

Procedural Information Bulletin No. 92

For the sitting period 28 November to 9 December 1994

DEADLINE FOR INTRODUCTION OF BILLS

The Senate has not imposed a deadline for the receipt of bills from the House of Representatives since the government gave an undertaking in August 1993, when the "double deadline" was agreed to, to have legislation introduced in one period of sittings for passage in the next period, subject to certain specified exceptions relating to budget and urgent legislation (see Bulletin No. 91, p. 3). The number of bills listed by the government for passage in this period of sittings which were introduced after the commencement of the period led to suggestions that the government had not kept its undertaking, and there were moves to remedy the situation. Senator Chamarette on 29 November moved a motion which would give precedence to bills introduced last period of sittings over those introduced in the current period of sittings, but an amendment successfully moved by Senator Hill had the effect of making a permanent order of the Senate to the effect that a bill introduced in any period of sittings will be automatically adjourned to the following period of sittings unless the Senate makes a deliberate decision to exempt the bill. Senator Hill's amendment also had the effect of preventing the passage of any bills introduced in the current period of sittings. An amendment moved by the government to exempt a list of bills from the order was rejected. The effect of the order as finally passed is that the deadline is now imposed permanently.

Following passage of this order, the government was compelled to move by leave motions exempting individual bills from the order, but eventually, on 1 December, managed to get the Senate to agree to the exemption of a list of bills which were to be passed before the Senate rose for the summer long adjournment.

ORDERS FOR PRODUCTION OF DOCUMENTS

The matter of the financial situation of the Australian National Line was again pursued by orders for the production of documents (see Bulletins No 89, p. 2 and No. 91, p. 2). On 9 December a resolution was passed adding to the matters on which the

Auditor-General is to report in relation to the ANL, and referring to the Finance and Public Administration References Committee questions relating to the proposed sale of the ANL.

An order agreed to on 28 November required the government to table all documents relating to the matter of the Port Hinchinbrook development, which was the subject of considerable debate and controversy. On the following day the government duly produced a very large number of documents relating to the matter.

DELEGATED LEGISLATION

A notice of motion to disallow the Telecommunications National Code was withdrawn on 30 November. The code governed, amongst other things, the erection of telecommunications towers, which had caused considerable concern. Senator Alston explained that he was withdrawing his notice after undertakings were given by the government and the telecommunications carriers in relation to the erection of towers, and because disallowance of the code would have left no rules in place to bind the carriers.

TREATIES

The tabling of some 36 treaties on 30 November led to a debate on the need for some more formal means of scrutiny of treaties by the Senate. The establishment of a special committee to scrutinise treaties was first suggested by Senator Harradine in 1983, and the establishment of a system for Senate scrutiny of treaties has been under negotiation between the parties in recent times.

PRIVILEGE

The Privileges Committee presented on 8 December a report on alleged improper interference with a witness and false or misleading answers given in the Senate and Senate committees. This related to the dealings between Mr John Richardson and the customs service and arose out of the inquiry by the Public Accounts Committee into the Midford case, which led to the overhaul of the customs service and the payment of a large amount of compensation by the government. The Committee found that a contempt was committed by the making of a threat by telephone to Mr Richardson, but, while the threat was probably made by someone connected with the customs service, the Committee was unable to identify the person concerned. The Committee found that some evidence and answers were unhelpful, but not deliberately misleading. The Committee recommended that further action be taken in the process of educating the customs service in its obligations and responsibilities.

LEGISLATION AMENDED

The ATSIIC (Indigenous Land Corporation and Land Fund) Bill 1994 was returned from the House of Representatives, the government having declined to agree to the amendment initially passed by the Senate (see Bulletin 91, p. 3). A government motion in committee of the whole not to insist on the amendment was not dealt with. The committee reported progress and, by way of an amendment to a motion to give the committee leave to sit again, the Senate's amendments to the bill were referred to a select committee for further examination and report by the commencement of the next period of sittings. It was indicated that the committee would take evidence from members of Aboriginal groups who appear to have different views about the virtue of different amendments. The government declared that it would treat the deferment of the bill as failure to pass within the meaning of section 57 of the Constitution.

Other bills substantially amended during this period included:

- Higher Education Funding Legislation Amendment Bill 1994
- Student Assistance (Youth Training Allowance) Amendment Bill 1994 and an associated bill.
- Departure Tax Collection Amendment Bill 1994
- Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Bill 1994
- Social Security (1994 Budget and White Paper) Amendment Bill 1994
- Social Security (Parenting Allowance and Other Measures) Legislation Amendment Bill 1994
- Employment Services Bill 1994 and an associated bill
- Supported Accommodation Assistance Bill 1994
- Higher Education Funding (Student Organisations) Amendment Bill 1994
- Taxation Laws Amendment Bill (No. 4) 1994.

The amendments were in all cases agreed to by the government by the end of the period of sittings, with the exception of three bills, in relation to which compromise amendments were eventually agreed to.

A great deal of time was devoted to the World Trade Organisation package of bills, which were eventually passed without amendment, and which give effect to the world trade agreement.

COMMITTEES

Another select committee, the Select Committee on Unresolved Whistleblower Cases, was established on 1 December, to examine unresolved cases referred to in

the report of the Select Committee on Public Interest Whistleblowing. The cases referred to are within the jurisdiction of a state, but the terms of reference of the committee asks it to consider whether these cases should be taken into account in framing the proposed Commonwealth whistleblower protection legislation recommended by the committee. An attempt by the government to change the terms of reference of the committee on the last day of sittings was unsuccessful, but a compromise change was eventually agreed to before the Senate rose.

The following committee reports were presented during the period:

Date tabled	Committee	Title
29.11.94	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies	Report on the Classification (Publications, Films and Computer Games) Bill 1994
30.11.94	Scrutiny of Bills	18th Report and Alert Digest No. 18 of 1994
01.12.94	Economics Legislation	Report on the World Trade Organization Amendments Bill
05.12.94	Employment, Education and Training Legislation	Report on the Examination of Annual Reports
05.12.94	Community Affairs Legislation	Report on Supported Accommodation Assistance Bills
06.12.94	Rural and Regional Affairs and Transport References	Report on Rural Adjustment, Rural Debt and Rural Reconstruction
06.12.94	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies	Status Report
06.12.94	Legal and Constitutional Legislation	Report on Human Rights (Sexual Conduct) Bill 1994
06.12.94	Community Affairs References	Report on the Marketing of the Disability Reform Package
07.12.94	Employment, Education and Training References	Report on Open Learning in Australia
07.12.94	Economics References	Report on CSIRO: The Case for Revitalisation

Date tabled	Committee	Title
08.12.94	Rural and Regional Affairs and Transport Legislation	Report on Deer Industry Legislation Revisited
08.12.94	Rural and Regional Affairs and Transport References	Interim Report on the Impact of Assets Tests
08.12.94	Legal and Constitutional Legislation	Final Report on the Evidence Bill 1994
08.12.94	Regulations and Ordinances	100th Report
08.12.94	Economics Legislation	Report on Taxation Bills
08.12.94	Privileges	50th Report, Possible Improper Interference with a Witness and Possible False or Misleading Answers given to the Senate or a Senate Committee
08.12.94	Legal and Constitutional Legislation	Report on Criminal Code Bill 1994 and Crimes Amendment Bill 1994
08.12.94	Legal and Constitutional Legislation	Report on Annual Reports