

Procedural Information Bulletin No. 50

For the sitting period 21 to 24 August 1990

SENATORS SWORN

On 21 August 1990 senators elected with effect from 1 July 1990 were sworn in by the Governor-General. This is the first time the Governor-General has sworn in senators since 1981. In 1985, the only other time in recent years that half the Senate has been sworn in, the ceremony was performed by the Administrator, Sir James Rowland, then Governor of New South Wales.

It may be noted that, when members of both Houses are sworn in on the same day, the Governor-General delegates his authority so to do to deputies, usually the Chief Justice of the High Court in the case of the Senate and another justice in the case of members of the House of Representatives. The President of the Senate usually swears in senators to fill casual vacancies, under a commission presented to him by the Governor-General after he is elected or reelected President.

ELECTION OF PRESIDENT AND DEPUTY-PRESIDENT

Senator Sibraa, nominated by motion by the Leader of the Government in the Senate, was the only nominee for the position of President of the Senate and duly took the Chair. The ceremony of the presentation of the President to the Governor-General was held in the Members' Hall.

Senator Colston was elected Deputy-President and Chairman of Committees on a ballot. This is the first time since 1981 that two government party senators have held the position of President and Deputy-President.

PRIVILEGE

On 23 August the President notified the Senate that he had received a letter from Senator Newman relating to a matter of privilege and, pursuant to the procedures provided by Standing Order 81 and the Privilege Resolutions of the Senate of 25 February 1988, determined that a notice of motion would have precedence of all other business on the day for which it was given. Senator Newman then gave a notice

of motion concerning the question of whether evidence given to Estimates Committee B in relation to asbestos in Royal Australian Navy ships was misleading. Senator Newman moved the motion on 24 August and, unlike most of the references previously made to the Privileges Committee, the motion was subject to some debate, and was finally agreed to after a division.

REFERRAL OF BILLS TO COMMITTEES

The focus of much Senate debate was on reports presented by committees, during the winter adjournment and on resumption of the sittings.

The most noteworthy committee event during this period was the presentation of the first report of the Selection of Bills Committee, established under the procedures agreed to on 5 December 1989 to recommend to the Senate which bills should be referred to committees. The report, presented on 24 August, recommended that 9 bills be referred to various Senate committees. The stage at which it recommended that bills be referred was after the second reading, and the recommendations encompassed 4 of the 8 Standing Committees. Four bills are referred or will be referred to the Transport, Communications and Infrastructure Committee, 3 to the Industry, Science and Technology Committee and one each to the Foreign Affairs, Defence and Trade Committee and the Environment, Recreation and the Arts Committee.

In all cases, the Committee proposed as the reporting date the sitting Thursday first occurring after the bill is referred to the relevant Standing Committee. The Committee also advised the Senate in its report that no recommendation about the Industrial Relations Legislation Amendment Bill 1990 and the Privacy Amendment Bill 1989 [1990] would be made until the Committee had the opportunity to confer with senators who have a particular interest in the legislation.

Before the Committee reported to the Senate, the question was raised, after the second reading of the Patents Bill 1990, whether that bill was to be the subject of a reference to a standing committee. Senator Harradine, on 22 August, moved pursuant to Standing Order 115 that the Patents Bill be referred to the Selection of Bills Committee for consideration as to whether it would be referred to the appropriate legislative and general purpose standing committee. Following an undertaking of the Chairman of the Committee (Senator Jones) that the Committee would consider and report on the bill, Senator Harradine withdrew his motion, by leave. The Minister for Justice and Consumer Affairs (Senator Tate) then moved a motion that further consideration of the bill be an order of the day for the day on which the Selection of Bills Committee reported on the bill. This motion was agreed to. The Selection of Bills Committee reported that the Patents Bill should be referred to the Industry, Science and Technology Committee, and the report was adopted.

Similarly, further consideration of the Airlines Agreement (Termination) Bill 1990, following its second reading, was made an order of the day for the day on which Selection of Bills Committee reported. That bill, too, was referred to a Senate Committee, the Transport, Communications and Infrastructure Committee.

On 24 August, following the second reading of the Australian National Maritime Museum Bill 1989 [1990], the acting Deputy-President advised the Senate that, pursuant to the order agreed to for the adoption of the Selection of Bills Committee report, the bill stood referred to the Standing Committee on Environment, Recreation and the Arts for consideration and report by 13 September 1990.

PROCEDURE COMMITTEE REPORTS CONSIDERED

The first report of the Committee for 1990, relating principally to the conditions for televising of Senate proceedings, was tabled on 22 August.

On the motion moved, by leave, by the Manager of Government Business in the Senate (Senator Ray) consideration of the report was made a Business of the Senate order of the day for the next day of sitting. Leave was necessary in order to ensure that the report was considered as a business of the Senate item, rather than as a general business report. This enabled the report to be considered at the same time as other business of the Senate items relating to Senate procedures, which were all debated on 23 August. These items were as follows:

- a) Document on electronic voting, tabled by the President on 8 May 1990 (see Bulletin No. 49, pp 9-10). Debate on the motion originally moved by Senator Macklin to refer the document to the Procedure Committee was resumed on 23 August, and the motion passed.
- b) The 3rd and 4th Reports of the Procedure Committee for the 63rd session were considered together as a single order of the day. The question of disclosure of in camera evidence, discussed as the first item of the 3rd Report, was referred back to the Committee for further consideration, following a successful amendment moved by Senator Peter Baume. The Senate agreed to the procedures proposed by the Committee for lodging written questions at estimates committees, and also adopted an order contained in the report relating to the television or radio broadcast of committee proceedings. The order will operate as a continuing order of the Senate.
- c) A new standing order, proposed in the 4th report, relating to the form of notices of motion was also adopted, as an amendment of standing order 76. (The Procedure Committee had proposed the new standing order in June 1989, before the revised standing orders were adopted by the Senate in November.) The effect of the amendment to standing order 76 is to restrict notices strictly to proposed resolutions of the Senate and it enables the

President to delete extraneous matters from notices or to require a senator to reframe the notice.

- d) In relation to the first report of 1990 of the Procedure Committee, the Senate adopted, as an order of the Senate lasting until the first sitting in 1991, a provision enabling all committees of the Senate to present reports when the Senate is not sitting, without requiring individual committees to seek permission of the Senate each time the committee proposes to present a report when the Senate is not sitting. The Procedure Committee's recommendation derived from its consideration of matters referred to it on the recommendation of the Committee of Privileges.

The second element of the Procedure Committee's report deriving from its consideration of the Privileges Committee's recommendations, concerning times at which committee reports should be tabled and debated, has been postponed till the first sitting day in September.

The Senate took note of the third element of the report, the Committee's comments on conditions governing televised broadcasting of proceedings (see Bulletin No. 49, pp 5-6).

SPECIAL MOTION TO BRING ON FIRST SPEECHES

On 22 August the Manager of Government Business (Senator Ray) moved a motion, by leave, to enable three Democrat senators to make their first speeches at 6.30 p.m. that day without a question before the Chair. A time limit of 20 minutes was placed on each speaker. Normally, first speeches are made on questions such as a motion to take note of the budget statement and documents or an appropriation bill. As each senator is a spokesperson for the party on a number of portfolio issues, the Democrat senators considered it was not possible to await such opportunities, and, therefore, this arrangement was made by agreement.