

DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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RESPONSE BY WITNESS

The Environment, Communications, Information Technology and the Arts Legislation Committee on 9 August referred the Senate to, and had incorporated in Hansard, a statement by Mr Roger Beale, the Secretary of the Department of the Environment and Heritage, responding to remarks made about him at an estimates hearing by Senator Bolkus.

Privilege Resolution No. 1, relating to the protection of witnesses, provides in paragraph (13) a right of witnesses to respond to adverse references to them in *evidence*. Although this could be interpreted as allowing responses only to remarks by other witnesses, it has been taken to refer to any remarks made at a committee hearing.

AUDIT REPORT IN RESPONSE TO RESOLUTION

A comprehensive report by the Auditor-General on parliamentary entitlements presented on 7 August provided a further example of the Auditor-General conducting an inquiry and reporting in response to a request by the Senate. In earlier times the Senate made orders for the production of documents requiring audit reports, but as the 1997 Auditor-General Act makes it clear that the Auditor-General is not subject to parliamentary or ministerial direction, these resolutions are now couched in terms of requests.

PRIVILEGE: DESELECTION OF A SENATOR

Senator Tambling succeeded on 7 August in having referred to the Privileges Committee the matter of his deselection by the Northern Territory Country Liberal Party. Documents which he presented to the Senate indicate that he was directed by the president of the party to vote against the Interactive Gambling Bill, and that the central council of the party then

disendorsed him as the party's candidate in consequence of his voting for the bill. The reference asks the Privileges Committee to consider whether the party's purported direction to him and subsequent action constituted contempts of the Senate. Privilege Resolution No. 6 declares that the Senate may treat as a contempt any interference with a senator's free performance of the senator's duties and any attempt to impose a penalty on a senator in consequence of the performance of such duties. This is the first occasion on which an attempt by a political party to discipline a member of the Parliament has been examined as a matter of privilege.

SEARCH WARRANTS: EXAMINATION OF DOCUMENTS

The order of the Senate requiring Mr Stephen Skehill to examine the documents seized under search warrant in the offices of Senator Crane (see *Odgers' Australian Senate Practice*, 9th ed, electronic update, p. 43) was supplemented on 8 August by another order requiring Mr Skehill to return to Senator Crane any documents discovered to be outside the scope of the search warrants. The purpose of this further order is clear: if Mr Skehill were to discover documents the seizure of which was not authorised by the search warrants, he would be obliged under the original order to pass them to the police. It was not indicated whether he has in fact discovered any such documents. The original order was framed on the assumption that all of the documents seized fell within the scope of the warrants.

LEGISLATION: BILLS REJECTED, AMENDED

A package of bills relating to superannuation and a separate bill on the same subject were rejected outright on 8 August. It appears that the bills were rejected because the government had not indicated in advance agreement with amendments. One of the subjects of the bills was choice of superannuation funds.

Three bills were extensively amended during the period: the Environmental Legislation Amendment Bill (No. 2) 2001, the Workplace Relations Amendment (Termination of Employment) Bill 2000, and the National Crime Authority Legislation Amendment Bill 2000. The second bill, relating to the long-controversial subject of unfair dismissal, was said by the Democrats to have been "gutted" by the amendments they put forward, and the amendments of the third bill removed key provisions, including those to give the National Crime Authority powers against contempts of the Authority.

ORDERS FOR DOCUMENTS

Two orders were passed on 9 August, both on the motion of Senator Greig and both relating to fisheries. The deadline for the production of documents is 30 August in both cases.

VACANCY

A vacancy occurred and was filled during the winter adjournment with the resignation of Senator John Woodley and the appointment by the Queensland Parliament of Senator John Cherry, who was sworn in on 6 August.

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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