

No. 109

for the sitting period 28 October-7 November 1996

8 November 1996

ORDERS FOR PRODUCTION OF DOCUMENTS

In the last parliament (1993-95) the Senate passed 53 orders for production of documents relating to various activities of the previous government. It appears that the quota will be maintained in the current parliament.

On 4 November an order for documents was passed in relation to the awarding of the contract for the advertising campaign for the guns buy-back program. This order was passed in the context of allegations that the awarding of the contract had been diverted at the instigation of the government.

On the same day the Senate took the unusual step of directing the Legal and Constitutional Legislation Committee to hold a further supplementary estimates hearing in relation to the same matter. The hearing is to take place on 19 November.

A statement was made on 5 November indicating that the government would not be able to comply with the order by the deadline on that day, and it was also indicated that some documents, such as cabinet documents, would not be produced. Over succeeding days a huge volume of documents was tabled in batches by ministers in response to the order.

Another matter of controversy concerned amendments of zoning plans for the Great Barrier Reef Marine Park to allow fishing experiments on parts of the reef. The government tabled on 7 November documents in anticipation of a motion, which was not moved, calling for the production of relevant documents. The zoning plan amendments were the subject of a disallowance motion (see below under delegated legislation).

DELEGATED LEGISLATION

Several sets of regulations relating to immigration were disallowed by the Senate on 7 November. The regulations related to significant changes in immigration policy, and their disallowance was the equivalent of the rejection of a major piece of legislation.

A motion was moved on 6 November to disallow amendments of zoning plans for the Great Barrier Reef Marine Park (see above under orders for production of documents). The statutory provisions for the disallowance of the zoning plans are unusual, in that a motion for disallowance must be passed within 15 sitting days after the instruments are tabled, and the instruments do not come into effect until after the time for disallowance has passed. These provisions have an unintended consequence in that, in most circumstances, a new plan or an amendment of a plan could not be brought into effect in order to overcome objections to an earlier plan or amendment and to avoid a disallowance of the previous instrument. Debate on the motion was adjourned to the beginning of the next sitting period, which is still within the time for disallowance. The responsible minister, the Minister for the Environment and Leader of the Government in the Senate, Senator Hill, stated in debate that he was sceptical about the fishing experiment authorised by the zoning plan amendments, but was persuaded by scientific advisers, and he indicated that, if the Senate were to disallow the amendments, it would in effect be rejecting the scientific advice.

LEGISLATION

The Workplace Relations and Other Legislation Amendment Bill 1996 is fulfilling its promise to be the most difficult piece of legislation of the year and to surpass records set by major bills in the past. So far, 37 hours have been spent on the bill, and 28 amendments have been agreed to out of a total of 99 moved; 698 amendments have been circulated, and there are more in preparation. The previous record holder, the Native Title Bill 1993, occupied nearly 52 hours of the Senate's time, but only 149 amendments were moved to that bill, of which 119 were agreed to. An unusual feature of the proceedings on the Workplace Relations Bill is that amendments, 171 of them, have been circulated jointly by the government and the Australian Democrats.

When consideration of the annual appropriation bills commenced on 31 October an unusual step was taken of having the Deputy President move an omnibus amendment to carry out all of the recommendations of the legislation committees flowing from their estimates hearings. In the past such amendments have been moved by the chairs of the individual committees.

The Deputy President moved the omnibus amendment in his capacity as chair of the Chairs' Committee.

The Selection of Bills Committee recommended on 7 November that the provisions of the Euthanasia Laws Bill 1996 be referred to the Legal and Constitutional Legislation Committee. This is the bill to override the euthanasia law of the Northern Territory. It has not yet been received by the Senate from the House of Representatives, but the device of referring the provisions of such a bill to a Senate committee is often used to avoid having to await receipt of the bill before beginning a committee inquiry. Normally recommendations of the Selection of Bills Committee are adopted without debate, but on this occasion there was debate, and amendments were moved to change the recommendation. An amendment to avoid the referral of the bill to a committee was lost, as was an amendment to refer it to a select committee, and the recommendation was adopted. The committee is to report on the bill by 24 February 1997, so that it appears that the Senate will not be asked to consider the bill until next year.

ADDRESS BY UNITED STATES PRESIDENT

The Senate agreed on 29 October to meet with the House of Representatives in the House chamber on 20 November to hear an address by the President of the United States. This procedure was first adopted in 1992 on the occasion of an address by the then US President. It was stated at that time that the procedure was adopted on the basis that a similar honour had been granted to Prime Minister Hawke in Washington in accordance with the custom of the US Congress, and that granting the equivalent honour to President Bush would not set a precedent. It was obviously felt, however, that the same honour should be extended to President Clinton. The question was raised whether the procedure would be followed for any other visiting heads of state, but this question has not been resolved. It appears, therefore, that, more or less by accident, the Australian Houses have adopted the American practice, at least in relation to visiting US Presidents. A suggestion that other American practices might follow, such as the House of Representatives acting independently of the executive, has not been well received.

PROCEDURE COMMITTEE REPORT

The Procedure Committee presented on 4 November a report recommending a scheme for the interpretation and application of the third paragraph of section 53 of the Constitution, a matter on which there have been in the past disagreements between the Senate and the government of the day. The committee also recommended the incorporation into the standing

orders of a range of established continuing and sessional orders governing the Senate's procedures.

COMMITTEE REPORTS

As noted above (under orders for production of documents), the Senate has directed the Legal and Constitutional Legislation Committee to hold a further supplementary estimates hearing.

The following committee reports were presented during the period:

Date tabled	Committee	Title
30.10	Environment, Recreation, Communications and the Arts Legislation	Estimates 1996-97, Supplementary Hearings
"	Scrutiny of Bills	9th Report and Alert Digest No. 10 of 1996
31.10	Employment, Education and Training Legislation	Additional Information, Estimates 1996-97
"	Economics Legislation	Industry Research and Development Amendment Bill 1996
"	Rural and Regional Affairs and Transport Legislation	Importation of Cooked Chicken Meat into Australia
4.11	Procedure	1st Report of 1996
6.11	Community Affairs Legislation	Social Security Legislation Amendment (Budget and Other Measures) Bill 1996
"	Scrutiny of Bills	10th Report and Alert Digest No. 11 of 1996

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