

**No. 129**

**for the sitting period 8-11 March 1999**

**16 March 1999**

**PROTECTION OF CITIZENS**

The Environment, Communications, Information Technology and the Arts Legislation Committee presented a report on 11 March on the cases of the persons known as Casualties of Telstra, who suffered injury as a result of ill-treatment by the communications carrier. The committee, in its consideration of the matter, set a significant precedent by appointing a working party and commissioning an independent report to the committee on the various cases.

During debate on the report senators of all parties severely criticised Telstra and its predecessor for obstructing claims for compensation, particularly by withholding documents, and by spending far more money on resisting claims than would have been spent by compensating the victims. It was pointed out that Telstra probably would have continued to oppress the claimants but for the ability of the Senate, through its committees, to inquire into the matter. Although the committee has terminated its consideration of the cases, Telstra was warned of continuing parliamentary interest in case it should resume its previous pattern of behaviour.

**ORDERS FOR PRODUCTION OF DOCUMENTS**

The order for the production of documents relating to the Jabiluka uranium mine (see Bulletin No. 128, p. 2) was answered by the presentation of a substantial volume of documents on 8 March. The responsible minister, Senator Hill, however, indicated that some documents were not produced on the basis of a public interest immunity claim founded on apprehended damage to Australia's international relations, confidentiality of internal workings of government and legal professional privilege. It was pointed out that internal workings of government and legal professional privilege do not in themselves provide grounds for

withholding documents but may be the source of apprehended prejudice to the government's deliberations or position in litigation. On 11 March a letter from Senator Hill was tabled indicating that the legal professional privilege claim had been abandoned but the internal workings of government claim maintained. The letter included a list and description of the documents withheld. Interested senators expressed an intention of pursuing the matter.

An order was passed on 9 March for a document relating to Airservices Australia, in the continuing controversy about air safety (see also below, under Delegated Legislation). A statement was made on 11 March by the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald, to the effect that the document would not be produced because it was a cabinet document still the subject of cabinet deliberations. Again interested senators expressed an intention of pursuing the matter.

## **LEGISLATION**

The Workplace Relations Legislation Amendment (Youth Employment) Bill 1998 was rejected by the Senate on 8 March 1999. The non-government parties and Senator Harradine claimed that the presentation of the bill had breached a government undertaking not to legislate in respect of youth wages until the conclusion of an Industrial Relations Commission inquiry into the matter. The rejection of the bill provides the government with the first stage of a "trigger" for a double dissolution under section 57 of the Constitution in this Parliament.

The Judiciary Amendment Bill 1998 provided on 9 March an example of a government amendment presented in substitution for a non-government amendment to overcome concerns raised by non-government senators. The amendment related to terms and conditions of transferring staff.

Against the wishes of the government the Senate, on 11 March, extended the time for the Environment, Communications, Information Technology and the Arts Legislation Committee to inquire into the Biodiversity Conservation Bill 1998. The resolution extending the time for the inquiry referred to submissions to the committee by interested bodies which raised concerns about a lack of consultation by the government and undue haste in the preparation of the legislation.

## **DELEGATED LEGISLATION**

A set of civil aviation regulations was disallowed on 8 March. The opposition claimed that the regulations were the beginning of a policy of privatisation by stealth of air traffic control to the detriment of air safety.

The Regulations and Ordinances Committee on 10 March presented its annual report, indicating that the committee has scrutinised, and brought about changes to, a very large volume of delegated legislation which appeared to be in conflict with its scrutiny principles.

## COMMITTEES

After a great deal of consultation and negotiation, the Select Committee on the Socio-Economic Consequences of the National Competition Policy was reappointed on 9 March. The committee is required to report by the end of June this year.

See under Legislation, above, for the extension of the inquiry into the Biodiversity Conservation Bill 1998.

The following committee reports were presented during the period:

<b>Date tabled</b>	<b>Committee</b>	<b>Title</b>
8.3	Rural and Regional Affairs and Transport Legislation	Report—Regional Forest Agreements Bill 1998
“	Environment, Communications, Information and Technology and the Arts Legislation	Report—Telstra and Telecommunications Bills
9.3	Finance and Public Administration Legislation	Additional Information—Estimates 1998-99
“	Community Affairs Legislation	Annual Reports—Report
“	Community Affairs Legislation	Report—additional estimates 1998-99
“	Economics Legislation	Report—additional estimates 1998-99
“	Employment, Workplace Relations, Small Business and Education Legislation	Report—additional estimates 1998-99
“	Environment, Communications, Information Technology and the Arts Legislation	Report—additional estimates 1998-99
“	Finance and Public Administration Legislation	Report—additional estimates 1998-99
“	Foreign Affairs, Defence and Trade Legislation	Report—additional estimates 1998-99
“	Legal and Constitutional Legislation	Report—additional estimates 1998-99
“	Rural and Regional Affairs and Transport Legislation	Report—additional estimates 1998-99
“	Community Affairs Legislation	Report—Health Legislation Amendment Bill (No. 4) 1998

<b>Date tabled</b>	<b>Committee</b>	<b>Title</b>
10.3	Rural and Regional Affairs and Transport Legislation	Minority Report—Regional Forest Agreements Bill 1998
“	Scrutiny of Bills	3 <sup>rd</sup> Report and Alert Digest No. 3 of 1999
“	Regulations and Ordinances	106 <sup>th</sup> Report
“	Legal and Constitutional Legislation	Report—Customs Legislation Amendment Bill (No. 1) 1998
11.3	Environment, Communications, Information Technology and the Arts Legislation	Casualties of Telstra (COT) Issue—Documents

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