the earlier bills.

When the Senate resumed its sittings on 4 September, an opposition amendment was again withdrawn in favour of a substitute government amendment, and further opposition amendments were negatived and agreed to after the question relating to ten amendments was divided, pursuant to standing order 130. Debate on this complex bill was continued on 5 and 6 September, with various government and opposition amendments agreed to.

The careful consideration of, and the high standard of debate on, this legislation has been acknowledged by a number of senators from all sides of the Chamber, notably during debate on a motion to vary the time of sitting to enable the Senate to sit on the evening of Thursday, 7 September (see below). Owing to pressure of other business, and the requirement for General Business to be considered, debate on the ATSIC Bill did not continue on 7 September. The Manager of Government Business in the Senate (Senator Ray) foreshadowed an extra sitting week in October, specifically to deal with the ATSIC legislation.

One reason for the delay in resumption of consideration of the Aboriginal Affairs legislation was the requirement for the Senate to consider the Child Support (Assessment) Bill 1989, the passage of which was required so that the legislation could come into effect on 1 October. During the course of the debate on 6 September, the Senate accepted one amendment to the legislation, moved by the opposition. The amendment was agreed to by the House of Representatives on 7 September.

SELECT COMMITTEE ON ANIMAL WELFARE

On 5 September the Chairman of the Committee (Senator Devlin) tabled its report on animal experimentation. Debate on the motion that the Senate take note of the report proceeded immediately, and the question was put and passed. Senator Sanders, who was unable to participate in debate, moved again, by leave, that the Senate take note of the report and sought leave to continue his remarks. Leave was granted, and the report was again debated on 6 September; the debate was then adjourned.

COMMITTEE MEETINGS DURING SENATE SITTINGS

Two committees sought leave of the Senate to meet in public during the sittings of the Senate.

On 18 August the Chairman of the Transport, Communications and Infrastructure Committee (Senator Foreman) gave notice of the Committee's request to meet during the sittings of the Senate on 1 September. The motion was agreed to as a formal motion on 29 August. During debate on the adjournment on 29 August, a number of senators expressed disquiet at the practice of committees sitting to take public evidence during the sittings of the Senate.

Also on 29 August Senator Burns gave notice of his intention to move that the Public Works Committee have leave to meet during sittings of the Senate, from 26 to 29 September. When moving the motion as a formal motion on 30 August, Senator Burns explained in a statement, by leave, that the purpose of the motion was to enable House of Representatives members to carry out inspections, and take public evidence, in the Northern Territory during that week, in which the House of Representatives is not sitting. The motion was agreed to.

EXTENSIONS OF TIME TO REPORT

Two committees sought and were granted extensions of time to make their reports. As reported in Bulletin No. 43 (p.4) the Senate agreed on 18 August to an extension of time for the Joint Select Committee on Tenure of Appointees to Commonwealth Tribunals to report. The House of Representatives concurred in the resolution on 29 August.

The Transport, Communications and Infrastructure Committee was granted an extension of time on 6 September to report on its reference on the organisation and operations of the Federal Airports Corporation and the Civil Aviation Authority. The Committee is now required to report on or before the last sitting day in December.

REFERENCE TO COMMITTEE

The Senate Standing Committee on Foreign Affairs, Defence and Trade sought and received a reference from the Senate on 7 September relating to economic and political reform in the Soviet Union and prospects for trade with the Soviet Union. The Committee is required to report on or before 31 March 1990.

CONSIDERATION OF COMMITTEE REPORTS

The following Committee reports were debated pursuant to sessional order on 30 August:

- Senate Foreign Affairs, Defence and Trade Committee Report on Visiting Nuclear Powered and Nuclear Armed Vessels
- Joint Committee on Electoral Matters Report on Funding Political Campaigns
- Finance and Public Administration Committee Report on the Administration of the Tax File Numbers System.

On 6 September debate continued on the Foreign Affairs, Defence and Trade report and the Animal Welfare Committee report on animal experimentation. Debate on all reports has been adjourned.

AUDITOR-GENERAL'S REPORTS

For many years, it has been the custom of the Auditor-General to table two major reports on the operations of Commonwealth departments and authorities, in about March and September each year. The Auditor-General has also tabled separate efficiency audit reports. Beginning in August this year, the Auditor-General has decided to report individually on departments and authorities. Accordingly, on 29 August the first of these new reports was tabled. Reports Nos. 2 to 5 were tabled on 30 August, 6 to 9 on 31 August, 10 to 14 on 6 September and 15 to 19 on 7 September. Senators moved, by leave, motions to take note of the reports. In addition, on 7 September the Auditor-General presented his response to the report of the Public Accounts Committee entitled 'The Auditor-General: Ally of the People and Parliament'.

Following completion of the discussion on a matter of public importance on 7 September, Senator Peter Baume directed a question, by leave, to the President relating to correspondence from the Auditor-General concerning the explanatory notes of the Aboriginal Development Commission. When tabling the Auditor-General's Reports Nos. 15 to 19, and the response to the Public Accounts Committee Report, the President also tabled a letter from the First Assistant

Auditor-General, referred to in Senator Peter Baume's question. The letter claims that a number of statements in the Commission's explanatory notes on the estimates are incorrect and misleading. It is expected that this unprecedented correspondence will be the subject of future debate and questions in Estimates Committees.

ESTIMATES COMMITTEES

On 29 August Senator Colston, on behalf of the President, tabled the explanatory notes of the Department of the Parliamentary Library, while the Minister for Finance (Senator Walsh) tabled the remaining explanatory notes of portfolio and executive departments, together with corrigenda to previously tabled explanatory notes. Estimates committees will begin their examination of the proposed expenditure of parliamentary and executive departments on 26 September.

PRIVATE SENATORS' BILLS

The following significant private senators' bills were considered during the sitting period:

- Industrial Relations (Directions to Stop Industrial Action) Amendment Bill 1989 [No.2]. Notice given by Senator Lewis at the request of Senator Chaney 29 August; introduced by Senator Lewis at the request of Senator Chaney 30 August; debated 1 September; time for consideration of General Business expired before debate completed. This bill is identical to one debated and negatived at second reading in the previous sitting week. There is nothing to prevent the presentation again of a bill rejected in that way.
- National Health (Pharmaceutical Benefits Determination Revocation and Tribunal Membership) Amendment Bill 1989 [Senator Puplick]. Notice given 5 September, introduced 6 September. This bill was debated, amended and passed through all stages on 7 September. Its effect is to quash the recent controversial determination of the Pharmaceutical Benefits Tribunal. It will be transmitted to the House of Representatives for consideration.

Other private senators' bills introduced were:

- Geneva Conventions Amendment Bill 1989 [Senator Macklin]. Notice given 29 August, introduced 31 August.
- Smoking and Tobacco Products Advertisements (Prohibition) Bill 1989 [Senator Powell]. Notice given 30 August, introduced 31 August.
- National Health (Pharmaceutical Benefits Determinations) Amendment Bill 1989 [Senator Coulter]. Notice given 31 August, introduced 1 September.
- Sales Tax (Exemptions and Classifications) Amendment Bill (No.3) 1989 [Senator Coulter]. Notice given 31 August, introduced 1 September.

- War Crimes Repeal Bill 1989 [Senator Hamer]. Notice given 5 September, introduced 6 September.
- End of War List Bill 1989 [Senator McGauran]. Notice given 6 September, introduced 7 September.

COMMUNITY SERVICES AND HEALTH LEGISLATION AMENDMENT ACT 1989

As reported in Bulletin No. 43 (p 3), the Senate Select Committee on Health Legislation and Health Insurance reported on section 10 of the *Community Services and Health Legislation Amendment Act 1989* on 16 August. As the Bulletin indicated, the recommendations of the committee were to be considered by the government before further action was taken.

On 30 August the Minister representing the Minister for Community Services and Health (Senator Cook) tabled the government's response to the Committee's report and made a statement. He also gave notice for six sitting days after that day that pursuant to section 2 of the Act the Senate approve the proposed new sections 3F, 3G and 3H of the Health Insurance Act, as contained in section 10 of the Community Services Act. The motion was moved on 7 September, in accordance with the Minister's notice. Debate on the motion had not been concluded by 12.45 p.m., at which time discussion of matters of public interest would have been called on, but leave was granted to enable the consideration of the motion to continue until the matter was determined. Senator Cook's motion was agreed to, after division, and section 10 may now be proclaimed to commence.

POSTAGE ALLOWANCE

Bulletin No. 43 (pp 8-9) reported debate on the differential rate of postage allowance which the government had granted to members of the House of Representatives. The allowance had been raised to a level more than three times above the level of the allowance available to senators. The Bulletin also reported that the Senate had made an order for a return requiring the tabling, not later than 2.00 p.m. on 29 August, of a statement by the Manager of Government Business in the Senate (Senator Ray) relating to the matter.

Immediately after prayers on 29 August, the Clerk tabled a document provided by Senator Ray in response to the order. A motion was moved, by leave, to take note of the paper and debate was adjourned to a later hour of that day. Following suspension of standing orders pursuant to contingent notice of motion, debate on the paper proceeded on the evening of 29 August. The debate was adjourned.

On 1 September Senator Walters gave a notice of motion, by leave, after question time calling on the government to withhold payment of the stamp allowance until a legal challenge to the government's action has been settled. The Opposition has challenged the legality of the allowance in the High Court.

CUT-OFF DATE FOR CONSIDERATION OF BILLS

On 5 September, Senator McLean gave notice relating to the cut-off date for government bills. The date specified in the notice, which was agreed to as a formal motion on 6 September, is 24 November.

ADVANCE TO THE MINISTER FOR FINANCE

On 6 September the Manager of Government Business in the Senate (Senator Ray) tabled a statement of expenditure under the advance for 1988-89. This document will be considered by estimates committees during their examination of budget estimates. Consideration in committee of the whole was made an order of the day for the next day of sitting.

NOTICES OF MOTION

On 6 and 7 September Senators Macklin, Reid and Maguire moved motions, by leave, at giving of notices, to postpone their notices of motion to another day of sitting. The purpose of their doing so at that time, rather than at placing of business, was to ensure that the opportunity to have them declared formal motions and put without debate was not lost.

Senator Maguire's notice of motion, for the reference of a matter to the Foreign Affairs, Defence and Trade Committee, was declared formal on 7 September. Senator Macklin again postponed his notice of motion, relating to the presentation of government responses to committee reports, to 27 September. Senator Reid's notice of motion, proposing an order for a return, was not declared formal, and remains on the notice paper.

On 29 August Senator Tambling amended a notice of motion, relating to Aboriginal land rights in the Northern Territory, orally in the Senate, in addition to amending it by writing to the Clerk. It is not necessary to adopt both methods, but it is in order to do so.

DAYS AND HOURS OF MEETING OF THE SENATE

On 6 September, the Manager of Government Business in the Senate (Senator Ray) gave a notice of motion, proposing the extension of the time of meeting of the Senate on Thursday, 7 September, to 10.30 p.m. There was opposition to the motion being taken as formal, and the motion had not been considered by the time other business under the sessional orders had intervened. Accordingly, there was a likelihood that the motion would not be dealt with before the Senate was due to rise at 6.30 p.m. Following discussion on a matter of public importance, leave was sought and granted for the Manager to move the motion. The motion was agreed to after debate and division.

The purpose of the motion was to enable further consideration of the ATSIIC legislation. General Business, however, has priority over Government Business for two and a half hours on Thursdays, and did not begin until 8.00 p.m. Debate ensued on government papers and a private senator's bill, and was not completed until 10.30 p.m. Thus, no further debate on the ATSIIC bill took place.

In debating the motion to extend the sittings, the Manager foreshadowed the possibility of the Senate's sitting in the week beginning 16 October.