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No. 69 2002–03

National Health Amendment (Pharmaceutical
Benefits - Budget Measures) Bill 2002 [No. 2]

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I N F O R M A T I O N A N D R E S E A R C H S E R V I C E S

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National Health Amendment (Pharmaceutical Benefits -
Budget Measures) Bill 2002 [No. 2]

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25 November 2002

National Health Amendment (Pharmaceutical Benefits - Budget Measures) Bill 2002 [No. 2]

Date Introduced: Reintroduced 13 November 2002

House: House of Representatives

Portfolio: Health and Ageing

Commencement: Items 1-24 of Schedule 1 commence on 1 August 2002, items 25-28 commence on 1 January 2003, and the remaining items commence on Royal Assent

This Bill is identical to a Bill introduced in the House of Representatives on 6 June 2002. The Bill was negatived at the Second Reading stage in the Senate on 20 June 2002.

Readers are referred to the [Bills Digest](#) of 18 June 2002. ¹

Possible double-dissolution trigger

It should be noted that the Bill has the potential to be a double dissolution trigger. Pursuant to section 57 of the Australian Constitution, the Prime Minister may advise the Governor-General to dissolve both Houses of Parliament when the following requirements are met:

- a Bill is passed by the House of Representatives, but the Senate 'rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree'
- a three-month interval elapses from the date of the Senate's action or inaction, and ²
- the House of Representatives again passes the Bill ('with or without any amendments which have been made, suggested, or agreed to by the Senate') and the Senate again 'rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree'.

In the present case, if the House of Representatives passes this Bill again and the Senate refuses or fails to pass ³ the Bill or passes it with amendments unacceptable to the House, the requirements of the section will have been satisfied.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Once all necessary preconditions have been met, the Government may advise the Governor-General to dissolve both Houses immediately or it may delay its request for a simultaneous dissolution until any date up to 6 months before the House of Representatives is due to expire.⁴ The latest polling date for a double dissolution election is Saturday, 16 October 2004.

Endnotes

- 1 Bills Digest, No. 170, 2001-02.
- 2 See *Victoria v Commonwealth* (1975) 134 CLR 81.
- 3 If the Senate did not reject the Bill outright but declined to deal with it within the Government's timeframe, such a delay may or may not amount to a 'failure to pass' within the meaning of section 57 of the Constitution. What amounts to a 'failure to pass' depends on the particular circumstances. In *Victoria v Commonwealth* the Court stated that the Senate must have a proper opportunity to consider the Bill, see Barwick CJ at 134 CLR 121-122.
- 4 '[Timetables for the Next Commonwealth Election](#)', Research Note No.37 2001-2002, Rob Lundie, Politics and Public Administration Group (IRS).

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