

DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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ORDERS FOR PRODUCTION OF DOCUMENTS

An order passed on 7 March provided an example of an order requiring the preparation of a document rather than the production of an existing document. It ordered that the relevant minister produce a statement on the action taken by the government in relation to the monitoring and safety control of sites of genetically engineered crops in Tasmania. A statement in response to the order was produced on time on the following day.

A further order for documents relating to taxation minimisation schemes passed on 5 March was met by another government refusal on 7 March (see Bulletin No. 150, p. 1). On this occasion, an attempt to build into the motion the grounds on which the government could legitimately withhold documents provided the government with the opportunity to claim that those grounds applied to all of the documents. The Opposition promised to pursue the matter. There was no explanation of the alleged response by the government to a freedom of information request that some of the documents could be produced under the Freedom of Information Act for a large fee.

The response on 26 February to the order for documents about Federal Court and Administrative Appeals Tribunal decisions (see Bulletin No. 150, pp 1-2) revealed that some of the decisions are in fact subject to court or tribunal confidentiality orders covering the names of the parties to the cases and, in some cases, the reasons for the decisions. The government produced, however, an explanation of its reaction to the decisions.

Two further orders for documents were passed on 26 February and 1 March, relating to the operations of the Pharmaceutical Benefits Advisory Committee and the Textile, Clothing and Footwear Strategic Investment Program, respectively.

BILLS REJECTED

The Administrative Review Tribunal Bill 2000 and an associated bill were rejected outright on 26 February by the negating of the motion for the second reading. The majority of the Senate rejected the government's proposal to amalgamate various appeals and review tribunals.

BILL DIVIDED

The Broadcasting Legislation Amendment Bill 2000 was divided into two bills on 27 February, this being only the third occasion on which the Senate has divided a bill. On this occasion the bill was a government bill initiated in the Senate, so the concurrence of the House in the division of the bill is not required. One of the resulting bills consisted of amendments previously made to the original bill and relating to multichannelling, and this bill was deferred for future consideration by means of an amendment to the motion for the adoption of the report of the committee of the whole. The other bill as passed included amendments made in the Senate. It appears that the government has accepted this method of dealing with the bill.

BILLS AMENDED: BICAMERAL TRANSACTIONS

The Australian Research Council Bill 2000 and an associated bill were finally resolved on 7 March after some complex transactions between the two Houses over disputed amendments. The complexity is indicated by the report from the committee of the whole:

- (a) the committee had considered message no. 646 from the House of Representatives relating to the Australian Research Council Bill 2000 and:
 - (i) had resolved to insist on original amendments nos 4 to 7 made and insisted on by the Senate,
 - (ii) had resolved not to insist on original amendments nos 3, 10 and 11 and had made an amendment in place of original amendment no. 3, and
 - (iii) had resolved not to insist on its amendments nos 1 to 5 which replaced original amendments nos 1, 8 and 9 and had made an amendment in place of replacement amendment no.1; and
- (b) the committee had considered message no. 647 from the House of Representatives relating to the Australian Research Council (Consequential and Transitional Provisions) Bill 2000 and had resolved to insist on amendments nos 1 to 3 made and insisted on by the Senate, had resolved not to insist on amendment no. 4 and had made an amendment in place of that amendment.

This result came about by the government accepting some Senate amendments it had earlier rejected.

The Sydney Harbour Federation Trust Bill 2000 was also resolved, on 28 February, by the government in the House accepting some Senate amendments, the Senate not insisting on other amendments and the Senate agreeing to some substitute amendments.

The extensive amendments of the Crimes Amendment (Forensic Procedures) Bill 2000 included government amendments intended to take account of points raised by senators. Other bills significantly amended included the Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 2000, the Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000 (the title of which was changed because its application to picnic days was removed), the Health Legislation Amendment Bill (No. 1) 2001, and the Trade Practices Amendment Bill (No. 1) 2000.

PRIVILEGE: ALLEGED MISLEADING EVIDENCE

The Privileges Committee received a reference on 28 February in relation to a matter raised by Senator Collins, who suggested that, during various estimates hearings, misleading evidence was given by the Secretary of the Department of Employment, Workplace Relations and Small Business, the Employment Advocate and the Acting Employment Advocate, and that there was improper interference with the evidence given by the Employment Advocate and the Acting Employment Advocate. Senator Collins suggested that, as the Employment Advocate is an independent statutory officer, it would be improper for a department to seek to have evidence by that officer changed.

PRIVILEGE: SENATORS BEFORE HOUSE COMMITTEE

The Senate agreed on 7 March to a request by the House of Representatives that certain senators be authorised to appear before the House Privileges Committee to assist it with its inquiry into an alleged unauthorised disclosure of material of a joint committee.

In the past the convention has been followed that matters of privilege arising in relation to joint committees, such as alleged unauthorised disclosures of their documents, are investigated by whichever House administers the joint committee concerned. On two previous occasions, the Senate authorised senators to appear before the House Privileges Committee in the course of such inquiries.

On this occasion, the resolution authorising the senators to appear contained a proviso indicating that the authorisation was “subject to the rule, applied in the Senate by rulings of the President, that one House of the Parliament may not inquire into or adjudge the conduct of a member of the other House”. This proviso arose from concern on the part of senators

about the propriety of senators appearing before the House committee in relation to such a matter.

The resolution does not compel the senators to appear or give evidence, but if they do appear they may provide any relevant evidence they have, but without facilitating any examination of the conduct of any senator.

CENTENARY SITTINGS

A resolution passed on 27 February provided for the commemorative sittings of the Senate in Melbourne. The Senate will meet with the House of Representatives in the Exhibition Building on 9 May and in the Legislative Council chamber on 10 May, on the same dates and in the same places as the Senate first met in 1901.

SENATOR SUSPENDED

Senator Schacht was suspended from the sitting of the Senate on 1 March for disorder, his offence being wilfully refusing to conform to the standing orders. This is the first occasion since 1991 on which a senator has been suspended for disorder.

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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