

# DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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**for the sitting period 4–14 September 2006**

**18 September 2006**

## **LEGISLATION**

The greatest quota of legislative time for the period was spent on the Petroleum Retail Legislation Repeal Bill 2006, the bill which terminates the scheme of regulating petrol outlets. Senator Joyce “crossed the floor” to vote with non-government parties on several amendments and on the third reading of the bill. This resulted in equally divided votes on some amendments, and none of those were carried because none had the effect of striking out a provision of the bill, and therefore required a majority to be carried. The third reading was passed with the support of the Opposition. It was in the nature of the bill that there were no provisions which could be opposed and struck out on equally divided votes. One Opposition amendment to delay the commencement of the bill was carried. Debate on one of the amendments gave rise to a quotable quote from the Leader of the Government in the Senate, Senator Minchin: “we do not believe the parliament should be giving orders to an executive arm of government”.

## **REFERRAL OF BILLS TO COMMITTEES**

An unusual motion passed on 14 September refers to the Community Affairs Committee any bills which appear in the future in response to the Lockhart report on stem cell research. This follows agreement that such a bill will be the subject of debate and a “conscience” vote in November. Senator Stott Despoja later in the day tabled a draft bill on the subject, but it is expected that a bill yet to be produced by Senator Patterson will be the one which will be considered. The resolution provides for such a bill to be referred to the committee on presentation to the President.

As a result of the Selection of Bills Committee report on 14 September, several bills, including those relating to media ownership, were referred to committees for inquiry during

the three week non-sitting period, imposing a significant workload and tight deadlines on committees during that time.

#### **OTHER COMMITTEE REFERENCES**

Proposed committee references moved by the non-government parties continued to fare poorly. Deferred votes from 17 August were taken on two references on 4 September (on quarantine and temporary business visas) and both were negatived. A proposed reference on federal police numbers was similarly negatived on 12 September. A reference on skills shortages, however, was passed on 6 September.

#### **GOVERNMENT LEGAL ADVICE TABLED**

On 4 September the Leader of the Government in the Senate, Senator Minchin, tabled the government's legal advice on the sale of Medibank Private, without being asked to do so. This was in response to a Parliamentary Library paper suggesting that the sale was of dubious legality. It contrasts starkly with previous refusals on principle to table legal advice, and a recent ministerial statement that it is long-established practice not to disclose legal advice provided to government except in the most exceptional circumstances. Such statements have long been regarded as spurious.

#### **ORDERS FOR DOCUMENTS**

A notice of motion for an order for a document may be regarded as having achieved an unusual success. It was due to be moved on 4 September, but was not moved because the document in question, the report commissioned by the Prime Minister's Department on stem cell research, had been released by the Prime Minister a few days earlier. It appeared that the government may have thought that the motion would be passed because of dissidence in government ranks on the question. The report was tabled on 13 September. (See also above, under Referral of bills to committees, for the committee inquiry into stem cell research bills.)

A motion for an order directed to Telstra was negatived on 6 September. There was no indication that the government had referred it to Telstra, but apparently made a decision for the corporation that the documents should not be disclosed.

Another motion, for a report on disability, was also negatived on 13 September.

#### **COMMITTEE REPORTS**

Reports by the standing committees on annual reports were presented on 6 September and subsequently, and all were substantial in content. There was a debate on the report of the Judge Advocate General included in the Defence portfolio reports, and it was remarked that

the ability of this independent officer to present a separate report provided a valuable monitoring device for the implementation of the recommendations of the Foreign Affairs Defence and Trade Committee on military justice.

The Regulations and Ordinances Committee tabled its regular volume of ministerial correspondence on 7 September, continuing the practice of that committee of disclosing to the Senate all of its dealings with ministers.

It was noted that the Scrutiny Bills Committee on 6 September reported on a bill which carried out a ministerial undertaking given to the committee, indicating the adoption by the committee of a process similar to that of the Regulations and Ordinances Committee.

#### **ESTIMATES INFORMATION**

Additional information provided by departments and agencies as a result of estimates hearings and tabled on 14 September included some material going back to the 1998-9 hearings, leading to some remarks by Senator Stephens about the tardiness of some responses.

#### **SENATORS' INTERESTS**

The Senators' Interests Committee tabled on 13 September documents indicating its consideration of a complaint made to it about the registration of senators' interests.

The Minister for Fisheries, Forestry and Conservation, Senator Abetz, complained to the committee about Senator Bob Brown not disclosing the sources of donations he had received for a fund to finance a legal action. The committee pointed out that the Senate's resolution relating to registration of interests does not explicitly require the sources of gifts to be disclosed, and that the committee does not have the task of investigating alleged breaches of the registration requirements. At the same time, the committee considered an unauthorised disclosure of Senator Abetz's correspondence. Senator Abetz explained that his correspondence had been disclosed by a temporary member of his staff who was unaware of the requirements relating to unpublished committee correspondence. The committee decided not to further pursue that matter.

#### **AUDIT REPORT**

An Audit Office report on 7 September on minor capital equipment procurement by the Defence Department led to a speech by Senator Bishop in which he pointed out that the Department of Defence has the same poor record with minor procurement as it has with major items.

## ***ODGERS' AUSTRALIAN SENATE PRACTICE***

The Supplement to the 11<sup>th</sup> edition of *Odgers*, updated to 31 August, was tabled on 4 September and is on the Internet. The file of the printed copies of unreported court judgments referred to in *Odgers*, which is held in the Clerk's Office and the Senate Research Section, has also been updated.

## **SENATE/INDONESIAN CO-OPERATION**

A report tabled on 4 September indicates an extensive program of co-operation between the Senate Department and the members and secretariat of the new Indonesian regional chamber (the Dewan Perwakilan Daerah, or DPD).

## **ACCOUNTABILITY REPORT**

The blocking by the government of all "controversial" subjects for committee references and the referral of bills to committees will probably result in a shift in emphasis in the committee system from inquiries to legislation, but the short reporting times may hamper the effectiveness of the inquiries into bills.

There is now a very long list of documents of all kinds which the government has refused to disclose.

## **RELATED RESOURCES**

The *Dynamic Red* records proceedings in the Senate as they happen each day.

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, these documents may be reached through the Senate home page at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

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