

DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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**for the sitting period 12—14 February 2002
and Estimates Hearings 18—22 February 2002**

25 February 2002

SELECT COMMITTEE ON “CHILDREN OVERBOARD”

A select committee was appointed on 13 February to investigate the so-called “children overboard” affair, amid allegations that the government had misled the public by failing to correct claims that asylum seekers had thrown their children overboard from an Indonesian vessel. The select committee is also to investigate the so-called “Pacific solution”, whereby asylum seekers have been sent to other Pacific countries. It has a reporting date of 16 May.

Much evidence relevant to the committee’s inquiry was revealed as a result of the estimates hearings in the second week of the sittings (see below).

ESTIMATES HEARINGS

The appearance of officers of all departments before the legislation committees for the hearings on the additional estimates provided an opportunity to question them about the “children overboard” affair, and many revelations resulted, particularly relating to communications between former Minister for Defence, Mr Reith, and his former department. This resulted in Mr Reith issuing statements in response to the evidence given. Significant evidence emerged, and comment was made, about the proper role of public servants in advising ministers.

Many other revelations resulted from the hearings, particularly from the Treasury relating to alleged losses sustained in foreign currency transactions.

Three committees (Legal and Constitutional, Rural and Regional Affairs and Transport and Foreign Affairs, Defence and Trade) have not finished their estimates hearings, which will resume in the next sittings.

OTHER COMMITTEE ACTIVITIES

Many committee reports were presented on the first day of the sittings, having been finalised by the committees and released through the President during the period of the prorogation for the general election, including some highly significant reports such as that of the Economics Committee on mass marketed taxation schemes.

The committees were active during the prorogation, holding many meetings including public hearings.

All committees were reappointed in the first week of the sittings with unusual speed, because they had to be in place for the estimates hearings in the following week. Some references were re-adopted and committees held a number of meetings. The title of one committee (now Employment, Workplace Relations and Education) was changed and the allocation of departments to committees was altered to take account of new administrative arrangements.

Bills relating to the seizure of the proceeds of crime were referred to the Legal and Constitutional Legislation Committee on 14 February before the bills had been introduced, again indicating acceptance by the government of the inevitability of Senate committee scrutiny of significant legislation and the desirability of starting that scrutiny as early as possible.

The minor parties, however, were unsuccessful in attempting to refer the Regional Forest Agreements Bill to a committee on the same day, the government and opposition agreeing that, as the legislation had already been subjected to committee scrutiny and had been on the Notice Paper for many months, it should be proceeded with.

PRIVILEGES REFERENCE: SEARCH WARRANTS

The Privileges Committee received on 14 February another reference relating to the execution of search warrants in senators' premises. Senator Harris complained that the Queensland Police, in investigating claims for electoral funds under state law, executed a search warrant in one of his offices, seized material having nothing to do with the subject of the warrant, and ignored his claim that some of the seized material was protected by parliamentary privilege.

The Privileges Committee considered this subject in its 75th report. In 2000 the Senate appointed a person to examine documents seized in the office of Senator Crane and to withhold from the police those protected by parliamentary privilege (see *Odgers' Australian Senate Practice*, 10th ed, 2001, p. 43).

OPENING OF PARLIAMENT

The opening of the Parliament on 12 February followed the “old form”, no steps having been taken to change the ceremony. On the motion of Senator Ridgeway, a resolution was adopted on 13 February urging the government to heed the report of the House of Representatives Procedure Committee and include some indigenous element in an altered ceremony. A submission by the Clerk of the Senate to that committee pointed out that the ceremony contains several constitutional anomalies, and, as nothing in the ceremony is required by the Constitution, the whole ceremony could be abolished (copies of this submission are available from the Clerk’s Office).

NEW SENATORS

Two new senators were sworn in on the first day of the sittings, Senator Scullion having been elected for the Northern Territory in place of Senator Tambling, who did not stand, and Senator Colbeck having been appointed to replace Senator Newman, who resigned before the sittings. The Privileges Committee still has a reference relating to Senator Tambling’s deselection by his party (see Bulletin No. 155, pp 1-2). Senator Colbeck has also been elected to a term commencing on 1 July. There are eight other senators-elect whose terms will then begin (see the List of Senators for retiring senators and senators-elect).

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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