

No. 162

for the sitting period 19—29 August 2002

2 September 2002

ELECTION OF PRESIDENT: CONVENTION MAINTAINED

The election of a new President and Deputy President, following the swearing in of the senators whose terms began on 1 July, continued the convention whereby the President is nominated by the government parties and the Deputy President by the opposition party (the former Deputy President, Senator West, was among the senators who retired on 30 June).

ORDERS FOR PRODUCTION OF DOCUMENTS

Documents were produced on the first day of the sittings in response to two orders made on 26 June, relating to Geoscience Australia surveys of the Great Barrier Reef and greenhouse gas emissions.

Orders made during the sitting period did not meet with such success, however, and the government added to its tally of refusals to provide documents.

An order relating to live cattle exports on 20 August was responded to on the following day by the government claiming that it does not possess the documents sought, or they are the subject of commercial confidentiality.

An order on 21 August relating to information on the financial situations of higher education institutions was met on 26 August with a claim of commercial confidentiality and a statement that revealing the information would undermine confidence in the higher education sector. It was pointed out that the latter excuse is virtually an admission that the information would disclose serious difficulties which have been kept secret. The mover of the motion, Senator Carr, responded on 28 August with a notice of motion for an extensive committee inquiry into the subject. The notice is expressed to be contingent on the information not being provided before the motion is moved.

Two orders were made on 28 August for documents relating to superannuation. These orders were met on the last day of the sittings with claims that the documents were part of the deliberative processes of government, but could be released in the future.

On a more positive note, the government tabled on 29 August Customs Standing Operating Procedures in accordance with an undertaking given to the Legal and Constitutional Legislation Committee.

LEGISLATION: GOVERNMENT VOTES AGAINST OWN BILL

The Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 was radically amended on 21 August, the non-government parties claiming that it was misleading and was not about compulsory union fees. The amendments changed the bill from a prohibition on bargaining fees to a regulation of them.

In an extraordinary move after the bill was reported from the committee of the whole, the government moved the third reading and voted against it, but the bill as amended was carried. The government then returned the bill with the amendments disagreed to and the Senate insisted on its amendments on 28 August.

This is one of the bills in relation to which the government is said to be attempting to establish a “trigger” for a double dissolution under section 57 of the Constitution. It is not known whether the tactic of voting against the third reading was deliberate, but had it succeeded the validity of the supposed “trigger” would have been very much in doubt: the government presumably would have been in the position of maintaining that the Senate had rejected the bill even though the government voted against it. It could not be represented as a case of disagreement between the Houses over amendments when the bill had not been returned to the House of Representatives.

Another bill was actually rejected on 19 August: the Trade Practices Amendment (Small Business Protection) Bill 2002, negatived at the third reading. This bill raised the old question of whether secondary boycotts should be dealt with under the trade practices jurisdiction.

IRAQ MATTER

The Iraq question led to some significant moves during the period. On 21 August a motion moved by the opposition and the Democrats was passed, calling on the government to define the circumstances under which it would support a pre-emptive strike on Iraq, and to outline the evidence in support of such a strike. Remarkably, the government voted against the motion, presumably indicating that it would not make such information public.

There was considerable speculation about the Senate initiating committee hearings on the subject. A move by the Greens to set up a select committee for this purpose was defeated on 28 August, but the Democrats have a motion on the Notice Paper to be considered in the next period of sittings for the Foreign Affairs, Defence and Trade References Committee to conduct an inquiry.

PRIVILEGES COMMITTEE REPORTS

The Privileges Committee presented two reports on 27 August. The 106th report dealt with a case of alleged improper interference with a witness before the Select Committee on a Certain Maritime Incident. The claim that the witness had been interfered with was raised by an officer of the Defence Force, but the committee found no evidence of interference with the witness. This finding was adopted by the Senate on 29 August. The 107th report is a general report on the activities of the committee, updating a similar general report with information relating to the last Parliament. The committee also tabled a complete collection of advices which had been provided to the committee since the passage of the Privilege Resolutions in 1988. These documents are all on the Internet.

PROCEDURE COMMITTEE REPORT CONSIDERED

The Senate considered on 28 August the report of the Procedure Committee, adopting the proposal that the adjournment debate with an unlimited total time be shifted from Mondays to Tuesdays, but referring back to the committee for further consideration a proposal to increase the time limit for answering questions on notice from 30 days to 60 days.

ODGERS SUPPLEMENT

The updated supplement to *Odgers' Australian Senate Practice*, 10th ed, was tabled on 19 August, updating the material in the book to 30 June 2002. The supplement is also on the Internet.

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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