

# Public Accounts Committee and the Senate



Report

**264**

Joint Committee of  
Public Accounts



THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOINT COMMITTEE OF PUBLIC ACCOUNTS

REPORT 264

PUBLIC ACCOUNTS COMMITTEE AND THE SENATE

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CANBERRA 1987

JOINT COMMITTEE OF PUBLIC ACCOUNTS

FIFTEENTH COMMITTEE

R E TICKNER, MP (Chairman)  
SENATOR J O W WATSON (Vice-Chairman)

SENATOR THE HON DAME MARGARET GUILFOYLE, DBE	B J CONQUEST, MP
SENATOR B COONEY	A J DOWNER, MP
SENATOR G MAGUIRE	R J KELLY, MP
SENATOR P GILES	H MAYER, MP
	J G MOUNTFORD, MP *
	G B NEHL, MP
	L R S PRICE, MP
	P M RUDDOCK, MP
	DR A C THEOPHANOUS, MP
	DR D J H WATSON, MP

\*Ex-officio member being Chairman,  
House of Representatives Standing Committee  
on Expenditure

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(iii)

## DUTIES OF THE COMMITTEE

Section 8.(1) of the Public Accounts Committee Act 1951 reads as follows:

Subject to sub-section (2), the duties of the Committee are:

- (a) to examine the accounts of the receipts and expenditure of the Commonwealth including the financial statements transmitted to the Auditor-General under sub-section (4) of section 50 of the Audit Act 1901;
- (aa) to examine the financial affairs of authorities of the Commonwealth to which this Act applies and of intergovernmental bodies to which this Act applies;
- (ab) to examine all reports of the Auditor-General (including reports of the results of efficiency audits) copies of which have been laid before the Houses of the Parliament;
- (b) to report to both Houses of the Parliament, with such comment as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;
- (c) to report to both Houses of the Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys; and
- (d) to inquire into any question in connexion with the public accounts which is referred to it by either House of the Parliament, and to report to that House upon that question,

and include such other duties as are assigned to the Committee by Joint Standing Orders approved by both Houses of the Parliament.

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## PREFACE

Disagreement has arisen between the Senate and the Public Accounts Committee about whether the Committee has the right to sit while the Senate is sitting. The Senate is of the view that the Committee has no such right and cannot sit during Senate sittings without the authority of the Senate to do so. On the other hand, the Committee believes it has a statutory right, under section 6A(1) of the Public Accounts Committee Act 1951, to sit whenever it determines.

Because of the extreme difficulties the Committee is encountering in arranging sufficient meetings which enable it to carry out its program and which do not clash with Senate sittings, the Committee feels it should formally make known its opinion on the question of concurrent sittings.

For and on behalf of the Committee.



R E TICKNER, MP  
Chairman



M J Talberg  
Secretary  
Joint Committee of Public Accounts  
Parliament House  
Canberra  
25 February 1987

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OVERVIEW

1.1 For many years the Public Accounts Committee has encountered considerable difficulty in arranging sufficient meetings which would enable it to complete its program and which would not clash with Senate sittings. The Committee has attempted to accommodate the sittings of the Senate, however, on several occasions, particularly in 1986, the scale of the Committee's program has demanded that the Committee sit when the Senate is sitting.

1.2 Prior to September 1983 the Committee, as a matter of courtesy, had sought the Senate's authority to sit during Senate sittings but authority was not always given. The Committee's practice of seeking authority ceased in September 1983.

1.3 The Senate has based its argument that the Committee is not entitled to sit without the Senate's authority, on Senate Standing Order 300 which states:

"300. A Select Committee may adjourn from time to time, and, by Order of the Senate, from place to place; and may sit on those days over which the Senate is adjourned; but no Select Committee may sit during the sittings of the Senate." (Appendix A).

1.4 The Committee believes it has legislative authority to determine when it sits under sub-section 6A (1) of the Public Accounts Committee Act 1951 which provides:

"6A(1) The Committee may meet at such times and at such places within Australia as the Committee, by resolution, determines or, subject to any resolution of the Committee, as the Chairman determines, but shall not meet at any place outside Australia." (Appendix B).

LEGAL OPINIONS

2.1 In May 1982 the Committee sought advice from the Attorney-General's Department on what the Committee regarded as a conflict between sub-section 6A(1) and Senate Standing Order 301. This Order reads:

"301. All Committees sitting at the time the President is about to take the Chair shall be informed thereof by the Usher of the Black Rod; all proceedings after such notice shall be null and void." (Appendix A).

2.2 On 27 May 1982 the Attorney-General's Department advised that there is no conflict and that the Committee may meet whenever it so resolves, regardless of the provisions of the Senate Standing Orders (Appendix C).

2.3 The advice stated that Senate Standing Order 301 appears in Chapter XXII of the Senate Standing Orders which is headed "Select Committees" and together with other Standing Orders in that Chapter (which includes Standing Order 300) only applies to Select Committees and, by virtue of Standing Order 37A, to Standing Committees unless the Senate otherwise orders.

2.4 The Attorney-General's Department also advised that it is very doubtful whether any of the provisions of Chapter XXII or Chapter XXVII (relating to Joint Committees) even purport to apply to statutory joint committees. Such a committee is regulated by the terms of the statute under which it is set up.

2.5 On 8 September 1983 the Attorney-General advised that he had reviewed the advice from his department and agreed with it (Appendix D).

2.6 On 15 November 1986 the Hon. Justice Paul Toose, CBE, advised that he agreed with the views of the Attorney-General's Department and the Attorney-General (Appendix E).

#### STANDING ORDERS COMMITTEE REPORT

3.1 On 6 October 1983 a report of the Standing Orders Committee was tabled in the Senate. Part of the report related to meetings of the Committee during sittings of the Senate (Appendix F).

##### Paragraph 1

3.2 Paragraph 1 of the report states that Standing Order 300 applies to joint statutory committees except in so far as the relevant statutes otherwise provide for the procedures of the committees. The Committee believes that, firstly, Standing Order 300 does not apply to joint statutory committees and, secondly, even if the Order did apply the Public Accounts Committee Act 1951 has otherwise provided for the procedures of the Committee.

3.3 Although it is a matter of practice, not a rule as paragraph 1 states, for Senate procedures to apply to joint committees, such committees are a different category to joint statutory committees.

3.4 The different categories of committees are recognised by Odgers who says that 'statutory committees like the...Joint Committee of Public Accounts,...are joint committees, but, because of the different authority for, and mode of, appointment, they are better known as statutory committees.'

3.5 As advised by the Attorney-General's Department in its opinion of 27 May 1982 (Appendix C), Chapter XXII of the Senate Standing Orders applies to Select Committees, and by virtue of

1. Odgers J R, Australian Senate Practice, Fifth Edition (1976) p. 519.

Standing Order 37A to Standing Committees, and Chapter XXVII applies to Joint Committees. There is no provision in the Senate Standing Orders which extends the operation of the Orders to cover joint statutory committees.

3.6 Even if the Senate Standing Orders did apply to the Committee, the Public Accounts Committee Act 1951 provides for the procedures of the Committee and an enactment of both Houses of Parliament would take precedence over the rules and orders of one House.

##### Paragraph 2

4.1 Paragraph 2 of the report objects to a literalist interpretation of sub-section 6A(1) which would enable the words 'at such times' to allow 'the Committee to meet at any time at all, notwithstanding any specific rule concerning meetings at particular times'. The Committee believes sub-section 6A(1) is unambiguous and therefore should be interpreted literally.

4.2 Because the language used is plain and unambiguous there is no need for any interpretation other than a literal one and the Committee agrees with the comment by Gifford and Gifford that: 'If the meaning of the words is plain, the plain meaning rule is applied; and there is no room to use any other rule at all'.<sup>2</sup>

##### Paragraph 3

5.1 Paragraph 3 of the report sets out the reasons why the Standing Orders Committee has difficulty accepting a literalist interpretation of sub-section 6A(1). The first reason given is that 'a better interpretation' is that sub-section 6A(1) does not more than indicate the means by which the Public Accounts Committee's meeting times are to be determined, that is, by its resolution.

5.2 No reason or rule of statutory interpretation is given for this 'better' interpretation and the Committee does not agree with such a restricted reading down of the terms of the sub-section. The words used are very clear and there is no indication in the sub-section that they are to be read down to refer to only the resolution of meeting times.

5.3 If the meaning of an Act of Parliament is clear, it is not for the reader to work out what he thinks the intention of Parliament really was and then to give the words of the Act a different meaning to agree with that supposed intention.<sup>3</sup>

5.4 Further reasons given for the Standing Orders Committee's objection to a literalist interpretation are that it should not be presumed that Parliament has, firstly, statutorily set aside one of its House's rules unless it has done so by express words and, secondly, discriminated between the Public Accounts Committee and the Public Works Committee.

2. Gifford K H & Gifford K J, How to Understand an Act of Parliament, Fifth Edition (1982) p. 75.

3. Gifford K H & Gifford K J, *supra*, p. 76.

5.5 The Committee does not argue, and never has, that its Act sets aside one of the Senate's rules. For the reasons given in this report, the Committee believes that the Senate's rules do not apply to this particular committee but there is no question of those rules being set aside. They continue to operate in relation to the committees over which the Senate has jurisdiction while the Committee operates under its Act.

5.6 The Committee believes that the absence of a provision similar to sub-section 12(5) of the Public Works Committee Act 1969 indicates that Parliament has, in fact, treated the two committees differently. Sub-section 12(5) reads:

"(5) The Committee shall not meet or transact business on a sitting day of either House of the Parliament during the time of the sitting, except by leave of that House." (Appendix G).

5.7 Sub-section 6A(1) of the Public Accounts Committee Act 1951 is, apart from having no reference to external territories, identical to sub-section 12(1) of the Public Works Committee Act 1969. Sub-section 6A(3) which allows the Committee to meet notwithstanding any prorogation of Parliament, is identical to sub-section 12(4).

5.8 During the parliamentary debate in 1979 when sub-section 6A(1) was inserted reference was made to the Committee being given the same powers as the Public Works Committee, with regard to meetings, but there is no mention in Hansard of the same restrictions being imposed on the Committee.<sup>1</sup>

5.9 Parliament was aware of the provisions of section 12 of the Public Works Committee Act when section 6A was inserted but no provision similar to sub-section 12(5) was included. This indicates that Parliament did intend to differentiate between the two committees. In doing so Parliament may well have taken into account the fact that the Committee ordinarily sits within the Parliament building while the Public Works Committee mostly meets at the sites of public works far removed from Parliament.

5.10 If a statutory committee is bound by Senate Standing Order 300 why was it considered necessary to include sub-section 12(5)? The inclusion of such a provision indicates that without this prohibition the Public Works Committee would have the right to determine when it sits, ie it would have the same power that the Public Accounts Committee now has.

5.11 The report also states that there is no evidence that it was the purpose or object of sub-section 6A(1) to override the prohibition upon meetings during the (Senate) sittings and that in debate at the time it was stated that the purpose was to remove any doubt about the power of the Committee to meet anywhere in Australia and to sit during a parliamentary recess.

1. House of Representatives, Hansard, 8 Nov. 1979 p. 2816.

5.12 Since the insertion of sub-section 6A(1) gave the Committee the power to determine its sitting times there was no need to refer to overriding any prohibition. During debate it was stated that for some time the legal position with respect to the Committee's power to meet anywhere in Australia and to sit during a parliamentary recess had not been clear.<sup>5</sup> This implies that the position with regard to the Committee's power to sit during sittings did not require clarification and consequently did not warrant debate.

5.13 In any event, the Committee does not think it is necessary to look behind the legislation at extrinsic material to find the meaning of sub-section 6A(1). Although the Acts Interpretation Act 1901 section 15AB provides that extrinsic material may be used to assist in the ascertainment of the meaning of a provision of an Act in certain situations, none of those situations arise in this matter. The wording of sub-section 6A(1) is plain and unambiguous and should be taken to mean exactly what it says.

5.14 It is noted that Pettifer is of the view that sub-section 6A(1) may be interpreted to mean that the Committee may meet while the Senate is sitting although this is not consistent with the general theory 'that the duty of a Senator is first to the Senate, and that he should not subordinate that duty to any lesser duty'.<sup>6</sup>

#### CONCLUSION

6.1 The Committee believes that Senate Standing Orders 300 and 301 do not apply to it and that the only way the Committee could be prevented from sitting during Senate sittings would be if a provision similar to sub-section 12(5) of the Public Works Committee Act 1969 were inserted in the Public Accounts Committee Act 1951.

6.2 Since the Committee has found it essential to sit during Senate sittings to complete its program and proposes to continue sitting when it considers necessary, it concludes that the power given by the sub-section 6A(1) should remain unaltered.

6.3 Subsequent to the preparation of the preceding paragraphs, a further opinion was given by the Attorney-General's Department on 30 January 1987 (Appendix H). This opinion confirmed the earlier advice given by the Attorney-General and the Attorney-General's Department.

5. House of Representatives, Hansard, 8 Nov. 1979 p. 2816.

6. Pettifer J A, House of Representatives Practice (1981) p. 600.

**APPENDIX A**

**SENATE STANDING ORDERS 300 AND 301**

Adjournment of  
Committee  
Not to sit when  
Senate is sitting

**300.** A Select Committee may adjourn from time to time, and, by Order of the Senate, from place to place; and may sit on those days over which the Senate is adjourned; but no Select Committee may sit during the sittings of the Senate.

**301.** All Committees sitting at the time the President is about to take the Chair shall be informed thereof by the Usher of the Black Rod; all proceedings after such notice shall be null and void.

Committee to  
suspend Business  
on President  
taking Chair

APPENDIX B

PUBLIC ACCOUNTS COMMITTEE ACT 1951  
SECTION 6A

2

*Public Accounts Committee Act 1951*

s. 5

(4) Either House of the Parliament may appoint one of its members to fill a vacancy amongst the members of the Committee appointed by that House.

(5) Each member shall cease to hold office when the House of Representatives expires by effluxion of time or is dissolved.

Added by  
No. 70, 1976,  
s. 3

(6) At any time at which—  
(a) there is constituted a Standing Committee of the House of Representatives known as the Expenditure Committee; and  
(b) the Chairman of that Committee is not a member of the Joint Committee of Public Accounts by virtue of an appointment under sub-section (2),

that Chairman shall, by virtue of his office as Chairman of the Expenditure Committee, be a member of the Joint Committee of Public Accounts in addition to the members referred to in sub-section (1), but is not eligible to be elected as Chairman of the last-mentioned Committee.

Chairman  
and Vice-  
Chairman

6. (1) There shall be a Chairman and a Vice-Chairman of the Committee, who shall be elected by the members from time to time and shall hold office as Chairman and Vice-Chairman during the pleasure of the Committee.

Substituted by  
No. 216, 1973,  
s. 3

(2) The Chairman shall preside at all meetings of the Committee at which he is present.

Inserted by  
No. 216, 1973,  
s. 3

(2A). In the event of the absence of the Chairman from a meeting of the Committee, the Vice-Chairman shall, if he is present at that meeting, preside at that meeting.

(3) In the event of the absence of both the Chairman and the Vice-Chairman from a meeting of the Committee, the members present may appoint one of their number to preside at the meeting, and the member so presiding shall, in relation to the meeting, have all the powers and functions of the Chairman.

Meetings of  
Committee  
Inserted by  
No. 187, 1979,  
s. 3

6A. (1) The Committee may meet at such times and at such places within Australia as the Committee, by resolution, determines or, subject to any resolution of the Committee, as the Chairman determines, but shall not meet at any place outside Australia.

(2) At any time when the Chairman is absent from Australia or is, for any reason, unable to perform the duties of his office or there is a vacancy in the office of Chairman, the Vice-Chairman may exercise the powers of the Chairman under sub-section (1).

(3) The Committee may meet and transact business notwithstanding any prorogation of the Parliament.



## ATTORNEY-GENERAL'S DEPARTMENT

### APPENDIX C

LEGAL OPINION DATED 27 MAY 1982 FROM  
THE ATTORNEY-GENERAL'S DEPARTMENT

TEL: 619111

CANBERRA, A.C.T. 2600  
PLEASE QUOTE A/82/2550.  
YOUR REF: A5/2/2

The Secretary,  
Joint Parliamentary Committee  
of Public Accounts,  
Parliament House,  
CANBERRA. A.C.T. 2600

27 May 1982

Public Accounts Committee Act 1951, s.6A(1); Senate  
Standing Order 301 - Convening of Public Accounts  
Committee Meetings During Senate Sittings

I refer to your memorandum of 6 May 1982 seeking  
the comments of this Department on what you see as a conflict  
between s.6A(1) of the Public Accounts Committee Act 1951  
('the Act') and Senate Standing Order 301.

2. Section 6A(1) of the Act provides:

'6A. (1) The Committee may meet at such times  
and at such places within Australia as the Committee,  
by resolution, determines or, subject to any  
resolution of the Committee, as the Chairman  
determines, but shall not meet at any place outside  
Australia.'

3. Standing Order 301 provides:

'301. All Committees sitting at the time the  
President is about to take the Chair shall be  
informed thereof by the Usher of the Black Rod;  
all proceedings after such notice shall be null  
and void.'

4. In my view there is no conflict between s.6A(1)  
of the Act and Senate Standing Order 301. Standing Order  
301 appears in Chapter XXII of the Senate Standing Orders  
which is headed 'Select Committees'. Throughout Chapter XXII  
both the expressions 'Select Committee' and 'Committee' are  
used. Standing Order 301, in common with the other provisions  
in Chapter XXII, applies only to Select Committees of the  
Senate and (by virtue of Standing Order 37A) to Standing  
Committees unless the Senate otherwise orders. However,

2.

the practice followed in the Parliament (see Odgers, Australian Senate Practice, Fifth Edition (1976), p.520), at least in relation to non-statutory joint committees, has been in some respects the same as that in relation to Senate Select Committees.

5. It is very doubtful whether any of the provisions of Chapter XXII or Chapter XXVII of the Senate Standing Orders, when read in their full contexts, even purport to apply to statutory joint committees. Such a committee is regulated by the terms of the statute under which it is set up, augmented by any regulations made under that Act. Even if some of the provisions in Chapter XXII of the Standing Orders are read as purporting to apply to the Parliamentary Accounts Committee they cannot, in the light of s.6A(1) of the Act, validly operate to prevent the Committee meeting during a sitting of the Senate. (The Act is a valid enactment of the Parliament under s.51(XXXIX) of the Constitution - see R. v. Richards; Ex parte Fitzpatrick and Browne (1955) 92 C.L.R. 157; the remarks at pp.168-169 about the Parliamentary Proceedings Broadcasting Act 1946, which (inter alia) established a Joint Committee on the Broadcasting of Parliamentary Proceedings, seem applicable to the Public Accounts Committee Act 1951. The Act would prevail over any inconsistent rules or orders of a House made under s.50(iii) of the Constitution.)

6. I answer your specific questions as follows:

- (a) The Committee may meet whenever it so resolves, regardless of the provisions of the Senate Standing Orders;
- (b) the protection of the Parliament applicable to members and staff of the Committee and witnesses appearing before it continues to apply to Committee proceedings during Senate sittings. Likewise the specific provisions protecting witnesses (s.19 of the Act) continue to apply to a witness appearing before the Committee while the Senate is in session; and
- (c) Senate Standing Order 301 could have no effect on the Committee's proceedings should the Committee resolve to meet while the Senate is in session.

7. I am sending a copy of this memorandum to the Department of Administrative Services which is responsible for the administration of the Act.

APPENDIX D

LEGAL OPINION DATED 8 SEPTEMBER 1983 FROM  
THE ATTORNEY-GENERAL



SENATOR THE HON. GARETH EVANS

ATTORNEY-GENERAL  
PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600

8 - SEP 1983

APPENDIX E

LEGAL OPINION DATED 15 NOVEMBER 1986 FROM  
THE HON. JUSTICE PAUL TOOZE, CBE

Mr.

Senator G Georges  
Chairman  
Joint Parliamentary Committee  
on Public Accounts  
Parliament House  
CANBERRA ACT 2600

Dear George,

Public Accounts Committee Act 1951, s.6A(1);  
Senate Standing Order 301 - Convening of Public  
Accounts Committee Meetings During Senate Sittings

You have asked for my views on the possible conflict  
between s.6A(1) of the Public Accounts Committee Act 1951  
('the Act') and Senate Standing Order 301.

I have reviewed the advice from my Department contained  
in the letter of 27 May 1982 to the Secretary of your  
Committee (copy attached), and advise you that I agree  
with it.

Yours sincerely,

GARETH EVANS

The Hon Justice  
Paul Toose, CBE  
Borambola Park  
RMB 691  
Wagga Wagga NSW 2650

The Chairman  
Joint Parliamentary Committee  
of Public Accounts  
Parliament House  
CANBERRA ACT 2600

Dear Senator Georges

Public Accounts Committee Act 1951 s6A(1) - Convening of Public Accounts Committee Meetings during Senate Sittings.

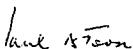
I refer to our discussion on 27 October 1986 about concurrent sittings of the Public Accounts Committee and the Senate.

I wish to confirm my advice that I agree with the opinions, dated 27 May 1982 and 8 September 1983, of the Attorney-General's Department and the Attorney-General respectively.

There is no conflict between Senate Standing Orders 300 and 301 and the Public Accounts Committee Act 1951 Section 6A(1). These Standing Orders apply to Select Committees and, by virtue of Standing Order 37A, to Standing Committees but not to statutory committees such as the PAC.

The sole authority for PAC meetings is the PAC Act. Section 6A(1) is unambiguous and plainly gives the PAC the right to decide when it shall sit.

Yours sincerely

  
Justice Paul Toose

15 November 1986

APPENDIX F

EXTRACT FROM STANDING ORDERS COMMITTEE  
REPORT TABLED ON 6 OCTOBER 1983

STANDING ORDERS COMMITTEE

FIRST REPORT FOR THE SIXTY-FIRST SESSION

1983

The Standing Orders Committee has the honour to report to the Senate as follows.

MEETINGS OF THE PUBLIC ACCOUNTS COMMITTEE  
DURING Sittings OF THE SENATE

1. Senate Standing Order 300 contains, *inter alia*, a prohibition upon select committees meeting during sittings of the Senate. This prohibition applies to joint committees, because of the rule whereby Senate procedures apply to joint committees except in so far as such committees' procedures are otherwise provided by their terms of appointment. The Standing Order applies to joint statutory committees except in so far as the relevant statutes otherwise provide for the procedures of the committees.
2. In remarks made in the Senate on 14 September 1983 it was noted that the Joint Committee on Public Accounts had held a meeting during the sittings of the Senate, and it appears that this had been done because of a view, expressed in an opinion previously presented in the Senate, that the Public Accounts Committee Act overrides Senate Standing Order 300, so that the Committee is empowered to meet during the sittings. This view is based upon a literalist interpretation of sub-section 6A(1) of the Public Accounts Committee Act, which reads as follows:

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2.

The Committee may meet at such times and at such places within Australia as the Committee, by resolution, determines or, subject to any resolution of the Committee, as the Chairman determines, but shall not meet at any place outside Australia.

The opinion takes the view that the words "at such times" have the effect of allowing the Committee to meet at any time at all, notwithstanding any specific rule concerning meetings at particular times.

3. This Committee has considerable difficulty in accepting this interpretation of the sub-section, for the following reasons.
  - (1) A better interpretation of sub-section 6A(1) is that it does no more than indicate the means by which the Public Accounts Committee's meeting times are to be determined, that is, by its resolution or by its Chairman subject to any such resolution, and does not override any specific prohibition upon meetings at particular times.
  - (2) It should not be presumed that the Parliament has statutorily set aside one of its Houses' important procedural rules unless it has done so by express words. It is to be noted that the general words of sub-section 6A(1) were not thought to be sufficient to override the usual prohibition upon a committee sitting after a prorogation, and sub-section 6A(3) therefore explicitly provides for that prohibition to be set aside. In the absence of such an express provision to set aside Senate Standing Order 300, the sub-section should not be interpreted as doing so.
  - (3) There is no evidence that it was the purpose or object of section 6A, which was inserted in the Public Accounts Committee Act in 1979, to override the prohibition upon meetings during the sittings. On the contrary, in debate at that time

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3.  
it was stated that the purpose of the new section was to remove any doubt about the power of the Committee to meet anywhere in Australia and to sit during a parliamentary recess. No other purpose was expressed during the Minister's second reading speech on the Bill or in the subsequent debate.

(4) It cannot be presumed that the Parliament has deliberately discriminated between the Public Accounts Committee and the other major statutory committee, the Public Works Committee, which is explicitly prohibited by sub-section 12(5) of the Public Works Committee Act from meeting during the sittings of either House without leave of that House. There is no evidence that the Parliament intended to discriminate between the two committees in such a way. On the contrary, the debate already referred to explicitly indicates that part of the rationale of the 1979 Bill was that the two committees should have the same provisions in respect of the matters dealt with in that Bill.

(5) If it is believed that Standing Order 300 does not apply to the Public Accounts Committee, this leads to the anomalous situation that one statutory committee, without any expression of intention on the part of the Parliament to allow it to do so, has been given an unlimited licence to meet during the sittings of the Senate and, if it thinks fit, to deprive the Senate of the services of some Senators for long periods during those sittings. A similar literalist interpretation of the phrase "at such places" in the same sub-section would also allow the Committee to meet at a place remote from Canberra while the Houses are sitting, with no authority but its own resolution. This Committee cannot accept that the Parliament, in amending the Act, ever envisaged such interpretations.

4.  
This Committee also notes that the Public Accounts Committee has hitherto accepted that it cannot meet during the sittings of the Senate without leave of the Senate; on at least five occasions since 1979, when section 6A was inserted in the Act, leave to meet during the sittings has been sought on behalf of the Committee.

4. In order to put the matter beyond all doubt, this Committee recommends that the Public Accounts Committee Act be amended by the insertion of a provision in the same terms as sub-section 12(5) of the Public Works Committee Act, so that neither of the two major statutory Committees may then meet during the sittings of either House without the permission of that House. Until this amendment of the Act is made, the Public Accounts Committee should comply with Senate Standing Order 300, as it has prior to 14 September 1983, and not meet during the sittings of the Senate unless the Senate grants permission to do so.

APPENDIX G  
PUBLIC WORKS COMMITTEE ACT 1969  
SECTION 12

(4) The Chairman or Vice-Chairman of a Sectional Committee—  
(a) holds office during the pleasure of the Sectional Committee;  
(b) ceases to hold office if he ceases to be a member of the Sectional Committee; and  
(c) may resign his office by writing under his hand presented at a meeting of the Sectional Committee.

(5) The Chairman, or, in his absence, the Vice-Chairman, of a Sectional Committee shall preside at all meetings of the Sectional Committee.

(6) There shall not be more than two Sectional Committees at the one time.

(7) A Sectional Committee or Sectional Committees may sit when the Committee is sitting.

(8) At a meeting of a Sectional Committee, a majority of the members of the Sectional Committee form a quorum.

(9) The exercise of a power by a Sectional Committee, the Chairman of a Sectional Committee or a member of a Sectional Committee is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Sectional Committee.

**Reference of matters to Sectional Committees**

11. (1) The Committee may refer to a Sectional Committee appointed under the last preceding section, for inquiry and report to the Committee, a matter connected with a public work that has been referred to the Committee under this Act.

(2) For the purposes of the last preceding sub-section, this Act (other than sections 7, 8, 9 and 10, this section, sub-sections (2) and (3) of the next succeeding section and sections 13, 16, 17, 18, 19, 24, 35, 38 and 39) applies in relation to a Sectional Committee in like manner as it applies in relation to the Committee and, for the purposes of this Act as so applying, a reference to the Chairman shall be read as a reference to the Chairman, or to the Vice-Chairman, of the Sectional Committee.

(3) The report of a Sectional Committee upon a matter referred to it under this section, together with the record of all evidence given before, and all documents and parts of documents produced in evidence to, the Sectional Committee shall be presented to the Committee by the Chairman, or by the Vice-Chairman, of the Sectional Committee.

**Meetings of the Committee**

12. (1) The Committee may meet at such times and at such places within Australia or within an external Territory as the Committee, by resolution, determines or, subject to any resolution of the Committee, as the Chairman determines, but shall not meet at any place outside Australia and the external Territories.

(2) Five members may make a request in writing signed by them to the Chairman to convene a meeting of the Committee for a specified purpose.

(3) Upon receiving a request under the last preceding sub-section, the Chairman shall—

(a) determine a time and place for the holding of the meeting, being a time on a day not later than fourteen days after the day on which he received the request; and

(b) by such means as he thinks fit, inform each member of the time, date and place of the meeting and of the purpose of the meeting.

(4) The Committee may meet and transact business notwithstanding any prorogation of the Parliament.

(5) The Committee shall not meet or transact business on a sitting day of either House of the Parliament during the time of the sitting, except by leave of that House.

#### Quorum

13. At a meeting of the Committee, five members form a quorum.

#### Voting

14. (1) A question arising at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting.

(2) The member presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

(3) Where the members present at a meeting of the Committee do not vote unanimously on a question, there shall, if a member so requires, be recorded in the minutes and in the Committee's report—

(a) the names of the members who voted and the manner in which each such member voted;

(b) the names of the members who abstained from voting and the fact that they abstained from voting; and

(c) if the question was determined by the casting vote of the member presiding—the name of the member presiding and the fact that the question was so determined.

#### Minutes

15. The Committee shall keep full minutes of its proceedings.

#### Annual report

16. The Committee shall cause to be laid before each House of the Parliament, within fifteen sitting days of that House after each 31 December, a report of its proceedings, if any, during the year ended on that 31 December.

#### APPENDIX H

LEGAL OPINION DATED 30 JANUARY 1987 FROM  
THE ATTORNEY-GENERAL'S DEPARTMENT



## ATTORNEY-GENERAL'S DEPARTMENT

30 January 1987



Mr M N Talberg  
 Secretary  
 Joint Parliamentary Committee  
 of Public Accounts  
 Parliament House  
 CANBERRA ACT 2600  
 Attention: Ms C Clune

Public Accounts Committee Act 1951, s.6A: Convening of Public Accounts Committee Meetings during Senate Sittings

I refer to your memorandum of 23 October 1986 seeking my views on certain aspects of a difference of view that has arisen between the Joint Parliamentary Committee of Public Accounts ('the PAC') and the Standing Orders Committee of the Senate ('the Standing Orders Committee') about the right of the PAC to meet while the Senate is sitting.

Background

2. Sub-section 6A(1) of the Public Accounts Committee Act 1951, inserted in 1979, provides, with respect to meetings of the PAC, as follows:

'6A. (1) The Committee may meet at such times and at such places within Australia as the Committee, by resolution, determines or, subject to any resolution of the Committee, as the Chairman determines, but shall not meet at any place outside Australia.'

3. Senate Standing Orders 300 and 301 provide, with respect to sittings of Select Committees of the Senate, as follows:

'300. A Select Committee may adjourn from time to time, and, by Order of the Senate, from place to place; and may sit on those days over which the Senate is adjourned; but no Select Committee may sit during the sittings of the Senate.'

- 2 -

301. All Committees sitting at the time the President is about to take the Chair shall be informed thereof by the Usher of the Black Rod; all proceedings after such notice shall be null and void.'

4. In a memorandum dated 27 May 1982 this Department advised the PAC that, among other things, the PAC may meet whenever it so resolves, regardless of the provisions of the Senate Standing Orders and Senate S.O.301 could have no effect on the PAC's proceedings should the PAC resolve to meet while the Senate is in session. That advice was confirmed by the Attorney-General, Senator Gareth Evans, by letter dated 8 September 1983 to Senator George Georges, the Chairman of the PAC.

5. In October 1983 the Standing Orders Committee reported on matters including 'meetings of the PAC during Sittings of the Senate'. Briefly, the Standing Orders Committee said that it found difficulty accepting our interpretation of sub-s.6A(1) for the following reasons:

- (1) a better interpretation of sub-s.6A(1) is that it does no more than indicate the means by which the PAC's meeting times are to be determined;
- (2) it should not be presumed that the Parliament has statutorily set aside one of the Senate's important procedural rules unless it has done so by express words;
- (3) there is no evidence that it was the purpose or object of s.6A to override the prohibition upon meetings during sittings;
- (4) it cannot be presumed that the Parliament has deliberately discriminated between the PAC and the other major statutory committee, the Public Works Committee, which is expressly prohibited by sub-s.12(5) of the Public Works Committee Act 1969 from meeting during the sittings of either House without leave of the House; and
- (5) if S.O.300 does not apply an anomalous situation is created because the Senate could be deprived of the services of some Senators during Senate sittings.

The Standing Orders Committee recommended that the matter be clarified by amendment of the Public Accounts Committee Act.

Advice Sought

6. Your question and my short answer are as follows:

- Q. Are there any constitutional arrangements which would empower the Senate to require that the PAC not meet during Senate sittings?
- A. No. The Senate could seek to discipline Senators who are members of the PAC but that would not necessarily prevent the PAC from meeting.

Reasons

7. I mention at the outset that I adhere to the advice previously given by us and confirmed by the Attorney-General. One element of that advice was that the PAC's right to meet is not affected by Senate Standing Orders. I do not think that, by amendment of its Standing Orders or by any resolution, the Senate could purport to order the PAC not to meet while the Senate is sitting. An Act of the Parliament (ie of the Queen, the Senate and the House of Representatives - Constitution s.1) cannot be overridden by a Standing Order or resolution of one of the Houses unless the Act so provides.

8. The Senate could, perhaps, seek to discipline the Senators who are members of the PAC for alleged breach of S.O.300; or alternatively it could pass a resolution forbidding them from attending PAC meetings while the Senate is sitting and seek to discipline them for breach of that resolution. Such action would no doubt precipitate some kind of Parliamentary crisis. But it would not in law of itself prevent the PAC from meeting since the PAC has a quorum of 6 and 10 of its members are appointed by the House of Representatives.

9. It does seem that some clarification of the position and some consistency, should be sought generally. I note that, apart from the provisions mentioned above, S.O.333 of the House of Representatives allows Select Committees of that House to meet while the House is sitting and s.11 of the Parliamentary Proceedings Broadcasting Act 1946 allows the Joint Committee on the Broadcasting of Parliamentary Proceedings appointed under that Act to sit while either House is actually sitting (and there is no requirement that leave of either House be obtained).

10. You asked me also to comment on the Standing Orders Committee's Report. There is little that I can usefully add to what was said in our advice of 27 May 1982 and to what is said above, which indicate that we do not agree with that Committee's interpretation. I should mention, however, that I have looked at the Parliamentary Debates on the 1979 Bill that inserted s.6A in the Public Accounts Committee Act and that those debates are inconclusive. The Minister's second reading speech contained the following passage:

'For some time the legal position with respect to the Committee's power to meet anywhere in Australia and to sit during a parliamentary recess has not been clear. Amendments to the Bill have been included to remove these doubts. It is perhaps noteworthy that the Public Works Committee has both of these powers, and the Government believes that the same powers should be conferred on the Public Accounts Committee. I commend the Bill to the House.'

That is the only mention of the provisions of s.6A that I could find in the debates. I do not think that that passage can be said to imply that s.6A should be interpreted as the Standing Orders Committee suggests. If any inference is to be drawn from the fact that no equivalent of sub-s.12(5) of the

Public Works Committee Act was put in the Public Accounts Committee Act it would seem to me to be the inference that the PAC may sit whenever it chooses because sub-s.12(5) is in negative terms i.e. it prohibits the Public Works Committee from sitting when a House is sitting except with leave of the House and so the inference is that without sub-s.12(5) the Public Works Committee also could sit whenever it chose.



(D A JESSOP)  
for Acting Secretary

Contact Officer: Denis Jessop  
Telephone No.: 71-9415

# THE SENATE

## ROLL

### SENATORS—

1. ALSTON  
2. ARCHER  
3. AITCH  
4. BAUME, Michael  
5. BAUME, Peter  
6. BJERKE PETERSEN  
7. BLACK  
8. BOLKUS  
9. BOSWELL  
10. BROWNHILL  
11. BUTTON  
12. CARRICK, Sir John  
13. CHANBY  
14. CHILDS  
15. COATES  
16. COLEMAN  
17. COLLARD  
18. CUDSTON  
19. COOK  
20. COOMBY  
21. CRIGHTON-BROWNE  
22. CROWLEY  
23. DEVLIN  
24. DURACK  
25. ELSTOB  
26. FERGUSON  
27. FOREMAN  
28. GEORGES  
29. GIETZELT  
30. GILBS  
31. GRIMES  
32. GUILFOYLE, Dame Margaret  
33. HAINES  
34. HAMER  
35. HANGARDINE  
36. HILL  
37. JESSOR  
38. JONES  
39. KELCRAFT  
40. KNOWLES  
41. DENNIS  
42. MACGIBBON  
43. McINTOSH  
44. MCKELMAN  
45. MACKLIN  
46. MAGUIRE  
47. MASON  
48. MESSNER  
49. MORRIS  
50. NEUMAN  
51. PARTRIDGE  
52. POWELL  
53. POWELL  
54. RATT  
55. REID  
56. REYNOLDS  
57. RICHARDSON  
58. ROBERTSON  
59. RYAN  
60. SANDERS  
61. SHEIL  
62. SHORT  
63. SIBBAL  
64. SIDDONS  
65. SMITH  
66. TEAGUE  
67. TOWNLEY  
68. VALLENTINE  
69. VINSTONE  
70. VESCOM  
71. WALCH  
72. WALTERS  
73. WATSON  
74. WEST  
75. WITHERS  
76. ZAKHAROV

19/3/87

# THE SENATE

## ROLL

### SENATORS-

1. ALSTON	39. KILGARFF
2. ARCHER	40. KNOWLES
3. AULICH	41. LEWIS
4. BAUME, Michael	42. MACKIBBON
5. BAUME, Peter	43. MCINTOSH
6. BJELKE-PETERSEN	44. MCKIERNAN
7. BLACK	45. MACKLIN
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARKER
14. CHILDS	52. POWELL
15. COATES	53. PURPLECK
16. COLEMAN	54. RAY
17. COLLARD	55. REID
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONEY	58. ROBERTSON
21. Crichton-Browne	59. RYAN
22. CROWLEY	60. SANDERS
23. DEVLIN	61. SHELL
24. DURACK	62. SHORT
25. ELSSTOB	63. SIBRAA
26. EVANS	64. SIDDONS
27. FOREMAN	65. TATE
28. GEORGES	66. TENGUE
29. GIETZELT	67. TONNELLY
30. GILES	68. VALENTINE
31. GRIMES	69. VANTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. HAINES	71. WALSH
34. HAMER	72. WARDEN
35. HARRADINE	73. WARDEN
36. HILL	74. WEST
37. JESSOP	75. WYNNING
38. JONES	76. ZAKHAROV

19/3/87

SENATE

1967

1967 day of March

Question,

Constit. Vacancies  
in Senate - in by  
Motions - on - in by  
De Bouchard - words  
be left out

Senate

Committee

SENATORS -

AYES

1. ALSTON	39. KILGARFF <i>et al</i>
2. ARCHER	40. KNOWLES
3. AULICH	41. LEWIS
4. BAUME, Michael	42. MACKIBBON
5. BAUME, Peter	43. MCINTOSH
6. BJELKE-PETERSEN	44. MCKIERNAN
7. BLACK	45. MACKLIN
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARKER
14. CHILDS	52. POWELL
15. COATES	53. PURPLECK
16. COLEMAN	54. RAY
17. COLLARD	55. REID
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONEY	58. ROBERTSON
21. Crichton-Browne	59. RYAN
22. CROWLEY	60. SANDERS
23. DEVLIN	61. SHELL
24. DURACK	62. SHORT
25. ELSSTOB	63. SIBRAA
26. EVANS	64. SIDDONS
27. FOREMAN	65. TATE
28. GEORGES	66. TENGUE
29. GIETZELT	67. TONNELLY
30. GILES	68. VALENTINE
31. GRIMES	69. VANTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. HAINES	71. WALSH
34. HAMER	72. WARDEN
35. HARRADINE	73. WARDEN
36. HILL	74. WEST
37. JESSOP	75. WYNNING
38. JONES	76. ZAKHAROV

AYE

28  
37

NO

TELLER FOR THE AYES - SENATOR

13 722-00

Nineteenth day of March

Question,	Casual vacancies in the Senate	Senate
	Amendment moved by Sen.	<u>Committee</u>
	Durack to leave out para (b).	

## SENATORS -

## NOES

1. ALSTON	39. KILGARIFF
2. ARCHER	40. KNOWLES
3. AUBETT	41. LEWIS
4. BAUME, Michael	42. MacGIBBON
5. BAUME, Peter	43. McINTOSH
6. BJELKE-PETERSEN	44. McKEERNAN
7. BLACK	45. MACKLIN
8. BOLKUG	46. MAGUIRE
9. BOSWELL	47. MAGON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARER
14. CHILDS	52. POWELL
15. COATES	53. PUPLICK
16. COLEMAN	54. RAT
17. COLLARD	55. REID
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONBY	58. ROBERTSON
21. CRICHTON-BROWNE	59. RYAN
22. CROWLEY	60. SANDERS
23. DEVILIN	61. SHELL
24. DURACK	62. SHORT
25. EESTOB	63. SIBBALU
26. EVANS	64. SIDDONS
27. FOREMAN	65. SMITH
28. GEORGES	66. TEAGUE
29. GIBBET	67. TOWNLEY
30. GILES	68. VALLENTINE
31. GRIMES	69. VANSTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. MAINES	71. WALSH
34. HAMER	72. WALTERS
35. HARRADINE	73. WATSON
36. HILL	74. WEST
37. JESSOP	75. WITHERS
38. JONES (Teller)	76. ZAKHAROV

Ayes..... 28

Noes... 37

1967

19<sup>th</sup> day of March

2

Question,	Taxation Laws Amendment (No 5) Bill (1887)	Senate Committee
	Income Tax Amendment Bill 1887	
	2 <sup>nd</sup> Amendment (M. Barnes) Words be added -	

## SENATORS -

## AYES

1. ALSTON	39. KILGARFF
2. ARCHER	40. KNOWLES
3. AULICH	41. LEWIS
4. BAUME, Michael	42. MacGIBBON
5. BAUME, Peter	43. MCINTOSH
6. BIELKE-PETERSEN	44. MCKIERNAN
7. BLACK	45. MACKIN
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSMER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARER
14. CHILDS	52. POWELL
15. COATES	53. PUPATSK
16. COLEMAN	54. RAY
17. COLLARD	55. REED
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONEY	58. ROBERTSON
21. CROWLEY-BROWNE	59. RYAN
22. CROWLEY	60. SANDERS
23. DEVLIN	61. SHEIL
24. DURACK	62. SHORE
25. ELSTOB	63. SIBRAA
26. EVANS	64. SIDDONS
27. FOREMAN	65. TATE
28. GEORGES	66. TEAGUE
29. GIETZELT	67. TOWNEY
30. GILES	68. VALLENTINE
31. GRIMES	69. VANSTONE
32. GUILEVOY, Dame Margaret	70. VIGOR
33. HAINES	71. WALSH
34. HAMER	72. WALTERS
35. HARRADINE	73. WATSON
36. HILL	74. WEST
37. JESSOP	75. WITHERS
38. JONES	76. ZAKHAROV

36

30

Ayes

Nos

TELLER FOR THE AYES - SENATOR

B 329 00

Nineteenth day of March.

2

Question,

Income Tax Laws Amendment  
Bill (No. 5) 1986-20

Senate

Words to be added by Sen. M.  
Barrett's amendment

Committee

## SENATORS -

## NOES

1. ALSTON	39. KILGARIFF
2. ARCHER	40. KNOWLES
3. JULIAN	41. LEWIS
4. BAUME, Michael	42. MacGIBBON
5. BAUME, Peter	43. McINTOSH (Teller)
6. BJELKE-PETERSEN	44. McKEECHAN
7. BLACK	45. MACKLIN
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARER
14. CHILDS	52. POWELL
15. COATES	53. PUPLICK
16. COLEMAN	54. RAY
17. COLLARD	55. REID
18. COLESTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONBY	58. ROBERTSON
21. CRICHTON-BROWNE	59. RYAN
22. CROWLEY	60. SANDERS
23. BEVILIN	61. SHEIL
24. DURACK	62. SHORT
25. ELLSTON	63. SIBRAA
26. EVANS	64. SIDDONS
27. FOREMAN	65. TATE
28. GEORGES	66. TEAGUE
29. GIBSON	67. TOWNLEY
30. GILLES	68. VALLENTINE
31. GRIMES	69. VANSTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. HAINES	71. WASH
34. HAMER	72. WALTERS
35. HARRADINE	73. WATSON
36. HILL	74. WEST
37. JESSOP	75. WITHERS
38. JONES*	76. ZAKHAROV

Aye.....

36

Noe.....

30

3

day of

Question,

Environment Protection  
 (Draft of Report)  
 Bill - Environment  
 m. by Dr. Sanders

Senate

Committee

## SENATORS -

## AYES

1. ALSTON	39. KILGARIFF
2. ARCHER	40. KNOWLES
3. AULICH	41. LEWIS
4. BAUME, Michael	42. MacGIBBON
5. BAUME, Peter	43. McINTOSH
6. BJELKE-PETERSEN	44. McKIERNAN
7. BLACK	45. MACKIN <i>teller</i>
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. CARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARER
14. CHILDS	52. POWELL
15. COATES	53. PUPLICK
16. COLEMAN	54. RAY
17. COLLARD	55. REID
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONEY	58. ROBERTSON
21. CRICHTON-BROWNE	59. RYAN
22. CROWLEY	60. SANGERS
23. DEVLIN	61. SHIEL
24. DURACK	62. SHORT
25. ELDSTOB	63. SIBRAA
26. EVANS	64. SIDDONS
27. FOREMAN	65. TATE
28. GEORGES	66. TEAGUE
29. GIETZELT	67. TOWNLEY
30. GILES	68. VALLENTINE
31. GRIMES	69. VANSTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. WALMES	71. WALSH
34. HAMER	72. WALTERS
35. HARRADINE	73. WATSON
36. HILL	74. WEST
37. JESSOP	75. WITHERS
38. JONES	76. ZAKHAROV

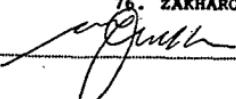
AYES

6

NOES

57

TELLER FOR THE AYES - SENATOR



1987

3

19th day of March

Question,	Environment Protection (Impact) Proposed) Measure Bill 1986	Senate
	Not 4 amendments (See Senator) beng. to.	Committee

## SENATORS -

## NOES

1. ALSTON	59. KILGARIFF
2. ARCHER	40. KNOWLES
3. AULICH	41. LEWIS
4. BAUMB, Michael	42. MacGIBBON
5. BAUMB, Peter	43. McINTOSH
6. BJELKE-PETERSEN	44. McKERNAN
7. BLACK	45. MACKLIN
8. BOLKUS	46. MAGUIRE
9. BOSWELL	47. MASON
10. BROWNHILL	48. MESSNER
11. BUTTON	49. MORRIS
12. GARRICK, Sir John	50. NEWMAN
13. CHANEY	51. PARER
14. CHILDS	52. POWELL
15. COATES	53. RUBLICK
16. COLEMAN	54. RAY
17. COLLARD	55. REED (Teller)
18. COLSTON	56. REYNOLDS
19. COOK	57. RICHARDSON
20. COONBY	58. ROBERTSON
21. CRICHTON-BROWNE	59. RYAN
22. CROWLEY	60. SANDERS
23. DEVLIN	61. SHEIL
24. DURACK	62. SHORT
25. ELSTOB	63. SIBRAA
26. EVANS	64. SIDDELL
27. FORBES	65. TATE
28. GEORGES	66. THAGARD
29. GIETZELT	67. TOWNLEY
30. GILES	68. VALENTINE
31. GRIMES	69. VANSTONE
32. GUILFOYLE, Dame Margaret	70. VIGOR
33. HAINES	71. WALSH
34. HAMER	72. WALTERS
35. HARRADINE	73. WATSON
36. HILL	74. WEST
37. JESSOR	75. WITHERS
38. JONES	76. SAXHAROW

Aye.....

Noe.....

TELLER FOR THE NOES—SENATOR

John S. Reid