

Procedural Information Bulletin No. 93

For the sitting period 31 January to 9 February 1995

ORDERS FOR PRODUCTION OF DOCUMENTS

With the intense controversy over woodchip export licences and forest management policies, it was to be expected that orders for the production of documents would be used by the Senate to obtain information on the matter, particularly as the process by which the government had arrived at decisions was in dispute. Such orders were used in relation to this matter on 1, 2, 6 (twice) and 7 February, and a large volume of documents was produced at various stages in response to the orders. The only documents the government declined to produce were legal advices about the woodchip licences, contending that disclosure of these advices could prejudice the government's position in future legal proceedings. On 8 February a motion to censure the Minister for the Environment, Sport and Territories was moved, but the non-government parties could not agree on whether he or the Minister for Resources was the one deserving of censure, and so no resolution was passed.

Another order requiring the Auditor-General to produce documents was passed on 2 February, requiring the Auditor-General to table advice given by the government's legal advisers to the effect that the National Media Liaison Service is not subject to audit. The documents were produced later in the same day (see below under Witnesses for the order requiring the Director of the Service to appear before a Senate committee).

An order passed on 7 February required the production of reports concerning the Great Barrier Reef; the reports were duly presented on 9 February.

Another order passed on 7 February required the production of answers to questions placed on notice during the estimates hearings in relation to the communications and arts portfolio. The government promised that the answers would be produced, but pointed out that there were 1,000 questions, and the order had not been met by the end of the sitting period.

In accordance with the order requiring the production of lists of departmental files (see Bulletin No. 91, p. 2), lists of files of the various departments were tabled on 31 January and 1 and 2 February.

Orders passed last year for documents relating to Austudy matters and immigration were answered by the tabling of documents on 31 January and 1 February.

DEADLINE FOR INTRODUCTION OF BILLS

The order of the Senate passed in November 1994 (see Bulletin No. 92, p. 1), whereby bills received in one period of sittings are automatically adjourned until the next period of sittings, began to take effect in this sitting period, with several bills automatically adjourned.

On two occasions the government was refused leave to move motions to exempt particular bills from the order, but on 8 February the Senate agreed to exempt the Migration Legislation Amendment Bill (No. 2) 1995, which was stated to be urgent.

The government gave notice of motions on 7 February to exempt a number of bills and to modify the Senate's order so that bills introduced in the House of Representatives in a previous period of sittings would be exempt. These notices had not been dealt with at the end of the sitting period.

LEGISLATION

On the first day of the sitting period the government took the unusual course of introducing by leave two migration bills (including the Migration Legislation Amendment Bill (No. 2) 1995) and immediately having them referred to a committee for consideration.

The International War Crimes Tribunal Bill 1994 and a related bill, having been first passed by the Senate, had been returned from the House of Representatives with amendments. The government wished to substitute a new amendment for a House of Representatives amendment and also move completely new amendments to the bill. In order to do this it was necessary to suspend standing order 126 to allow the moving of amendments not relevant to the amendments made by the House of Representatives. The standing order provides that, once a bill has been dealt with by both Houses, any further amendments should be confined to areas of disagreement between the Houses. Proceedings on the bills were not concluded at the end of the sitting period because the Opposition, the Greens and Senator Harradine, over the objection of the Minister, insisted on deferring consideration of the new amendments, which are very extensive.

The Evidence Bill 1994, which was the subject of intense examination by a committee and significant redrafting by the government, was further amended by

the Senate on 2 February. Included in the amendments were a significant set of Opposition amendments relating to legal professional privilege.

The life insurance package of bills was significantly amended on 6 February.

On 9 February the Select Committee on the Land Fund Bill presented its report (see Bulletin No. 92, p. 3). It is not clear whether a compromise may be reached regarding amendments which were in dispute between the Houses.

WITNESSES

On 7 February the Senate agreed to an order requiring the Finance and Public Administration Legislation Committee to hold a further supplementary estimates hearing in relation to the National Media Liaison Service, and requiring the Director of that Service to appear before the committee to give evidence concerning its activities. The government had earlier refused to allow this officer to appear before the committee, on the basis that he is a member of ministerial staff, although the National Media Liaison Service itself is a public service organisation. In response to the Senate's order the committee duly met on 9 February and the Director of the Service duly appeared and gave evidence.

DELEGATED LEGISLATION

The chairman of the Regulations and Ordinances Committee, Senator Colston, made a statement on 6 February 1995 referring to the laxness of departments in responding to matters raised by the committee in relation to delegated legislation. Senator Colston was withdrawing notices of motion for the disallowance of instruments in respect of which satisfactory responses had been received from the responsible ministers, but criticised the departments for not providing the responses in time to allow proper consideration of the responses.

The Senate disallowed on 9 February some Austudy regulations relating to assessment of student benefits. The motion did not emanate from the Regulations and Ordinances Committee but was moved by the Opposition and referred to the policy of the regulations. All non-government senators voted for the disallowance.

COMMITTEES

The Environment, Recreation, Communications and the Arts References Committee presented on 31 January a document which had been submitted to the committee and published by the committee during the summer long adjournment. The document is a report to the Australian Soccer Federation on irregularities in that

sport, and had not been published by the Federation for fear of legal action by persons accused in the report of various misdeeds. By submitting the document to the committee and the committee publishing it, absolute privilege was secured for the publication.

The Rural and Regional Affairs and Transport References Committee tabled on 9 February a response, made under the Senate's Privilege Resolution 1(13), by a person responding to adverse evidence concerning the person. Committees table these responses where the evidence to which they relate has already been presented.

PROCEDURE

The Senate adopted on 6 February a recommendation of the Procedure Committee that debates on motions moved by leave to take note of documents should be limited to 10 minutes per speaker, 30 minutes per debate and 60 minutes in total where a number of motions are moved consecutively. All motions to take note of documents are now subject to time limits.

PRIVILEGE

The Privileges Committee presented on 7 February its 51st Report on allegations that a witness had been penalised in respect of his evidence before a committee by being deprived of a government appointment which he would otherwise have received. The committee concluded that the witness had not been penalised because of his evidence.

COMMITTEE REPORTS

The following committee reports were presented during the period:

Date tabled	Committee	Title
01.02.95	Scrutiny of Bills	1st Report and Alert Digest No. 1 of 1995
07.02.95	Privileges	51st Report
07.02.95	Legal and Constitutional Legislation	Report on the Migration Legislation Amendment Bill (No. 2) 1995
08.02.95	Superannuation	Fifteenth Report, Super Guarantee

09.02.95	Scrutiny of Bills	2nd Report and Alert Digest No. 2 of 1995
09.02.95	Land Fund Bill	Land
09.02.95	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies	Report on R-rated Material on Pay TV