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15 May 1998

ORDERS FOR PRODUCTION OF DOCUMENTS

Having at first refused to produce a consultancy report on the Australian Broadcasting Corporation and digitisation in response to an order of the Senate, on the ground that the report was involved in budget deliberations (see Bulletin No. 123, p. 3), the government produced the document on 13 May.

Not surprisingly, the controversy about events on the waterfront was reflected in proceedings in the Senate and resulted in an order for production of documents. The order was eventually passed on 13 May on the motion of Senator Murray.

The question on his motion was at first negated because of the accidental absence of a senator, but in accordance with the usual practice the question was put again by leave and carried. The order calls for documents to be presented by the Minister representing the Prime Minister in the Senate, Senator Hill, and the Minister representing the Minister for Transport and Regional Development, Senator Alston, relating to considerations of waterfront reform generally and contacts with particular companies. The order is clearly designed to ascertain what the government knew about plans by Patrick Stevedores to dismiss all their union-member employees. The order calls for the documents to be tabled by 25 May.

LEGISLATION

The Legislative Instruments Bill was considered by the Senate in its second incarnation. The bill as introduced included a number of amendments made by the Senate during its first consideration. It was again extensively amended by the Senate on 14 May, including in relation to the vexed question of the power of the Attorney-General to certify that an instrument is not a legislative instrument.

When this bill was first considered and disposed of in December last year the Senate made amendments, the government in the House disagreed with some of the amendments and the Senate insisted on its amendments. Only then was the bill laid aside. This undoubtedly provided the first stage of a double dissolution “trigger” under section 57 of the Constitution. If the bill is treated in the same way again it will provide an unambiguous “trigger” not subject to the difficulties attending the Native Title Bill and the Public Service package of bills (see Bulletins Nos. 121 p. 1, 122 p. 2, 123 p. 1-2).

The reference of the legislation concerning the digitisation of television broadcasting to a committee caused some disputation. The Selection of Bills Committee reported on 13 May that the bills should be referred to the Environment, Recreation, Communications and the Arts Committee but there was no agreement on whether it should be the legislation or the references committee or on the date for reporting. This led to the unusual situation of a motion to adopt a Selection of Bills Committee report being debated and amended. The motion was not moved until the day after the report was presented, and, after debate and amendment, the bill was referred to the legislation committee with the reporting date suggested by the government. Senator Harradine pointed out that the Senate could extend the reporting date if that appeared appropriate to the Senate.

The Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Bill 1998 was considered and significantly amended on 13 May but proceedings on the bill were not completed. It appears that the government has agreed to accept several non-government amendments.

COMMITTEES

The Community Affairs Legislation Committee set a precedent at its hearing on 5 May 1998 by hearing most of the state and territory health ministers simultaneously on the Health Legislation (Health Care Amendments) Bill 1998. The ministers gave evidence about the dispute between the Commonwealth and the states over health funding.

Two significant committee references were made on 14 May. The Legal and Constitutional References Committee was directed to report on the need for privacy legislation to be extended to the private sector, and the Environment, Recreation, Communications and the Arts References Committee was directed to look into the matter of the development at Hinchinbrook Channel which has caused a great deal of controversy over a long period.

The Finance and Public Administration References Committee presented on 14 May its second report on accountability of government services provided by contractors. The report, which is unanimous, makes a number of interesting observations and suggestions about this problem.

The annual estimates associated with the annual appropriation bills introduced with the budget were referred to the legislation committees on 14 May. The committees are to commence their hearings on 2 June.

The following committee reports were presented during the period:

Date tabled	Committee	Title
13.5	Foreign Affairs, Defence and Trade Legislation	Additional Information—Additional Estimates 1997-98
“	Scrutiny of Bills	5th Report and Alert Digest No. 6 of 1998
“	Employment, Education and Training Legislation	Additional Information—Additional Estimates 1997-98
“	Economics Legislation	Report—Australian Prudential Regulation Authority and Financial Sector Reform Bills
14.5	Finance and Public Administration References	Report—Accountability of Government Services Provided by Contractors—2nd Report
“	Finance and Public Administration References	Report—Sale of 57 Commonwealth Properties
“	Employment, Education and Training Legislation	Additional Information—Additional Estimates 1996-97 and 1997-98, Estimates 1997-98

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