

## Procedural Information Bulletin No. 103

*For the sitting period 30 April to 9 May 1996*

### VACANCIES

When the Senate met for the first time after the general election there were three vacancies to be reported, due to the resignations of Senators Devereux, Evans and McMullan. Senators Mackay and Conroy were sworn in, having been appointed in place of Senators Devereux and Evans, respectively, but there was an unexplained delay in the appointment of Senator Conroy by the Governor of Victoria which delayed his swearing in until later in the day. At the end of Senator Devereux's term Senator Mackay begins her own term, having been elected at the general election. The ACT Legislative Assembly did not make an appointment to replace Senator McMullan, but the terms of territory senators begin and end on polling day, and his elected replacement, Senator Lundy, was sworn in with the other territory senators. Senator Mackay having been appointed by the Governor, the "confirmation" of her appointment by the Tasmanian Houses was made only just within the 14 days after the commencement of their sittings as prescribed by section 15 of the Constitution; had this occurred later there would have been a gap in her service and she would have been sworn in again.

### ORDERS FOR PRODUCTION OF DOCUMENTS

Several orders for the production of documents remained on foot at the beginning of the new sittings, one being the order made on the motion of Senator Harradine in 1995 for the production of indexed lists of departmental files. Lists of files were tabled on the first day of sitting and on subsequent days in response to this order, thereby confirming the principle that a new government should respond to orders for documents made on its predecessor.

Another order for the production of documents, also on the motion of Senator Harradine, was agreed to on 9 May and related to draft classification guidelines for film and video.

## DEADLINE FOR INTRODUCTION OF BILLS

The Senate's deadline for the introduction of government bills is a permanent order, and requires that bills not introduced into either House in a previous period of sittings or not received by the Senate within the first two-thirds of the period of sittings are automatically adjourned to the next period of sittings. This means that, at the beginning of a new Parliament, because all bills are new bills, no bills can qualify for passage in the first period of sittings unless they are exempted by the Senate from the operation of the order.

The new government introduced an amendment of the order to provide that in the first period of a new Parliament bills received by the Senate within the first two-thirds of the period of sittings may be proceeded with. The Senate declined to consider this proposal on 1 May, but several bills were individually exempted from the order.

One bill, the Hazardous Waste (Regulation of Exports and Imports) Amendment Bill 1996, was passed with amendments on 8 May.

## TREATIES

The long-running debate in the Senate about the need for more parliamentary control over treaties bore fruit on 2 May with the government's response to the report of the Legal and Constitutional References Committee on the matter. The government has agreed to table treaties before ratification, establish a treaties council for consultation with the states, and establish a joint committee for parliamentary scrutiny of treaties. The proposals stop short of parliamentary approval of treaties, as provided for in Senator Bourne's Parliamentary Approval of Treaties Bill 1995.

## NEW SELECT COMMITTEES

As well as appointing the membership of the standing committees, the Senate appointed two new select committees during the period. The Radioactive Waste Committee was re-established on 2 May under the new title of the Select Committee on Uranium Mining and Milling. On 8 May the Senate established, against the wishes of the government, a Select Committee on Licensing of Casinos, with particular reference to the Victorian Crown Casino. During debate on the motion questions concerning the Senate's powers of inquiry particularly in relation to state matters were canvassed.

## COMMITTEE REPORTS

Many committee reports were tabled on the first day of sitting, having been presented to the President during the election period: see the list attached to this Bulletin. Two unusual reports were those of the Foreign Affairs, Defence and Trade References Committee on the investigation of the crash of an RAAF aircraft, and the Legal and Constitutional References Committee on the conduct by the Commonwealth of a particular civil case. The former found defects with the handling of the crash investigation, while the latter determined that no further inquiry into the handling of the case should be held.

## TABLING OF COMMITTEE DOCUMENTS

Under the rules of the Senate committees are required to provide reasonable opportunity for response by any person adversely mentioned in evidence before the committees. In recent times committees have developed a practice of tabling in the Senate further submissions received after the committees have concluded their inquiries. On 9 May Senator Campbell, the former chair of the Select Committee on Certain Land Fund Matters, tabled a document submitted by a person who had featured in the committee's inquiry and which referred to disputes between witnesses before that inquiry. Senator Campbell stated that he would not present any further documentation in relation to this matter.

## PRIVILEGE

The Privileges Committee presented its 60th and 61st reports on 30 April. The 60th report related to a case of unauthorised disclosure of a committee document, and the committee was unable to find that any particular person had made the unauthorised disclosure. The report recommended procedures for handling such cases in future, particularly involving an investigation in the first instance by the committee affected. The 61st report dealt with a case of alleged false or misleading evidence and found that, while imprecise statements were made, there was no intention to give false or misleading evidence.

## WITHDRAWAL OF BILL

A curious incident occurred on 6 May when the Therapeutic Goods Amendment Bill 1996 was withdrawn and a new bill substituted. It was indicated that a question had been raised by the government's advisers whether a clause in the bill amounted to an appropriation of money and therefore should not have been initiated in the Senate. It was stated that the government did not accept this contention, which appeared to be without merit as the appropriation clause relating to the provision in question was stated to be contained in another bill, but the government nonetheless withdrew the bill. This bill was a descendant of a bill which resulted from the Senate's division of an earlier bill (see Bulletins Nos 95, p. 2, and 101, p. 2), and seems to have a unique facility of drawing strange opinions from the government's advisers.

## TIMES OF SITTING AND ROUTINE OF BUSINESS

The Senate's times of sitting and routine of business remain unresolved at the end of the period of sittings. The new system adopted in February 1994 was contained in a sessional order, and was therefore not in force at the beginning of the new sittings. The government proposed some alterations in the times of sitting and routine of business, but these proposals were not agreed to, and the sessional orders were renewed temporarily and will be temporarily in force when the Senate sits again.

## COMMITTEE REPORTS

The following committee reports were presented during the period:

Date tabled	Committee	Title
30.4.96	Environment, Recreation, Communications and the Arts References	2nd Report, Soccer
"	Finance and Public Administration References	Service Delivery
"	Community Affairs References	The Tobacco Industry and the Costs of Tobacco-Related Illness
"	Economics References	Eastlink: the Interconnection of NSW and Queensland Electricity Grids with a High Voltage Powerline
"	Employment, Education and Training References	Education and Training in Correctional Facilities
"	Privileges	60th Report: Possible unauthorised disclosure of documents or deliberations of Senate Select committee on the Dangers of Radioactive Waste
"	Privileges	61st Report: Possible false or misleading statements to the Senate Select Committee on Public Interest Whistleblowing
"	Superannuation	18th Report: Review of the Superannuation Complaints Tribunal
"	Rural and Regional Affairs and Transport References	Interim Report: Landcare Policies and Programs
"	Dangers of Radioactive Waste	No Time to Waste
"	Foreign Affairs, Defence and Trade References	Crash of RAAF Nomad Aircraft A18-401 on 12 March 1990
"	Legal and Constitutional References	National Well-being: a system of national citizenship indicators and benchmarks
"	Legal and Constitutional References	<i>Ryker (Faulkner) v The Commonwealth and Flint</i>
"	Rural and Regional Affairs and Transport Legislation	Australian Quarantine and Inspection Service