

# DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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**for the sitting period 4—6 February 2003  
and estimates hearings 10—14 February 2003**

**18 February 2003**

## **ESTIMATES HEARINGS**

The additional estimates hearings of the standing committees extended over five days, indicating a large number of matters relating to activities of departments and agencies which senators wished to investigate.

The committees had available to them the new procedures relating to chairs and quorums to ensure that the hearings could continue where only one or two senators were leading the questions, but these procedures were not actually relied on extensively.

Matters of interest raised in the hearings included:

- in the Environment, Communications, Information Technology and the Arts Committee the government was questioned about its decision to terminate an inquiry by a House of Representatives committee into the proposed division of Telstra: the minister accepted questions on this subject on the basis that the inquiry was in fact a government inquiry
- the procedures for persons adversely referred to in committee hearings to make a response are likely to be invoked following proceedings in the Rural and Regional Affairs and Transport Committee in which the minister and the Australian Transport Safety Bureau severely criticised the counsel assisting the royal commission on the Whyalla plane crash (this incident also illustrated the point that it is now well accepted that there is no limitation on discussion in Senate proceedings of the activities of royal commissions)
- in the Legal and Constitutional Committee the legal fees paid in relation to the royal commission on the building industry were further pursued, as was promised in the last estimates report of the committee

- in the Finance and Public Administration Committee there were heated exchanges about Senator Conroy's claim that the Australian Industry Development Corporation has incurred a loss by writing down of \$2 billion, and the government's claim that there is merely a contingent liability; it was agreed that the matter should be considered by the Auditor-General
- officers of the Departments of Defence and Foreign Affairs and Trade and the minister were closely questioned about the commitment of forces to a possible war against Iraq (see also below under Iraq matter), and about the minister's and his daughter's use of an official computer
- the alleged funding crisis in the CSIRO and the activities of the office of the Employment Advocate (a perennial subject) were explored in the Employment, Workplace Relations and Education Committee
- in the Community Affairs Committee, Centrelink was questioned about its submission to a House of Representatives committee inquiry into aging, and the extent to which the submission represented government policy, while departmental officers were questioned about internal government consideration of the bulk billing crisis
- questioning about the troubled financial industry in the Economics Committee turned into dialogues between senators, the Parliamentary Secretary to the Treasurer, departmental and statutory officers.

#### **PARLIAMENTARY PRIVILEGE: SEARCH WARRANTS**

In its 105<sup>th</sup> report last year the Privileges Committee reported that the Queensland Police had taken appropriate action to allow Senator Harris to claim parliamentary privilege in respect of documents seized in his electorate office under warrant by state police in the course of an investigation into alleged electoral irregularities. On 5 February, however, the committee reported that there remained an impasse between Senator Harris and the state police, with the police asking that he identify particular documents, while he claimed that a whole collection were all immune from seizure by virtue of parliamentary privilege. The committee reported that it had decided to adopt the same remedy as was adopted by the Senate in the Crane case (see *Odgers' Australian Senate Practice*, 10th ed, p. 43), namely, the appointment of a neutral third party to examine the documents, determine which documents are protected by parliamentary privilege and return them to the senator.

## **PARLIAMENTARY PRIVILEGE: UNAUTHORISED DISCLOSURE OF COMMITTEE REPORT**

The Privileges Committee also reported on 6 February on a case of unauthorised disclosure of a committee report, the reference having come from the Environment, Communications, Information Technology and the Arts Committee. The Privileges Committee reported that, although the committee concerned had, as required by the procedures laid down by the Senate, determined that the disclosure had harmed the work of the committee, evidence of that harm was lacking, and no contempt was found against the publishing newspaper, given the inability to identify the original discloser. Annoyance was expressed, however, that one journalist had disclosed the report in order to steal a march on her colleagues who adhered to proper processes, and there was some suggestion that unauthorised disclosure might be made a strict liability offence if some journalists continue to disregard proper parliamentary processes while expecting the Parliament to have regard to their code of ethics.

## **ORDERS FOR PRODUCTION OF DOCUMENTS**

A series of ministerial statements were made in response to various Senate orders for documents:

- ethanol: the government apologised on 5 February for not producing the documents on time but indicated that they would be provided as soon as possible
- science and technology funding: some documents were produced on 5 February, but others required by the order were said not to exist
- genetically modified food: the government indicated on 5 February that the documents would be provided as soon as possible.

A new order was made on 5 February for documents relating to the proposed radioactive waste repository. A ministerial statement on 6 February indicated that the submission by the Department of Defence required by the order did not exist, as no Defence Department submission was made; it was indicated that the Defence Department had provided advice but that this would not be made public.

## **LEGISLATION**

The saga of the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 continued on 5 February with the reporting of a message that the government insisted on disagreeing to the amendments on which the Senate last year insisted. The bill was not considered during the period.

The government listed for consideration during the period three bills which have previously been rejected by the Senate or amended in a manner unacceptable to the government. If there is disagreement again over any of the bills this will provide the government with a “trigger” for a double dissolution. Consideration of only one of the bills commenced during the period and was not concluded.

#### **IRAQ MATTER**

Further debate on the deployment of forces to a possible war against Iraq culminated on 5 February with the passage of a motion censuring the government for deploying forces to the war without any United Nations resolution sanctioning the use of force and without revealing to the public the nature of commitments given.

#### ***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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