

Procedural Information Bulletin No. 83

For the sitting period 21 February to 3 March 1994

VACANCIES

Senator Eric Abetz, having been appointed by the Tasmanian Parliament to the vacancy left by the resignation of Senator Archer, was sworn in on 23 February. This leaves two vacancies, those created in New South Wales by the resignations of Senators Sibraa and Bishop. It is expected that these vacancies will be filled by the New South Wales Parliament before the Senate next meets.

ACCOUNTABILITY OF GOVERNMENT

Following the resignation of the Minister for the Environment, Sport and Territories, Mrs Kelly, over the sports grants affair, the Opposition moved to establish a Senate select committee to inquire further into the affair and matters relating to government accountability. (Mrs Kelly resigned after an inquiry by the Auditor-General revealed that she had not kept records of \$30m in sports grants made from her office, and after Opposition allegations of misuse of the grants for electoral manipulation.) The Greens supported the motion for a select committee, with some amendments, but the Democrats moved an amendment to substitute for the select committee references to a series of measures designed to ensure greater accountability. Senator Harradine also did not support the establishment of a select committee, but called for measures to strengthen the independence and capacity of the Auditor-General. The end result was that on 3 March both sets of amendments and the main motion were negatived, the Greens amendment and the motion being negatived by equally divided votes. The Leader of the Government in the Senate, Senator Gareth Evans, then made a ministerial statement outlining a number of measures which the government undertook to introduce and to consider to improve accountability mechanisms. A replacement for the Audit Act is to be introduced, and this will no doubt be closely scrutinised in the Senate.

CONFLICTS OF INTEREST

The President made a statement on 24 February in relation to the rule in standing order 27(5) to the effect that a senator is not to serve on a committee when the senator has a conflict of interest in relation to the committee's inquiry. It had been suggested that a senator had a conflict of interest because he was writing articles for a newspaper about a committee on which he serves without identifying himself as a member of the committee. The President indicated that the standing order applies to a situation in which a senator has a private interest in the subject of a committee's inquiry which conflicts with the duty of the senator to conscientiously participate in the conduct of the inquiry, an example being a senator holding shares in a company the activities which are under inquiry.

LEGISLATION AMENDED

The Senate on 23 February resolved to insist on the amendments to the Veterans' Affairs Legislation Amendment Bill (No.3) 1993, the House of Representatives having disagreed to the amendments.

An omnibus bill, the Prime Minister and Cabinet (Miscellaneous Provisions) Bill 1993, amongst other things makes the parliamentary departments in their administrative actions subject to the jurisdiction of the Ombudsman. The relevant amendments of the Ombudsman Act make it clear that the Ombudsman cannot inquire into anything encompassed in proceedings in Parliament. The Bill was extensively amended when it was considered on 28 February.

Senator Harradine successfully moved a number of amendments to the Social Security (Home Child Care and Partner Allowances) Legislation Amendment Bill 1993 on 28 February. The amendments were moved in the form of requests because they would probably increase expenditure from the appropriation required by the bill by expanding entitlements under the bill.

The Training Guarantee (Administration) Amendment Bill 1993 was extensively amended on the motion of the Opposition on 2 March.

A number of amendments moved by the Democrats were made to the Social Security Legislation Amendment Bill 1994 on 2 March, and several clauses of the bill were negatived.

A package of Insurance Bills was extensively amended on 3 March following a highly technical debate in which Senator Watson, the Chairman of the Select Committee on Superannuation and the Senate's leading taxation expert, took a prominent role.

PRIVILEGE

The Privileges Committee received on 3 March a reference relating to the unauthorised disclosure of a submission to the Joint Committee on the National Crime Authority, after the Committee had raised the disclosure with the President as a matter of privilege. The reference is unusual in that the alleged unauthorised disclosure took place in the Parliament of South Australia, with members of the Houses of that Parliament quoting and tabling the document. On 21 February the President tabled advice received by the Joint Committee which, amongst other things, indicates that the provision in the *Parliamentary Privileges Act 1987* making the unauthorised disclosure of in camera evidence a criminal offence does not prevent the Houses proceeding against such an offence as a contempt of Parliament, but that an unauthorised disclosure in a State Parliament could not be prosecuted.

The Privileges Committee presented on 2 March its 46th Report on the matter of alleged misleading evidence and answers given to an Estimates Committee and the Senate concerning the diesel fuel rebate tax. The Committee determined that it should not find that a contempt was committed, but was extremely critical of customs officers, who were held responsible for a minister giving misleading information. The Committee noted that the minister had censured the officers over this matter, and also referred to the announced restructuring of the customs service following other criticisms of its performances.

COMMITTEES

The Senate considered on 28 February a package of bills concerning agricultural and veterinary chemicals that largely reflected the work of the Senate Select Committee on Agricultural and Veterinary Chemicals, which reported in 1989 and 1990.

The report of the Joint Standing Committee on Migration on Asylum, Border Control and Detention, presented on 2 March, was notable for an addendum by Senator Cooney relating to the powers of the courts to release persons from custody. Senator Cooney recommended that the Migration Act include a wide power for courts to release illegal immigrants held under the Act.

The following committee reports were presented during the period:

Date tabled	Committee	Title
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21.01.94	Legal and Constitutional Affairs	Crimes (Search Warrants and Powers of Arrest) Amendment Bill 1993
21.02.94	Community Affairs	Social Security (Home Child Care and Partners Allowance) Legislation Amendment Bill 1993
23.02.94	Joint Statutory Committee on the National Crime Authority	Report on James McCartney Anderson
23.02.94	Rural and Regional Affairs	Report on Employment of Visitors to Australia in the Shearing Industry
23.02.94	Employment, Education and Training	Training Guarantee (Administration) Amendment Bill 1993
24.02.94	Rural and Regional Affairs	Agricultural and Veterinary Chemicals Bill 1993 and six related bills
28.02.94	Employment, Education and Training	Examination of Annual Reports No 1 of 1994
01.03.94	Legal and Constitutional Affairs	Social Security Amendment Bill 1994
01.03.94	Industry, Science, Technology, Transport, Communications and Infrastructure	Interstate Gas Pipeline Bill 1993
02.03.94	Joint Standing Committee on Migration	Asylum, Border Control and Detention
03.03.94	Estimates Committees	A,B,D,E & F
	Estimates Committee C	Report presented to the President 03.03.94
02.03.94	Privileges	No. 46 — Possible false or misleading information given to Estimates Committee E or the Senate