

DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

hc/pro/prob/13122

No. 150

for the sitting period 6 February—8 February 2001

9 February 2001

ORDERS FOR PRODUCTION OF DOCUMENTS

Orders for production of documents and government responses to such orders were a significant feature of the sitting period.

The government made a statement on 6 February refusing to produce documents in response to the order of the Senate of 4 October 2000 requiring the documents relating to taxation minimisation schemes. The Assistant Treasurer, Senator Kemp, said that the government had adopted the novel approach of obtaining from the Democrats the grounds they would accept for withholding some documents, and had decided that all of the documents required were covered by those grounds. The grounds largely related to protecting investigations. In debate on the government statement, Senator Cook claimed that he had been told that some of the documents were available under a freedom of information request on the payment of a large fee, and that this somewhat undermined the government's claim that the documents could not be disclosed. The matter will no doubt be pursued.

A very detailed order passed on 6 February required the production of documents relating to the awarding of the contract for the Lucas Heights Nuclear Reactor. Documents were produced on 8 February in accordance with the deadline, but with a statement indicating that some documents had been withheld on the now familiar ground of commercial confidentiality, but offering to provide them on a confidential basis.

Two batches of documents were produced on 6 February in response to the order of 4 December 2000 relating to opinion polling on taxation by departments.

An order passed on 7 February requires the government to produce Federal Court and Administrative Appeals Tribunal decisions which the government claims have unintentionally broadened the scope of the definition of research and development activities and an explanation of why the decisions are unacceptable to the government, together with

other information mainly about projects which did not meet the definition. Presumably there will be no claim that the court and tribunal decisions are confidential.

An order passed on 8 February requires the Australian Competition and Consumer Commission to produce a report on retail grocery prices. The Commission has produced reports in the past in response to these kinds of Senate orders.

LEGISLATION: BICAMERAL TRANSACTIONS

Two pieces of legislation were the subject of somewhat complex procedures resulting from dealings between the Houses.

The Sydney Harbour Federation Trust Bill, a government bill initiated in the Senate, was returned with amendments made in the House by the government, in part reversing Senate amendments but in part offering alternatives. The Senate eventually agreed to the amendments made in the House with further amendments made in the Senate. Because of the numbers of amendments involved, the minister in charge of the bill moved separate motions to agree with each of the House amendments, and senators then moved amendments to those amendments. Where the further Senate amendments consisted of the omission of clauses inserted by the House amendments, the question was divided and the question that the Senate agree with the particular clauses was put.

In relation to the Australian Research Council Bill and a consequential bill, in respect of which the government had rejected Senate amendments in the House, the end result was that the Senate did not insist on some amendments, insisted on others, and made further amendments in place of those disagreed to. In order to bring about this result, it was necessary to divide the question that the Senate not insist on its amendments disagreed to.

ESTIMATES HEARINGS

The Senate on 6 February adopted the changes to arrangements for estimates hearings, recommended by the Procedure Committee:

- the abolition of supplementary hearings on additional estimates, with effect from the beginning of 2001
- allowing Senate parliamentary secretaries to represent House of Representatives ministers (but not Senate ministers) at estimates hearings, with effect from the beginning of 2002.

After a great deal of negotiation, the Senate's order allocating departments to the legislation committees for estimates hearings was amended on 8 February to allocate the new Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs to the Finance and Public Administration Committee.

SENATE DAILY SUMMARY

This bulletin provides Senate staff and others with a summary of procedurally significant occurrences in the Senate. The *Senate Daily Summary* provides more detailed information on Senate proceedings, including progress of legislation, committee reports and other documents tabled and major actions by the Senate. Like this bulletin, *Senate Daily Summary* may be reached through the Senate home page at www.aph.gov.au/senate

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