

Procedural Information Bulletin No. 72

For the sitting weeks 8 to 17 September 1992

PRIVILEGE: INTERFERENCE WITH WITNESSES

The Privileges Committee presented on 9 September its report on a case of possible interference with witnesses which had been referred to in a report by the Community Affairs Committee. There was some evidence to suggest that witnesses before the latter committee during its inquiry into pharmaceutical restructuring had been subjected to threats of legal action in relation to their evidence. The Privileges Committee reported, however, that the persons who made the allegations suggesting that there had been threats to witnesses had not been willing to place any further evidence before the Privileges Committee. The Committee therefore did not conclude that there had been any interference with witnesses, but included in its report a warning about persons making claims in relation to the serious matter of interference with witnesses which they are not prepared to substantiate. Apart from that warning, the Committee's report will be useful for future reference as an analysis of questions relating to interference with witnesses.

On 14 September the Joint Committee on Corporations and Securities reported on a case of an officer of a statutory body, the Australian Securities Commission, who had been charged with an offence under the Public Service Act for making submissions to the Joint Committee at variance with the submissions of the Commission. The Joint Committee pointed out that this prima facie constituted the contempt of improper interference with witnesses and the criminal offence of interference with witnesses under the *Parliamentary Privileges Act 1987*. As the charge was withdrawn as soon as the Joint Committee drew the matter to the attention of the Chairman of the Commission, the Committee did not recommend that any further action be taken by the Senate, but it would still be open for any senator to raise the matter as a question of contempt. The Joint Committee also inquired into other matters in issue between the Commission the officer concerned to assure itself that there were no other actions by the Commission which could constitute interference with a witness.

DISALLOWANCE OF INSTRUMENT

An instrument relating to Defence Force superannuation benefits was disallowed on 9 September on the motion of Senator Newman, the Minister for Defence, Senator Ray, not resisting the disallowance motion. Senator Newman stated in debate that certain defects in the instrument which caused unfairness to beneficiaries had been admitted only after she had obtained independent advice on the effects of the instrument. The Minister indicated that the problem with the instrument had arisen from the complexities of the subject matter.

COMMITTEE SCRUTINY OF LEGISLATION

Legislation involving taxation which had been the subject of scrutiny by Senate committees was significantly amended as a result of that scrutiny.

The sales tax package of legislation, which had been the subject of hearings by the select committee established for that purpose, was very extensively amended on 16 September, with a large number of government amendments having been announced after submissions to the committee had revealed problems with the legislation.

The Swimming Pools Tax Refund Bill, which was designed to deal with the refund of tax paid on inground swimming pools after the High Court had found that the tax was invalid, was also extensively amended on 16 September, the bill having been the subject of examination and report by the Finance and Public Administration Committee.

QUESTION TIME: MOTIONS TO TAKE NOTE OF ANSWERS

On the initiative of the Opposition, a special order was agreed to on 14 September to limit the asking of questions to one minute and the answering of questions to two minutes during question time. This action was taken after Opposition complaints about the length of some Ministers' answers, and a general discontent with the conduct of question time. The order was expressed to apply only to the remainder of that week. The operation of the order during the week resulted in a significant increase in the number of questions asked and answered, but also caused an increase in the number of supplementary questions.

After question time on that day an attempt was made by the government to limit the time spent on motions to take note of answers to questions, by making the granting

of leave for moving such motions conditional on the senator seeking the leave speaking for only two minutes. This condition was refused, and leave to move a motion was refused, but this resulted in a motion to suspend standing orders, on which senators can speak for five minutes and there is a total time limit of 30 minutes. After one such suspension motion was disposed of, leave was granted to move three further motions to take note of answers.

On the following day the Manager of Government Business moved a special motion to limit debate on motions to take note of answers to two minutes per speaker and a total of 30 minutes. This motion was agreed to, with an amendment to extend the speaking time to four minutes, on 16 September.

This motion also was expressed to operate for the remainder of the week. It appears to have had the effect of increasing the number of motions to take note of answers, three such motions being moved on 16 September and five on 17 September.

When the Senate returns for the next sitting period, these procedures will no longer be in force, and if it is desired to extend them further motions to do so will have to be moved.

DRAFT BILLS

There has been something of a revival of the practice of senators tabling draft private senators' bills for public comment. Senator Bell tabled a draft bill relating to alcohol and tobacco statistics on 10 September and Senator Walters tabled a draft bill relating to video materials on 17 September.

POLITICAL BROADCASTS

The political broadcasts segment of the *Political Broadcasts and Political Disclosures Act 1991*, which was passed by the Senate after very protracted and difficult proceedings in December 1991 (see Bulletin No. 65, pp 1-3, No. 66, p 3), was found by the High Court to be invalid on 28 August 1992.

COMMITTEES

The Select Committee on Subscription Television Broadcasting Services presented its final report on pay television on 16 September. Presumably the relevant

legislative provisions which were left out of a bill by a Senate amendment in the autumn sittings will now come forward again.

Government responses to the Community Affairs Committee report on pharmaceutical restructuring and to three of the reports of the Select Committee on Animal Welfare were presented on 14 September.

The Select Committee on Superannuation was granted a further extension of time on 8 September to report on parts of its terms of reference. The Committee has adopted the technique of making separate reports on particular aspect of the matters referred to it.

The Foreign Affairs, Defence and Trade Committee was given, on 16 September, two references on United States policy and Japanese defence policy.

The controversial matter of the employment of visitors to Australia in the shearing industry was referred to the Rural and Regional Affairs Committee after some debate on 16 September.