

# DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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## ORDERS FOR PRODUCTION OF DOCUMENTS

The collapse of HIH Insurance, apart from a great deal of political controversy, led to an order for production of documents relating to contacts between the company and the government, passed on a division on 23 May. The order provided for the documents to be produced on the following day, and was passed by only one vote, with not all the Australian Democrats in support. The government refused to produce the documents on the following day, and in response the Opposition indicated that the matter would be pursued unless the terms of reference of the royal commission into the collapse cover contacts between the company and the government.

So far in this Parliament there have been 43 orders for production of documents with 8 government refusals, compared with 53 orders and 4 refusals in 1993-96 and 48 orders and 5 refusals in 1996-98. In most instances in this Parliament the refusals have been pursued politically, but in some cases the Senate has imposed procedural or other penalties on the government and sought the information by other means.

An order made on 24 May requires the production of documents from the Department of Employment, Workplace Relations and Small Business. The order specifies the document and file numbers of the required documents, this information apparently having been gained by a freedom of information request. This order has a more generous deadline, 18 June.

## COMMERCIAL CONFIDENTIALITY

Senate committees have been disturbed in recent years by constant claims by departments and agencies that information relating to contracts cannot be produced because the contracts are the subject of commercial confidentiality. As a result of work by the Senate and the Finance and Public Administration Committee, the Auditor-General presented a report on the subject on 24 May. The report indicates that inadequate consideration has been given by

departments and agencies to questions of whether provisions in contracts require confidentiality. The Auditor-General reiterates the principle that contract information should be made public unless it is established that there are persuasive grounds for maintaining confidentiality of particular information. It is hoped that this report will lead to fewer claims of confidentiality before Senate committees.

### **LEGISLATION AMENDED**

The Australia New Zealand Food Authority Amendment Bill was extensively amended during its passage on 22 and 23 May. As this is a government bill initiated in the Senate, if the government in the House of Representatives wishes to reject any of the Senate's amendments, this action will take the form of amending the Senate's bill in the House.

The Great Barrier Reef Marine Park Amendment Bill was amended on 24 May on the motion of the Australian Democrats to include a provision allowing a maximum penalty for pollution offences to be set by regulation, but the penalty is limited to a fine with a ceiling.

Four bills arising from the budget, relating to social security and veterans' matters, were given specially expedited passage to allow the benefits to be distributed as soon as possible. The bills were received on 23 May and proceeded with at once, being exempted from the deadline under standing order 111 by a motion moved by leave. They were passed on 24 May, but not before extensive questioning in committee of the whole about the interpretation of provisions relating to payments to former captives of the Japanese.

### **ESTIMATES HEARINGS**

The Senate will be engaged for the next two weeks in the main round of estimates hearings, the annual budget documents having been referred to the legislation committees following the presentation of the budget on 22 May.

### **MELBOURNE SITTINGS**

In accordance with the order of the Senate of 27 February 2001, the Senate met in Melbourne on 9 and 10 May to commemorate the sittings of the two Houses on the same dates in 1901.

### ***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](http://www.aph.gov.au/senate)

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