

Procedural Information Bulletin No. 106

For the sitting period 20 to 22 August 1996

VACANCIES

When the senators whose terms began on 1 July 1996 were sworn in on 20 August, they included Senator Jeannie Ferris of South Australia. She had, however, resigned from the Senate on 12 July and been reappointed on 24 July by the South Australian Parliament to the vacancy created by her resignation. This was apparently in an attempt to overcome doubts about the validity of her election (see Bulletin No. 104, pp. 1-2). Presumably the Senate could still refer the question of her qualification to the Court of Disputed Returns, and her right to sit could be challenged under section 46 of the Constitution. An appointment by a state parliament may also be disputed by petition within 40 days of the appointment under the Commonwealth Electoral Act. At the end of the first sitting week no action had been taken in the Senate, and it appeared that her right to sit would not be further questioned.

The Senate ended the week with another vacancy, consequent on the resignation on 20 August of Senator Coates of Tasmania.

PRESIDENCY AND DEPUTY PRESIDENCY

Senator Margaret Reid was elected President unopposed on 20 August, becoming the first woman and the first territory senator to hold the office. The practice of recent years of the candidate of the largest non-government party being elected unopposed to the Deputy Presidency was not followed. It was announced that Senator Colston had resigned from the Labor Party, and, on the nomination of Senator Knowles, he was elected Deputy President after a ballot, defeating the Labor Party candidate, Senator West, by 38 votes to 34. Senator Colston was the Deputy President from 1990 to 1993.

Before the ballot was taken there was some argument about whether absent Labor Party senators should be paired. Pairs are not governed by the Senate's procedures, and are a matter of agreement between the parties. So far as is known, pairs have not been arranged in ballots in the past, probably because, as was pointed out during the debate, the ballot is meant to be secret. On this occasion, however, two government senators absented themselves to compensate for the two absentees.

LEGISLATION

Bills which are expected to be controversial during the budget sittings were the subject of committee reports in the first few days. The Airports Bills were reported by the Rural and Regional Affairs and Transport Legislation Committee on 21 August, and were subsequently proceeded with and amended, but not finally passed. The Workplace Relations Bill was reported by the Economics References Committee on 22 August, and, not surprisingly, members of the committee were not able to agree on its merits.

The Environment, Recreation, Communications and the Arts Legislation Committee was given on 21 August an extension of time to report on the Telstra (Dilution of Public Ownership) Bill 1996, but only after some acrimonious debate.

The Aboriginal and Torres Strait Islander Commission Amendment Bill 1996 [No. 2], which replaced the earlier bill amended by the Senate and which is regarded as an attempt by the government to gain a double dissolution "trigger" (see Bulletin No. 105, p. 4), was received on 21 August. It is not subject to the deadline for the receipt of bills because it was first introduced in the last period of sittings.

ORDERS FOR PRODUCTION OF DOCUMENTS

The government produced on 21 August a large volume of documents in response to the Senate's order for documents of the National Commission of Audit (see Bulletin No. 105, p. 2). Not all documents covered by the order, however, were produced, the government, in effect, claiming public interest immunity in respect of some.

Indexed lists of departmental files continue to be tabled regularly in response to the Senate's order.

PRIVILEGE

The Privileges Committee's 62nd report was tabled on 21 August, providing a comprehensive examination of the operations of the committee and the Senate's Privilege Resolutions of 1988. The report also reprints key relevant documents, including the resolutions and the *Parliamentary Privileges Act 1987*.

The President determined on 22 August that a matter of alleged misleading evidence could be the subject of a motion having precedence for a reference to the Privileges Committee. The allegations were raised with the Environment, Recreation, Communications and the Arts Legislation Committee and concern evidence given before that committee on the Telstra (Dilution of Public Ownership) Bill. That committee, having considered the allegations, recommended that the matter be further investigated.

DELEGATED LEGISLATION

The Chair of the Regulations and Ordinances Committee, Senator O'Chee, made a statement on 22 August concerning the delegated legislation governing the census. The statement explained how the census is authorised, and pointed out that, under the proposed Legislative Instruments Bill, there will be greater parliamentary control over the process.

TIMES OF SITTING AND ROUTINE OF BUSINESS

The week ended with the government's proposals for the times of sitting and routine of business still unresolved, apparently because of lack of agreement over question time, and the temporary sessional orders were again renewed temporarily.

PARLIAMENTARY APPROPRIATIONS

The Appropriations and Staffing Committee presented its annual report on 22 August, and revealed that, after it had reported in June on the determination of the Senate Department's budget (see Bulletin No. 105 p. 6), the committee and the Minister for Finance had negotiated an agreement concerning funding for committees which resulted in additional money for this purpose being included in the Senate's part of the Appropriation (Parliamentary Departments) Bill.

ESTIMATES

The estimates of expenditure contained in the government's budget were referred to the legislation committees on 22 August, thereby beginning the estimates scrutiny process. The resolution of referral included the days on which the committees are to sit for the initial round of estimates hearings.

COMMITTEE REPORTS

The following committee reports were presented during the period:

Date tabled	Committee	Title
21.8	Rural and Regional Affairs and Transport Legislation	Airports Bill 1996 and Airports (Transitional) Bill 1996
"	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, Select	Classification (Publications, Films and Computer Games) Regulations: Statutory Rules 1995 No. 401
"	Environment, Recreation, Communications and the Arts Legislation Committee	Reference of petitions requesting that Jervis Bay be deleted from consideration as a site for any expansion of Defence Department facilities including the East Coast armaments complex and that the national broadcaster fulfil its obligations
"	Environment, Recreation, Communications and the Arts Legislation Committee	Examination of the Annual Reports of Telstra Corporation and the Australian Postal Corporation 1994-95 (additional information received)
"	Privileges*	62nd Report: Committee of Privileges 1966-1996: History, practice and procedure.
"	Foreign Affairs, Defence and Trade, References*	The Development of Australia's Air Links with Latin America
"	Foreign Affairs, Defence and Trade, Legislation*	Examination of Annual Reports (No. 1 of 1996)
"	Employment, Education and Training, References*	Childhood Matters - The Report into the Inquiry into Early Childhood Education
"	Native Title and the Aboriginal and Torres Strait Islander Land Fund, Joint Statutory*	Fourth Report: National Native Title Tribunal Annual Report 1994/1995
"	Native Title and the Aboriginal and Torres Strait Islander Land Fund, Joint Statutory*	Fifth Report: Annual Reports for 1994-95 prepared pursuant to Part 4A of the Aboriginal and Torres Strait Islander Commission Act 1989
"	Scrutiny of Bills	5th Report and Alert Digest No. 5 of 1996

Date tabled	Committee	Title
22.8	Economics References	Workplace Relations and Other Legislation Amendment Bill 1996
"	Appropriations and Staffing	Annual Report 1995-96

* These reports were presented to the President and published during the winter adjournment.