

## Procedural Information Bulletin No. 46

*For sitting period 16 October to 2 November 1989*

### MOST AMENDED BILL

The Aboriginal and Torres Strait Islander Commission Bill and associated bills finally passed the Senate on 17 October, after committee of the whole proceedings extending over many days. The bill was passed with a total of 91 amendments, and the associated bills, the Aboriginal Development Commission Amendment Bill and the Australian Institute of Aboriginal and Torres Strait Islander Studies Bill, were passed with 14 and 17 amendments, respectively. There were many government amendments, but most of the amendments agreed to came from the Opposition and the Australian Democrats.

This is believed to be the greatest number of amendments made to a bill since a family law bill of 1974. At the conclusion of the debate Senator Peter Baume, who moved the amendments for the Opposition, referred to the proceedings on the bill as an illustration of the Senate's reviewing role, and the responsible Minister, Senator Tate, thanked the Senate for its treatment of the bills.

### GOVERNMENT BILL BROUGHT ON BY OPPOSITION

On 25 October the Opposition, following a suspension of standing orders moved pursuant to contingent notice, moved a motion to rearrange government business to give precedence to consideration of a message from the House of Representatives relating to the National Health Amendment Bill. The House had disagreed with the substantive amendment, relating to the pharmaceutical benefits scheme, made to the bill by the Senate. The government did not wish to deal with the message on that day, but the non-government senators believed that it should be dealt with, and rearranged the business accordingly. The debate was not concluded that day, but on the following day government business was again rearranged on the initiative of the Australian Democrats to bring on consideration of the message. The Senate then resolved to insist on its amendment to which the House had disagreed.

## ATTEMPT TO REFER BILL TO COMMITTEE BEFORE SECOND READING

An unusual contingent notice of motion was given by Senator Powell on 24 October. It indicated that, contingent on a motion being moved for the second reading of the Social Security and Veterans' Affairs Legislation Amendment Bill (No.3) 1989, she would move to suspend standing orders to enable her to move a motion to refer certain provisions of the bill to a committee. The motion was not successful when moved on 30 October.

## OTHER BILLS AMENDED

The Banking Legislation Amendment Bill was amended on 24 October on the motion of the Opposition in relation to the conduct of investigations by the Reserve Bank and annual reports and final statements.

The Electoral and Referendum Amendment Bill was amended on 26 October on the motion of the Australian Democrats in relation to the disclosure of electoral information.

A significant amendment was made to the Income Tax Assessment Amendment Bill on 2 November to exempt certain bodies from assessment of certain taxation.

## THE SUB JUDICE PRINCIPLE

At the special meeting of Estimates Committee B to consider matters relating to air safety on 11 October 1989 there was some disputation about the suggested application of the sub judice principle.

Senator Newman gave notice of a motion on 17 October in relation to the matter, proposing that chairmen of committees be instructed to apply the sub judice principle in accordance with the recent practice of the Senate and rulings of Presidents. She gave a further notice of motion on 2 November.

The question in dispute was whether the issue of writs for defamation gave rise to any consideration that the sub judice principle might be invoked to restrict questioning. It has previously been held that the mere issue of writs is not sufficient to invoke the principle, but that there must be a substantial danger of prejudice to proceedings actually before the courts.

## SELECT COMMITTEE ON THE AIRLINE PILOTS' DISPUTE

Partly as a result of Opposition senators feeling themselves restricted by the suggested application of the sub judice principle in Estimates Committee B, a Select Committee on Certain Aspects of the Airline Pilots' Dispute was established on 17 October. Senator Chaney moved to suspend standing orders to bring on for consideration a notice which he had given earlier in the day. A further resolution prescribing the composition and powers of the committee was passed later in the day.

## DISPUTE OVER COMMITTEE REPORT RESOLVED

On 25 October Senator Alston gave an unusual notice of motion containing an allegation that Opposition members of the Standing Committee on Legal and Constitutional Affairs had not been given sufficient opportunity to consider a final draft of the report of the Committee on the duties and responsibilities of company directors. The motion would have directed the Committee to reconsider the draft report and to provide opportunity for all members of the Committee to fully consider it.

On 1 November statements were made by the Chairman of the Committee, Senator Cooney, and Senator Alston indicating that the matter had been resolved, and Senator Alston then withdrew his notice of motion.

## SENATE APPROPRIATIONS

The Standing Committee on Appropriations and Staffing on 24 October presented its report on the determination of the appropriations for the Senate Department for 1988-89. The report indicates that there has again been disputation between the Committee and the Minister for Finance, in consequence of the Minister's action in reducing the proposed appropriations determined by the Committee before including them in the Appropriation (Parliamentary Departments) Bill. The report included correspondence between the President and the Minister. The Committee indicated that it does not propose at this stage to recommend that the bill be amended in the Senate to reverse the reductions made by the Minister, but will seek to ensure that additional appropriations for the Senate Department are properly determined. The transactions between the Committee and the Minister were also referred to at the hearing of Estimates Committee A on 26 September 1989.

## RESOLUTION SENT TO HOUSE

On 26 October Senator MacGibbon, having successfully moved a motion for a resolution calling on the government to terminate the two airlines agreement, made use of the procedure under standing order 336 whereby a motion may be moved at any time without notice for a resolution of the Senate to be forwarded to the House of Representatives. The resolution was forwarded accordingly, with a request that the House agree to a similar resolution. When the Senate's message was received in the House, the government prevented debate on it.

## REVISED STANDING ORDERS

The President presented to the Senate on 1 November a revised version of the proposed new standing orders originally tabled on 17 May 1988. The President's statement indicated that the proposed new standing orders had been amended following extensive consultations among senators and to take account of senators' comments. Detailed explanatory notes were presented with the revised draft. On 2 November the Manager of Government Business in the Senate, Senator Ray, gave notice of a motion for the adoption of the new standing orders with effect from the first day of sitting in 1990.

## PRIVATE SENATORS' BILL PASSED

Senator McGauran succeeded in having his private senator's bill passed on 2 November to establish an end of war list in respect of Defence Force personnel who served in Vietnam. Senator McGauran introduced the bill after presenting a number of petitions calling for such a list and for consideration to be given to awards for gallantry for certain members of the Defence Force. The bill was amended in committee on the motion of Senator McGauran to take account of matters raised in debate by senators.

## QUESTION TO CHAIRMAN OF COMMITTEE

At question time on 31 October Senator Peter Baume, in accordance with standing order 98A, directed a question to the Chairman of the Senate Select Committee on Health Legislation and Health Insurance. The question was asked without notice by leave, and related to an alleged unauthorised disclosure to an officer of a department of a submission to the Committee. Senator Crowley indicated that the Committee had not yet made a decision as to the publication of committee documents not previously published.

## OTHER COMMITTEE MATTERS

Senator Macklin gave notice of a motion on 25 October to establish an ethics committee to inquire into and report on the ethical standards to which members of the Houses should conform.

An attempt by Senator McLean to refer to the Standing Committee on Legal and Constitutional Affairs matters relating to the conduct of banks was unsuccessful on 27 October 1989.

The Joint Select Committee on the Tenure of Appointees to Commonwealth Tribunals sought and obtained on 30 October an extension of time to report to the last sitting day in November. The Standing Committee on Finance and Public Administration obtained on 1 November an extension of time to 30 November to report on its reference relating to the Aboriginal Development Commission.

Leave was granted on 2 November to two committees to meet during sittings of the Senate, the Select Committee on certain aspects of the Airline Pilots' Dispute until the presentation of its report and a subcommittee of the Joint Foreign Affairs, Defence and Trade Committee on one day only.

## COMMITTEE REPORTS

The Privileges Committee presented on 27 October another report on a person referred to in debate in the Senate. The agreed response by the person was incorporated in *Hansard* without debate.

The Estimates Committees presented their reports on 1 November, with the exception of Estimates Committee A which was granted an extension of time to report to 21 November.

The report of the Public Accounts Committee on the Auditor-General's Office was the subject of a government response on 1 November, and the response was immediately debated. The response does not agree to some of the more important recommendations of the Committee.

The Standing Committee on Regulations and Ordinances presented on 24 October a report on the second conference of Australian Delegated Legislation Committees, which was held in Canberra in April.

The Joint Standing Committee on the National Crime Authority presented on 26 October a summary of its report on Drugs, Crime and Society.

The Standing Committee on Finance and Public Administration presented its report on government companies on 2 November, and the report was then debated. The

report makes significant recommendations relating to parliamentary scrutiny of government companies.

The Joint Foreign Affairs, Defence and Trade Committee reported on 26 October on the first exchange committee visit to New Zealand. This visit took place under a program for exchange visits by parliamentary committees between the two countries.