

DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

hc/pro/prob/14368

No. 185

for the sitting on 30 August 2004

31 August 2004

PROROGATION: EXTRAORDINARY EVENTS

Extraordinary events accompanied the prorogation for the general election. The Prime Minister announced on Sunday, 29 August, that the Parliament would be prorogued and the House of Representatives dissolved on the following Tuesday afternoon. The sittings of the House of Representatives which were to commence on 30 August were then dispensed with by the Speaker. The Senate, however, met in accordance with its resolution setting its days of meeting for the rest of the year. It is not clear whether this is what the government intended, and there were various theories about it. One, referred to by Senator Ray in debate, was that the government simply did not realise that it could not dispense with the sittings of the Senate by the same kind of fiat exercised by the Speaker. Even if the government had gained support of other parties to do this, it was not possible: the provisions in standing order 55, whereby the Senate may be recalled by a majority of senators, provides only for the calling of a meeting not otherwise scheduled, and does not extend to cancelling a scheduled meeting. Another theory, based on subsequent statements by the Prime Minister, was that he wished to demonstrate that he was not attempting to avoid the appointment of a Senate committee to inquire into the latest revelations about the children overboard affair (see below).

Having appointed that committee, passed three relatively uncontentious bills, and transacted some other business, the Senate adjourned to a date to be fixed, this resolution superseding the earlier resolution fixing the sitting days.

SELECT COMMITTEE APPOINTED

A select committee of five senators was appointed to inquire into statements by Mr Mike Scafton and others that the Prime Minister was told that asylum seekers had not thrown their children overboard, contrary to his subsequent statements just before the 2001 general election.

It was necessary to hold a ballot later in the day to choose the senator to be appointed to the committee by the minor parties and independents, two nominations having been received. Senator Bartlett for the Democrats won the position over Senator Brown for the Greens.

COMMITTEE REPORTS

It had been agreed that the Community Affairs Committee report on the past treatment of children in institutional care should be presented at the beginning of the sitting, because of its significance and great public interest in it. It was necessary, however, to have the report presented by leave, because this fell in one of the two periods “quarantined” for government business. The provision in standing order 57, whereby government business only is transacted between 12:30pm and 2:00pm on Mondays and Tuesdays, sets aside other provisions giving precedence to other business, for example, the precedence given to business of the Senate under standing order 58 and the provision in standing order 63 whereby committee reports and documents ordered to be produced may be presented at any time.

The Legal and Constitutional Legislation Committee presented its report on the National Security Information (Criminal Proceedings) Bills, as with its previous reports on security bills, offering detailed critique and suggested changes to the legislation. The Anti-terrorism Bill (No. 2) 2004 was amended on the motion of the government on 13 August as a result of an earlier report by the committee.

ORDERS FOR DOCUMENTS

Documents relating to taxation and first home owners were produced in response to an order of the Senate which was made on 1 December last year.

The government also produced documents relating to matters of recent controversy: two reports from the Supervising Scientist relating to contamination at the Ranger uranium mine, and another document relating to Major O’Kane and the abuse of prisoners in Iraq.

There are still 46 orders for documents not fully complied with in the course of this Parliament.

MPI WITHDRAWN

In order to complete business on one day and to avoid sitting for another day, Senator Faulkner withdrew a matter of public importance which he had lodged under standing order 75. A senator is entitled to do this at any time before the matter is proceeded with.

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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