

No. 112

for the sitting period 24 February-6 March 1997

10 March 1997

There was a preoccupation with the committee hearings on the estimates during this period, but some matters of procedural interest occurred.

ORDERS FOR PRODUCTION OF DOCUMENTS

An order was passed on 3 March for the production of a report by a barrister on alleged conflicts of interest involving the Civil Aviation Safety Authority. The order for the document, anticipating a difficulty with its production, provided for protection of personal information about persons named or identified in the report. The document was duly produced on the following day with the names of some persons mentioned in it blacked out.

An order passed on 5 March arose from controversy about the joint Australian-United States defence exercise on the North Queensland coast. The order provided a further example of one requiring the creation of a document rather than the production of a document already existing, because it required an itemised account of costs to be prepared. The document was duly tabled on the following day.

Throughout the period many indexed lists of departmental files were tabled in response to the Senate's order requiring the production of such lists. The lists are tabled in electronic form as well as hard copy.

As if to demonstrate that every matter of controversy at some stage results in an order for the production of documents, the question of alleged irregularities in payments of Senator Colston's entitlements led to the passage of an order, on his motion, on 4 March, for the production of details of travelling allowance payments made to senators since 1 January 1992. Such details have been tabled in the Senate in recent years, but in earlier years only payments in relation to committees were tabled. On the following day an unsuccessful

attempt was made to reopen the hearing on the estimates at which some of the allegations were raised.

LEGISLATION CONSIDERED

In an unusual step on 3 March, the government went further than proposing amendments to one of its own bills to gain passage of the legislation through the Senate, and had one of its bills discharged from the Notice Paper. The minister concerned stated that the government had decided not to pursue the bill, the Immigration (Education) Charge Amendment Bill 1996, particularly having regard to the disallowance of relevant regulations by the Senate (see Bulletin No. 109, p. 2). The motion to discharge the bill was moved on 25 February but was adjourned so that senators could examine the reasons for the motion. Two other bills in the package were passed but with amendments apart from those proposed by the government in association with the discharge of the abandoned bill.

An example of the government moving amendments to its bills as a result of committee scrutiny and to overcome criticism of them was provided by the education services for overseas students package of bills, which were significantly amended on 3 March.

The package of bills designed to provide incentives for membership of private health insurance funds was substantially amended on 4 March.

DELEGATED LEGISLATION

The Regulations and Ordinances Committee presented two special reports on 6 March, one relating to its scrutiny of instruments made in preparation for the Sydney 2000 Olympic Games, and the other relating to the legislative instruments bill. The latter report consisted of a paper presented to the 4th Commonwealth Conference on Delegated Legislation in Wellington, New Zealand, in February, and contained an account of the peregrinations of that bill, which is designed to overhaul the delegated legislation system (see Bulletin No. 110, p. 3).

For a government bill abandoned partly because of disallowance of regulations, see under Legislation, above.

VACANCIES

The Senate passed a resolution on 4 March calling on two states to fill casual vacancies expeditiously (the vacancies referred to were that created by the death of Senator Panizza and an anticipated vacancy caused by the resignation of Senator Woods, which occurred on 7 March). The resolution was apparently prompted largely by statements by the Premier of Queensland that a casual vacancy in Queensland caused by a mooted resignation by Senator Colston might not be filled in accordance with section 15 of the Constitution.

PARLIAMENTARY APPROPRIATIONS

The Appropriations and Staffing Committee presented on 26 February its report on the determination of the additional and annual appropriations for the Senate, indicating that the Minister for Finance had not included in the additional appropriation bill matters which had been determined by the committee, without consultation with the committee. The report, which was discussed at the estimates hearing on the same day, presaged possible difficulties in reaching agreement with the government over the annual estimates for 1996-97, but was somewhat overtaken by a statement by the President on 5 March that she and the Speaker had decided to pursue a scheme of incorporating the joint parliamentary departments into the two House departments.

COMMITTEES

The Finance and Public Administration References Committee presented on 3 March a transcript of a round table discussion the committee had held on the government's paper on the future direction of the Public Service.

The report of the Legal and Constitutional Legislation Committee on the Euthanasia Laws Bill, presented on 6 March, was unusual in containing lengthy additional statements by senators on the bill.

The estimates committees presented their reports on the additional estimates for 1995-96 on 6 March. Their supplementary hearings will occur at the beginning of May.

The following committee reports were presented during the period:

Date tabled	Committee	Title
24.2	Community Affairs Legislation	Report—Annual Reports

Date tabled	Committee	Title
"	National Crime Authority	Report—Law Enforcement in Australia
"	Environment, Recreation, Communications and the Arts Legislation	Report—Annual Reports
"	Foreign Affairs, Defence and Trade Legislation	Additional Information—Estimates 1996-97
25.2	Economics Legislation	Report—Annual Reports
"	Employment, Education and Training Legislation	Report—Annual Reports
"	Rural and Regional Affairs Transport Legislation	Report—Annual Reports
26.2	Appropriations and Staffing	25th Report
27.2	Procedure	1st Report of 1997
"	Legal and Constitutional References	Report—Payment of a Minister's Legal Costs: Part 2
"	Scrutiny of Bills	2nd Report and Alert Digest No. 2 of 1997
3.3	Finance and Public Administration References	Australian Public Service
5.3	Environment, Recreation, Communications and the Arts Legislation	Report—Telecommunications Bills Package 1996
"	Scrutiny of Bills	3rd Report and Alert Digest No. 3 of 1997
6.3	Legal and Constitutional Legislation	Report—Euthanasia Laws Bill 1996
"	Regulations and Ordinances	Report—Sydney 2000 Olympic Games Legislative Instruments
"	Regulations and Ordinances	Conference Paper
"	Community Affairs Legislation	Report—Additional Estimates 1996-97
"	Economics Legislation	Report—Additional Estimates 1996-97
"	Employment, Education and Training Legislation	Report—Additional Estimates 1996-97
"	Environment, Recreation, Communications and the Arts Legislation	Report—Additional Estimates 1996-97
"	Finance and Public Administration Legislation	Report—Additional Estimates 1996-97
"	Foreign Affairs, Defence and Trade Legislation	Report—Additional Estimates 1996-97
"	Legal and Constitutional Legislation	Report—Additional Estimates 1996-97
6.3	Rural and Regional Affairs and Transport Legislation	Report—Additional Estimates 1996-97

Date tabled	Committee	Title
"	Finance and Public Administration Legislation	Report—Annual Reports
"	Superannuation Select	22nd Report—Retirement Savings Accounts Legislation

Inquiries: Clerk's Office
 ☎ (06) 277 3364