

Procedural Information Bulletin No. 89

For the sitting period 19 to 22 September 1994

PARLIAMENTARY PRIVILEGES AMENDMENT (ENFORCEMENT OF LAWFUL ORDERS) BILL

The Privileges Committee on 19 September presented its report on this bill (see Bulletins No. 84, pp 1-2 and No. 85, p. 1).

The Committee recommended that the bill not be proceeded with, citing evidence by virtually all its witnesses that it would be unwise for the Parliament to allow the courts to adjudicate claims of executive privilege or public interest immunity in relation to a House or its committees. The Committee considered that such claims should continue to be dealt with by the House concerned.

Following presentation of the Committee's report, Senator Kernot gave notice of a motion to establish another mechanism for dealing with the claim of public interest immunity in relation to the documents not provided to the Select Committee on Foreign Ownership Decisions in Relation to the Print Media. The motion would establish a committee of party leaders to examine the documents in camera and determine whether the publication of the documents would be sufficiently prejudicial to the public interest as to outweigh the public interest in the free and effective conduct of Senate inquiries. A preamble to the motion refers to evidence by the Leader of the Government in the Senate, Senator Gareth Evans, conceding that the Senate has the power to order the production of documents.

On 21 September the Select Committee on Foreign Ownership Decisions in Relation to the Print Media was granted an extension of its life to 31 March 1995, to allow time for the government to respond to its recommendations, any consideration of the outcome of relevant legal proceedings and any action by the Senate in relation to Senator Kernot's further suggestion for resolving the dispute about documents not provided to the Committee.

ORDERS FOR THE PRODUCTION OF DOCUMENTS

Orders for the production of documents were again a prominent feature of proceedings during this period.

On 19 September documents were produced in relation to the Australian National Line in response to the order of the Senate of 31 August 1994 (see Bulletin No. 88, p. 2). On 20 September a notice of motion was given for an order for the production of further documents in relation to the ANL, and on the following day, in anticipation of the passage of this motion, a statement was made on behalf of the government concerning the likely difficulty of producing the required documents. The motion was passed on 22 September, with an amended time for production of the documents, and the documents were produced later on the same day. Also on 22 September, the Senate passed a motion requiring the Auditor-General to prepare and present a report on matters relating to the ANL. This is the third occasion on which an order for the production of documents has been directed to the Auditor-General.

Another order for the production of documents passed on 20 September concerned reports on Australian Television International. These documents were produced in accordance with the order on 21 September.

On 20 September the Standing Committee on Finance and Public Administration presented its report on the order of the Senate for the production of indexed lists of departmental files (see Bulletin No. 87, p. 1). The Committee recommended that this order should be revoked, and that the government implement a trial production of indexed lists of departmental files for two departments for six months. On 22 September the Manager of Government Business, Senator Faulkner, gave a notice of motion to revoke the original order and indicated that the government was favourably considering the Committee's recommendation.

SELECT COMMITTEE ON THE ABC

The Senate established on 21 September a select committee to conduct a wide-ranging inquiry into the management and operations of the Australian Broadcasting Corporation. This followed recent controversy about the conduct of the ABC. The establishment of the select committee was initiated by Senator Chamarette (Greens, WA), and her motion was amended on the motion of the Australian Democrats to produce an agreed resolution.

PRIVILEGE MATTER

The President on 19 September declined to give precedence to a motion concerning a matter of privilege raised by Senator Vanstone, on the basis that it contained allegations about a member of the House of Representatives and only that House could inquire into those allegations. Senator Vanstone, the Deputy Chair of the Joint Committee on the National Crime Authority, referred to alleged unauthorised disclosures of committee deliberations and allegedly false reports of committee proceedings. The President in his statement indicated that investigation of the allegations would necessarily involve an investigation of the conduct of the Chairman of the Committee, a member of the House of Representatives. In response to an invitation by Senator Vanstone to further consider his determination, the President made a further statement on 22 September confirming his determination.

COMMITTEES

Members were appointed to the new Legislative and General Purpose Standing Committees on 22 September. The committees will therefore commence operations on 10 October with membership appointed. The membership of the Select Committee on the ABC (see above) was also appointed on that day.

The following committee reports were presented during the period:

Date tabled	Committee	Title
19.09.94	Committee of Privileges	Report on Parliamentary Privileges Amendment (Enforcement of Lawful Orders) Bill 1994
20.09.94	Finance and Public Administration	Report on the Order of the Senate for the Production of Indexed Lists of Departmental Files
20.09.94	Finance and Public Administration	Report on the Taxation Laws Amendment Bill (No. 3) 1994 and the Taxation Laws Amendment (Infrastructure Borrowings) Bill 1994
21.09.94	Scrutiny of Bills	13th Report and Alert Digest No. 14 of 1994
22.09.94	Environment, Recreation and the Arts	Report on Waste Disposal

Date tabled	Committee	Title
22.09.94	Foreign Affairs Defence and Trade	Report on Annual Reports
22.09.94	Industry, Science, Technology, Transport, Communications and Infrastructure	Report on Australian Postal Corporation Amendment Bill 1994
22.09.94	Legal and Constitutional Affairs	Report on the Complaints (Australian Federal Police) Amendment Bill 1994