

Procedural Information Bulletin No. 98

For the sitting period 19 June to 30 June 1995

The last two weeks of the autumn sittings before the Senate rose for the winter long adjournment found the Senate's agenda occupied by far more government legislation than could be dealt with in the time available. Only budget-related legislation and some other bills designated as urgent by the government were considered, and were the subject of significant action by the Senate, as were other matters of controversy arising during the period.

ORDERS FOR THE PRODUCTION OF DOCUMENTS

An order was passed on 21 June for the tabling of a report of the Australian Broadcasting Authority on the "cross media rules" under the Broadcasting Services Act, all non-government senators voting for the order. When the document was not produced on the following day, the responsible ministers, the Minister for Communications and the Arts, Mr Lee, and his Senate representative, Senator McMullan, were censured, the contention being that the report was being withheld simply to conceal criticisms of the government's communications policies. The document was eventually produced on 27 June, having been submitted by the government in response to the order.

A highly unusual situation occurred on 28 June when a motion ordering the government to produce documents was moved by a minister. Senator Vanstone for the Opposition had given notice of a motion to require the tabling of all documents relating to the decision by the government to pay the legal costs of the Minister for Human Services and Health (Dr Lawrence) in relation to her legal challenge to, and her involvement in, the Western Australian Royal Commission on the Easton Affair. After discussions and negotiations about the notice of motion, the motion was moved in modified form by the Minister representing the Attorney-General, Senator Bolkus, the modifications consisting only of the omission of some parts of the preamble and a change in the date for tabling. Some documents were tabled on the following day, but it was indicated that some documents had been withheld on the basis of cabinet confidentiality or legal professional privilege. Later in the day a resolution was passed on the motion of Senator Chamarette (Greens WA) declaring

the minister to be guilty of a contempt and ordering that the remaining documents be tabled by 6 pm that evening, all non-government senators voting for the resolution. No further documents were tabled, and at the end of the sittings on 30 June a motion was moved by Senator Chamarette to suspend standing orders to allow the moving of a motion to defer further consideration of a bill in Senator Bolkus' responsibility until the documents were tabled. This motion was still under debate when the automatic adjournment time arrived, and the moving of the motion, in effect, was part of the "penalty" imposed upon the government. It was indicated that the matter may be further considered in the next sittings.

Senator Chamarette did not pursue on 22 June another notice of motion ordering the production of documents relating to the Aboriginal land fund, on the basis that she had been given an undertaking that the required information would be forthcoming at a supplementary estimates hearing and a government assurance that there were no further documents in existence (see Bulletin No. 97, pp 1, 4).

FAILURE TO TABLE INSTRUMENTS

The Minister for Industry, Science and Technology, Senator Cook, made a statement on 26 June indicating that, following the discovery of the failure to table instruments relating to research and development grants (see Bulletin No. 97, p. 2), it had also been discovered that there had been a failure to table instruments relating to bounty payments, some going back to 1989. This new revelation was further explored in an estimates hearing. Substantial government amendments were moved to the Export Market Development Grants Amendment Bill (No. 2) 1994 to validate some of the guidelines which had not been tabled, and a further amendment was made on the motion of the Opposition to preserve the rights of persons affected by adverse decisions made under the invalid guidelines to seek redress by litigation. The Industry Research and Development Amendment Bill 1995, which was introduced and passed urgently to validate most of the untabled guidelines, was similarly amended on the motion of the Opposition on 28 June.

LEGISLATION AMENDED

The sales tax package of bills arising from the budget was amended on 28 June to strike out the proposed sales tax increases on building materials, all non-government senators voting for the amendments (the amendments were moved in the form of requests, as the bills clearly impose taxation, although they were not classified as such by the government: see Bulletins Nos 77, pp 2-4; 78, pp 1-2; 84, p. 2; 85, pp 2-3). The government was compelled to accept the amendments in order to pass the other tax increases contained in the bills.

The Taxation Laws Amendment (Budget Measures) Bill 1995 was substantially amended on 29 June. Two of the amendments related to sales tax; one moved by Senator Margetts (Greens WA) inserted into the taxation legislation a provision requiring that the public be notified of any intention of the government to introduce changes to the sales tax law. Other amendments, designed to reduce further the provisional tax uplift factor and the small company tax threshold, were rejected by the government in the House of Representatives on the last day of the sittings, and were not insisted on by the Senate partly on the basis of a government undertaking to consider the report of the Economics References Committee on the taxation treatment of small business.

The Customs and Excise Legislation Amendment Bill 1995 and an associated bill were considered on the last day of the sittings and substantially amended, the amendments mainly having to do with the diesel fuel rebate which was the subject of lengthy discussion. The associated bill, which was dealt with first, was separately passed to speed its passage. The House of Representatives remained sitting on the evening of 30 June so as to receive the main bill and agree to the amendments, as most of the bill was to commence on 1 July.

The Civil Aviation Legislation Amendment Bill 1995 and an associated bill were the subject of amendments on 21 and 22 June relating to safety regulation and the tabling of certain documents.

The Competition Policy Reform Bill 1995 was subjected to many pages of amendments when it was considered on 27 June.

The Transport Legislation Amendment Bill 1995 and an associated bill were substantially amended on 30 June, mainly in relation to reporting requirements for the bodies established under the principal legislation.

PRIVATE SENATOR'S BILL

Time was taken on 30 June to pass a private senator's bill introduced by Senator Patterson (Liberal, Vic) to remove the compulsory retirement age in the Public Service. The Opposition insisted on the bill being dealt with in accordance with an earlier arrangement.

DELEGATED LEGISLATION

An Opposition and a Democrat senator each withdrew on 28 June a notice of motion for the disallowance of certain instruments relating to nursing homes when the government, in accordance with an undertaking, tabled replacement instruments.

PRIVILEGE

The Privileges Committee tabled three reports on 30 June, relating to a case of unauthorised disclosure of a submission to a committee, a case of alleged interference with a witness and a response by a person referred to in debate in the Senate. The report relating to the witness found that the witness had not been threatened or penalised in consequence of his evidence, and that therefore no contempt was committed, but the committee analysed in some detail the conflict between the witness and the Northern Territory authorities. In relation to the unauthorised disclosure, concerning a National Crime Authority Committee document, the committee found that a contempt was committed but could not identify the source of the disclosure. No action could be taken against members of the South Australian Parliament who disclosed the document in that Parliament. Consideration of the reports was adjourned.

The Privileges Committee received on 30 June two new references, relating to another case of alleged interference with a witness and another case of unauthorised disclosure of confidential committee documents.

COMMITTEE REPORTS

The following committee reports were presented during the period:

Date tabled	Committee	Report Title
21.06.95	Legal and Constitutional Legislation	Second Report on the Family Law Reform Bill 1994 and the Family Law Reform Bill (No. 2) 1994 [Exposure Draft]
21.06.95	Scrutiny of Bills	10th Report and Alert Digest No. 9 of 1995
22.06.95	Foreign Affairs, Defence and Trade Legislation	Report on Annual Reports
26.06.95	Economics Legislation	Customs and Excise Legislation Amendment Bill 1995
26.06.95	Economics Legislation	Sales Tax (Exemptions and Classifications) Modification (General) Bill 1995
26.06.95	Community Affairs Legislation	Social Security Legislation Amendment Bill (No. 1) 1995 and Student and

Date tabled	Committee	Report Title
		Youth Assistance Amendment (Youth Training Allowance) Bill 1995
27.06.95	Environment, Recreation, Communications and the Arts	Soccer
28.06.95	Finance and Public Administration Legislation	Report on Annual Reports
28.06.95	Legal and Constitutional References	Investigatory Powers of the Australian Securities Commission
28.06.95	Economics References	Tax Treatment of Small Business
28.06.95	Scrutiny of Bills	11th Report and Alert Digest No. 10 of 1995
28.06.95	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies	R-Rated Material on Pay TV — Regulation of Bulletin Board Systems — Codes of Practice in the Television Industry
29.06.95	Finance and Public Administration Legislation	List of Commonwealth Bodies
29.06.95	Finance and Public Administration References	Property Management in the Australian Public Service
29.06.95	Unresolved Whistleblower Cases	Alleged Intimidation of a Witness
29.06.95	Broadcasting of Parliamentary Proceedings	Radio and Television Broadcasting of Parliamentary Proceedings
29.06.95	Employment, Education and Training References	Austudy
30.06.95	Privileges	54th, 55th and 56th Reports

A statement on the work of the Regulations and Ordinances Committee was made on 27 June.