

1998-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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Contents

1	Meeting of Senate.....	3839
2	Government Document	3839
3	Ministry and Ministerial Arrangements—Statement by Leave.....	3839
4	Questions	3839
5	Information Technology Outsourcing—Answers to Questions	3839
6	Competition Policy—Federal Grants Payments—Western Australia— Answer to Question	3839
7	Taxation—Order for Production of Documents—Statement by Leave.....	3840
8	Death of Former Senator James Anthony Mulvihill.....	3840
9	Death of Former Member the Honourable John Elden McLeay	3840
10	Petitions	3840
11	Notices	3841
12	Leave of Absence	3843
13	Legal and Constitutional Legislation Committee—Extension of Time to Report.....	3843
14	Community Affairs References Committee—Leave to Meet During Sitting....	3844
15	National Capital and External Territories—Joint Standing Committee— Leave to Meet During Sitting.....	3844
16	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting	3844
17	Postponements	3844
18	Lucas Heights—Nuclear Reactor—Order for Production of Documents.....	3844
19	Airport Facilities—Kurnell	3846
20	Urgency Motion	3846
21	Electoral Matters—Joint Standing Committee—Statement by Leave.....	3847
22	Taxation—Opinion Polls—Order for Production of Documents— Documents	3847

23	Foreign Affairs, Defence and Trade References Committee—Interim Report—Disposal of Defence Property	3847
24	Government Documents—Presented Since Last Sitting of Senate	3847
25	Corporations and Securities—Joint Statutory Committee—Government Response— <i>Company Law Review Act 1998</i>	3848
26	Rural and Regional Affairs and Transport Legislation Committee— Government Response—Albury-Wodonga Development Amendment Bill 1999	3848
27	Auditor-General—Audit Reports Nos 22-27 of 2000-2001—Documents	3849
28	Independent Auditor—Australian National Audit Office—Document	3849
29	Horticulture Marketing and Research and Development Services Act— Declarations—Documents	3849
30	Senate Committee Reports—Register (2000 Supplement)—Document	3849
31	Business of the Senate—1 January to 31 December 2000—Document	3849
32	Questions on Notice—Summary—Document	3849
33	Aborigines—Reconciliation Committees—Document	3850
34	Centenary of Federation—Document	3850
35	Estimates—Portfolio Additional Estimates Statements—Portfolio and Executive Departments—Document	3850
36	Rural and Regional Affairs and Transport Legislation Committee— Additional Information—Estimates 2000-01	3850
37	Employment, Workplace Relations, Small Business and Education Legislation Committee—Additional Information—Additional Estimates 1998-99, Estimates 1999-2000, Additional Estimates 1999-2000, Estimates 2000-01	3850
38	Legal and Constitutional Legislation Committee—Additional Information— Estimates 2000-01	3850
39	Documents	3851
40	Governor-General's Proclamations—Commencement of Provisions of Acts ..	3857
41	Taxation—Opinion Polls—Order for Production of Documents— Documents	3857
42	Foreign Affairs, Defence and Trade—Joint Standing Committee—Change in Membership	3857
43	Governor-General's Messages—Assent to Laws	3858
44	Gene Technology Bill 2000	3859
45	Renewable Energy (Electricity) Bill 2000	3859
46	Aboriginal and Torres Strait Islander Commission Amendment Bill 2000	3859
47	Administrative Review Tribunal Bill 2000 Administrative Review Tribunal (Consequential and Transitional Provisions) Bill 2000	3859
48	Procedure—Standing Committee—Second Report of 2000—Consideration...	3860
49	Sydney Harbour Federation Trust Bill 2000 [2001]	3860
50	Government Documents—Consideration	3881
51	Adjournment	3882
52	Attendance	3882

1 MEETING OF SENATE

The Senate met at 2 pm. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

2 GOVERNMENT DOCUMENT

The following government document was tabled:

Copyright Agency Limited—Report for 1999-2000.

3 MINISTRY AND MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE

The Leader of the Government in the Senate (Senator Hill), by leave, informed the Senate of changes to the second Howard Ministry.

Document: Senator Hill tabled an updated document showing all members of the second Howard Ministry.

4 QUESTIONS

Questions without notice were answered.

Document: The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) tabled the following document:

Transport—Aviation safety—Australian high-capacity regular passenger transport operators compliance with the provisions of Civil Aviation Order 48—Answer to question asked by Senator Ludwig on 7 December 2000.

5 INFORMATION TECHNOLOGY OUTSOURCING—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) to questions without notice asked today relating to information technology outsourcing.

Debate ensued.

Question put and passed.

6 COMPETITION POLICY—FEDERAL GRANTS PAYMENTS—WESTERN AUSTRALIA—ANSWER TO QUESTION

Senator Murray moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill) to a question without notice asked by Senator Murray today relating to federal grants payments for Western Australia.

Question put and passed.

7 TAXATION—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Assistant Treasurer (Senator Kemp), by leave, made a statement relating to the order of the Senate of 4 October 2000 for the production of documents concerning taxation (*see entry no. 13, 4 October 2000*).

Senator Cook, by leave, moved—That the Senate take note of the statement.

Question put and passed.

8 DEATH OF FORMER SENATOR JAMES ANTHONY MULVIHILL

The President informed the Senate of the death, on 10 December 2000, of former Senator James Anthony Mulvihill.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate expresses its deep regret at the death, on 10 December 2000, of James Anthony Mulvihill, a senator for the State of New South Wales from 1965 to 1983, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

9 DEATH OF FORMER MEMBER THE HONOURABLE JOHN ELDEN MCLEAY

The President informed the Senate of the death, on 26 December 2000, of the Honourable John Elden McLeay.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate expresses its deep regret at the death, on 26 December 2000, of the Honourable John Elden McLeay, a member of the House of Representatives for the division of Boothby from 1966 to 1981, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

10 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 21 petitioners, requesting that the Senate take action to conduct a plebiscite on whether Australia should become a republic with an Australian as head of state in place of the Queen.

The President, 2 petitions similar in wording, from 50 and 32 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

The President, from 1 petitioner, requesting that the Senate undertake an inquiry into the taxation and pricing of petrol.

Senator Bartlett, from 20 petitioners, requesting that the Senate support the phasing out of prawn trawling in the Great Barrier Reef World Heritage Area by 2005.

11 NOTICES

The Chair of the Finance and Public Administration References Committee (Senator George Campbell): To move on the next day of sitting—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on 7 February 2001, from 5.30 pm, to take evidence for the committee's inquiry into the Government's information technology outsourcing initiative.

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That the Senate—

(a) notes:

- (i) that the unnecessary delays to the RAAF's Airborne Early Warning and Control project will end up costing taxpayers hundreds of millions of dollars more for fewer aircraft, and will deliver very few benefits to Australian industry,
- (ii) the RAAF will only receive four aircraft, which is less than their strategically assessed needs,
- (iii) there will be added costs of \$185 million for aircraft numbers five and six, and the Government has not yet committed to a purchase date for the extra aircraft,
- (iv) that by reducing the capability from seven to four aircraft, the anticipated employment and domestic economic benefits will be severely diminished, particularly in the Hunter Valley and Ipswich regions, and
- (v) that these cost blow-outs could have been avoided had the contract gone ahead on schedule; and

(b) recognises that many of the Government's policies regarding outsourcing of logistical support in the Defence organisation have had a significantly negative impact on many rural and regional economies.

Senator Stott Despoja: To move on the next day of sitting—That the Senate—

(a) expresses its concern that the proposed changes to the definitions and eligibility criteria for the research and development (R&D) tax concession:

- (i) may significantly constrain what is taken to be 'innovation',
- (ii) may significantly reduce the number and type of eligible R&D projects because projects will need to meet both the 'innovation' and 'high technical risk' tests,
- (iii) will significantly reduce the scope of legitimate components of the 'innovation' process by extending the exclusion list (section 73B(2C)) to 'supporting activities',
- (iv) will discriminate against innovation in mature industries,
- (v) will discriminate against innovation in non-applied science fields, and
- (vi) may create a compliance regime that will act as a major disincentive to private investment in innovation and R&D; and

(b) resolves that there be laid on the table by the Minister for Industry, Science and Resources (Senator Minchin), no later than immediately after questions without notice on 26 February 2001, a return setting out the following information:

- (i) a list of all determinations of Federal Court and Administrative Appeals Tribunal decisions that the Government claims have unintentionally broadened the scope of the definition of 'research and development activities',
- (ii) an explanation why these determinations are unacceptable to the Government,
- (iii) details on what percentage of currently eligible projects would not satisfy the proposed changes to the definitions and eligibility criteria, and
- (iv) the financial impact the changes, including the extension of the exclusion list, will make to currently eligible projects.

Senator Murray: To move on the next day of sitting—

- (1) That there be laid on the table, as soon as practicable after 30 June 2001, a report by the Australian Competition and Consumer Commission on the prices paid to suppliers by Australian grocery retailers for the goods that they re-sell, and whether retailers and wholesalers of a similar scale, as customers of suppliers, are offered goods on like terms and conditions, and including:
 - (a) an assessment, based on a sampling of key suppliers and major retailers of:
 - (i) the extent of any price differences,
 - (ii) the impact of any such price differences on competition in the relevant markets, and
 - (iii) whether there is public benefit in the existence of price differences;
 - (b) subject to paragraph (2)(b), identification of any conduct found by the commission in the course of preparing the report that is likely to be in breach of the *Trade Practices Act 1974*, together with an account of action taken or proposed to be taken by the commission in respect of such conduct; and
 - (c) an outline of the circumstances in which, in the commission's view, differences in prices paid to suppliers by the various industry participants would amount to a breach of the anti-competitive conduct provisions of the Act.
- (2) That, in carrying out the requirements of paragraph (1), the commission:
 - (a) is to take 'prices' to include all aspects of the terms and conditions of dealings between retailers or wholesalers and their suppliers, including the total funding support given by suppliers to the major retailers and wholesalers; and
 - (b) may withhold genuinely commercially sensitive information from the report provided that the withholding of such information does not prevent the commission from giving the Senate a clear account of the matters mentioned in paragraph (1).

Senator Tierney: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) while the Premier of New South Wales (Mr Carr) was visiting Europe recently, the town of Lithgow in his home state lost a multi-billion dollar aluminium smelter project to Queensland, and

- (ii) this project had the potential to create up to 11 000 jobs and provide a major boost to not only the economy of Lithgow but to the entire region;
- (b) condemns the amount of unproductive time the Premier is spending overseas while his own state is missing out on projects that are vital for employment and the economy; and
- (c) calls on the Premier to upgrade his representation of the people of New South Wales from a part-time job to a full-time occupation, with the aim of improving business opportunities for his state in regional Australia.

Senator Brown: To move on the next day of sitting—That the Senate endorses the comments of the Western Australian Opposition Leader (Dr Gallop) that: ‘The time has come to move away from old-growth logging. I think – our aspirations, our expectations as a community have changed and we now understand that the conservation of these remarkable assets is more important than their destruction, both in terms of our conservation values but also in terms of the jobs. The future lies in protecting our wilderness and our old-growth forests and that’s where the jobs will be in the future.’

Senator Cook: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Excise Tariff Act 1921* to provide relief from the 1 February 2001 indexation of rates of excise duty applying to petroleum. ***Excise Tariff Amendment (Petrol Tax Cut) Bill 2001 (No. 2)***.

Senator Cook: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Customs Tariff Act 1995* to provide relief from the 1 February 2001 indexation of rates of customs duty applying to petroleum. ***Customs Tariff Amendment (Petrol Tax Cut) Bill 2001 (No. 2)***.

12 LEAVE OF ABSENCE

Senator O’Brien, by leave, moved—That leave of absence be granted to Senator Evans for the period 6 February to 8 February 2001, on account of family illness.

Question put and passed.

Senator Calvert, by leave and at the request of Senator Harris, moved—That leave of absence be granted to Senator Harris for the period 6 February to 8 February 2001, on account of ill health.

Question put and passed.

Senator Bourne, by leave, moved—That leave of absence be granted to Senator Ridgeway for the period 6 February to 8 February 2001, on account of ill health.

Question put and passed.

13 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Calvert, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the time for the presentation of the report of the committee on the provisions of the Administrative Review Tribunal Bill 2000 and a related bill be extended to 14 February 2001.

Question put and passed.

14 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, by leave and at the request of the Chair of the Community Affairs References Committee (Senator Crowley), moved—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee's inquiry into child migration. Question put and passed.

15 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Calvert, by leave and at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot), moved—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on 7 February 2001, from 11.30 am to 1.30 pm, to take evidence for the committee's inquiry into the tender process for the sale of the Christmas Island casino and resort.

Question put and passed.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Calvert, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5.02 pm, to take evidence for the committee's inquiry into the import risk assessment on New Zealand apples.

Question put and passed.

17 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 681 standing in the name of Senator Murray for today, relating to international financial transactions, postponed till 6 March 2001.

18 LUCAS HEIGHTS—NUCLEAR REACTOR—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister for Industry, Science and Resources (Senator Minchin), no later than immediately after questions without notice on 8 February 2001, the following documents relating to the design and construction of a new nuclear reactor at Lucas Heights:

- (1) The final contract ('Conditions of Tender') and related documents signed between INVAP and the Australian Nuclear Science and Technology Organisation (ANSTO) (Commonwealth Government).
- (2) All 'Request for Tender' documentation sent to vendors including:
 - (a) Clarification no. 1 to Invitation to seek Pre-qualification for Design and Construction;
 - (b) Pre-qualification documents, comprising:

- (i) Conditions of pre-qualification,
 - (ii) Pre-qualification form, and
 - (iii) Pre-qualification schedules; and
- (c) Information for vendors:
 - (i) Agenda for 1 September briefing for Australian Industry,
 - (ii) Clarification no. 1 to Invitation to Register Expressions of Interest for Supply of Goods or Services,
 - (iii) Background to the Replacement Research Reactor Project,
 - (iv) Beam users' requirements,
 - (v) Irradiation users' requirements, and
 - (vi) Overview of draft Environmental Impact Statement.
- (3) All detailed field reports, complete daily itineraries and all related documents prepared by ANSTO and Department of Industry, Science and Resources staff when visiting reference reactor sites overseas. The sites visited include:
 - (a) Indonesia (Siemens);
 - (b) Germany (Siemens - BER 2);
 - (c) Germany (Siemens - FRM 2);
 - (d) South Korea (AECL);
 - (e) Canada (AECL);
 - (f) Egypt (INVAP);
 - (g) France (Technicatome - Orphee); and
 - (h) France (Technicatome - Osiris).

This must include the 'Report of the Team' as referred to in Professor Garnett's letter to Senator Forshaw on 27 October 2000, which included an evaluation and comparison of each site visited.

In addition, the cost of these reference visits and associated documentation.

- (4) The reprocessing contract with Cogema.
- (5) Any assessments of fuel management options by ANSTO and/or INVAP.
- (6) Any assessments of costings of the replacement reactor, including any advice regarding the cost implications of the conditions placed under the environmental impact assessment.
- (7) All advice from the Argentinian Government (or its agencies) regarding INVAP's ability to meet its contractual obligations.
- (8) Any probity or due diligence reports that were compiled by ANSTO regarding INVAP or any of the tenderers, and particularly any advice that was provided to Senator Minchin regarding INVAP prior to his approval of the contract.
- (9) Any correspondence on 6 June 2000 between Senator Minchin and Professor Garnett regarding the awarding of the reactor contract.

Question put and passed.

19 AIRPORT FACILITIES—KURNELL

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate opposes airport facilities at Kurnell, New South Wales, because of the unacceptable environmental, social and economic impact on the peninsula, which has great significance for the Aboriginal community and for national history.

Question put and passed.

20 URGENCY MOTION

The Deputy President (Senator West) informed the Senate that the President had received a letter from Senator Cook advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The failure of the Howard Government to honour its promise that the GST would not push up the price of petrol which has resulted in the Government collecting a fuel tax windfall from the pockets of struggling Australian motorists.

The proposal was supported by 4 senators.

Leave refused: Senator Cook sought leave to amend the motion.

An objection was raised and leave was not granted.

Senator Cook moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Collins	Greig	Murphy
Bartlett	Cook	Harradine	Murray
Bolkus	Cooney	Hutchins	O'Brien
Bourne	Crossin	Lees	Ray
Brown	Crowley	Ludwig (Teller)	Schacht
Buckland	Denman	Lundy	Stott Despoja
Campbell, George	Forshaw	Mackay	West
Carr	Gibbs	McKiernan	Woodley

NOES, 27

Senators—

Abetz	Ferguson	Lightfoot	Reid
Boswell	Ferris	Macdonald, Ian	Tambling
Brandis	Gibson	Macdonald, Sandy	Tchen
Calvert	Heffernan	Mason	Tierney
Campbell, Ian	Herron	McGauran (Teller)	Troeth
Chapman	Kemp	Newman	Watson
Coonan	Knowles	Payne	

Question agreed to.

Senator Carr, pursuant to standing order 154, moved—That the resolution relating to petrol pricing be communicated by message to the House of Representatives for concurrence.

Question put and passed.

21 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—STATEMENT BY LEAVE

Senator Mason, by leave, made a statement relating to the summoning of a witness to appear before the Joint Standing Committee on Electoral Matters in relation to its inquiry into the integrity of the electoral roll.

22 TAXATION—OPINION POLLS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 4 December 2000, the President tabled the following documents received on 22 December 2000:

Taxation—Opinion polls—Responses received from—

Office of the Minister for Agriculture, Fisheries and Forestry.

Office of the Minister for Education, Training and Youth Services.

Office of the Minister for Family and Community Services.

Office of the Minister for Health and Aged Care.

Office of the Treasurer.

23 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—INTERIM REPORT—DISPOSAL OF DEFENCE PROPERTY

The President tabled the following report received on 3 January 2001:

Disposal of defence property: Artillery Barracks, Fremantle—Interim report, dated January 2001.

Report ordered to be printed on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell).

Senator West, by leave, moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator West in continuation.

24 GOVERNMENT DOCUMENTS—PRESENTED SINCE LAST SITTING OF SENATE

The President tabled the following documents received since the last sitting of the Senate:

Aged Care Act 1997—Report for 1999-2000 on the operation of the Act. [*Received 30 January 2001*]

Australian Sports Drug Agency—Report for 1999-2000. [*Received 10 January 2001*]

Centrelink and the Data-Matching Agency—Data-matching program—Report for 1999-2000. [*Received 22 December 2000*]

Companies Auditors and Liquidators Disciplinary Board—Report for 1999-2000. [*Received 11 December 2000*]

Corporations and Securities Panel—Report for 1999-2000. [*Received 11 December 2000*]

Council for Aboriginal Reconciliation—Reconciliation: Australia's challenge—Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, December 2000. [*Received 8 December 2000*]

Department of Industry, Science and Resources—Energy use in Commonwealth operations—Report for 1999-2000. [*Received 8 December 2000*]

Department of the Environment and Heritage—Report for 1999-2000, including the report of the Supervising Scientist for the Alligator Rivers Region and reports on the operation of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and the *Ozone Protection Act 1989*—Corrigendum. [Received 10 January 2001]

Department of the Treasury—Tax expenditures statement 2000, January 2001. [Received 25 January 2001]

Federal Magistrates Service—Report for the period 23 December 1999 to 30 June 2000. [Received 13 December 2000]

Foreign Investment Review Board—Report for 1999-2000. [Received 20 December 2000]

Great Barrier Reef Marine Park Authority—Report for 1999-2000. [Received 10 January 2001]

International Labour Organisation—Australia's submission report on International Labour Organisation (ILO) instruments adopted in 1999. [Received 8 December 2000]

Medibank Private—Report for 1999-2000. [Received 15 December 2000]

Medical Training Review Panel—Report for 1999-2000 (Fourth report). [Received 20 December 2000]

Migration Agents Registration Authority—Report for 1999-2000—Errata. [Received 18 December 2000]

National Crime Authority—Report for 1999-2000. [Received 8 December 2000]

Productivity Commission—Report—No. 12—Review of Australia's general tariff arrangements, 22 July 2000. [Received 19 December 2000]

War Crimes Act 1945—Report for 1999-2000 on the operation of the Act. [Received 8 December 2000]

Wheat Export Authority—Report for 1 October 1999 to 30 September 2000. [Received 18 December 2000]

25 CORPORATIONS AND SECURITIES—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—COMPANY LAW REVIEW ACT 1998

The President tabled the following document received on 15 December 2000:

Corporations and Securities—Joint Statutory Committee—Report—Matters arising from the *Company Law Review Act 1998*—Government response.

26 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—ALBURY-WODONGA DEVELOPMENT AMENDMENT BILL 1999

The President tabled the following document received on 8 January 2001:

Rural and Regional Affairs and Transport Legislation Committee—Report—Albury-Wodonga Development Amendment Bill 1999—Government response, dated October 2000.

27 AUDITOR-GENERAL—AUDIT REPORTS NOS 22-27 OF 2000-2001—DOCUMENTS

The President tabled the following documents received since the last sitting of the Senate:

Auditor-General—Audit reports for 2000-2001—

No. 22—Performance audit—Fraud control in Defence—Department of Defence.
[Received 14 December 2000]

No. 23—Financial statement audit—Audits of the financial statements of Commonwealth entities for the period ended 30 June 2000—Summary of results.
[Received 15 December 2000]

No. 24—Performance audit—Family Relationships Services Program—Department of Family and Community Services. [Received 20 December 2000]

No. 25—Information support services—Benchmarking the finance function.
[Received 22 December 2000]

No. 26—Performance audit—Defence Estate facilities operations—Department of Defence. [Received 22 December 2000]

No. 27—Performance audit—Program administration in Training and Youth Division: Business process re-engineering—Department of Education, Training and Youth Affairs. [Received 22 December 2000]

28 INDEPENDENT AUDITOR—AUSTRALIAN NATIONAL AUDIT OFFICE—DOCUMENT

The President tabled the following document received on 22 December 2000:

Independent Auditor—Report—Australian National Audit Office: Results of a performance audit of the planning and resource allocation processes, dated December 2000.

29 HORTICULTURE MARKETING AND RESEARCH AND DEVELOPMENT SERVICES ACT—DECLARATIONS—DOCUMENTS

The President tabled the following documents received on 30 January 2001:

Horticulture Marketing and Research and Development Services Act 2000—Declarations [2], dated 29 January 2001.

30 SENATE COMMITTEE REPORTS—REGISTER (2000 SUPPLEMENT)—DOCUMENT

The President tabled the following document:

Senate committee reports—Register (2000 supplement).

31 BUSINESS OF THE SENATE—1 JANUARY TO 31 DECEMBER 2000—DOCUMENT

The President tabled the following document:

Business of the Senate—1 January to 31 December 2000.

Document ordered to be printed on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell).

32 QUESTIONS ON NOTICE—SUMMARY—DOCUMENT

The President tabled the following document:

Questions on notice—Summary for the period 10 November 1998 to 31 December 2000.

33 ABORIGINES—RECONCILIATION COMMITTEES—DOCUMENT

The Acting Deputy President (Senator Lightfoot) tabled the following document:

Aborigines—Reconciliation Committees—Letter to the President from the Premier of Victoria (Mr Bracks) responding to the resolution of the Senate of 9 October 2000, dated 6 December 2000.

34 CENTENARY OF FEDERATION—DOCUMENT

The Acting Deputy President (Senator Lightfoot) tabled the following document:

Centenary of Federation—Letter to the President of the Senate from the Ambassador of the Kingdom of Cambodia, dated 22 January 2001.

35 ESTIMATES—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIO AND EXECUTIVE DEPARTMENTS—DOCUMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) tabled the following document:

Estimates of proposed additional expenditure for 2000-01—Portfolio additional estimates statements—Portfolio and executive departments—Foreign Affairs and Trade portfolio—Corrigendum.

36 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2000-01

Senator Calvert, at the request of the Chair of the Rural and Regional and Transport Legislation Committee (Senator Crane), tabled additional information received by the committee (Estimates (Supplementary) 2000-01—vol. 1).

37 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 1998-99, ESTIMATES 1999-2000, ADDITIONAL ESTIMATES 1999-2000, ESTIMATES 2000-01

Senator Calvert, at the request of the Chair of the Employment, Workplace Relations, Small Business and Education Legislation Committee (Senator Tierney), tabled documents presented to the committee (Estimates (Supplementary) 2000-01), *Hansard* record of the committees proceedings (Estimates (Supplementary) 2000-01) and additional information received by the committee (Additional Estimates 1998-99—vol. 8; Estimates 1999-2000—vol. 5; Estimates (Supplementary) 1999-2000—vol. 5; Additional Estimates (Supplementary) 1999-2000—vol. 3; Estimates 2000-01—vol. 5 and Estimates (Supplementary) 2000-01—vols 6-8).

38 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2000-01

Senator Calvert, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) tabled additional information received by the committee (Estimates 2000-01—vols 1-3).

39 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—Regulations—Statutory Rules 2000 No. 363.

A New Tax System (Wine Equalisation Tax) Act—Regulations—Statutory Rules 2000 No. 364.

Acts Interpretation Act—Statements pursuant to subsection 34C(7) relating to the delay in presentation of reports—

IIF (CM) Investments Pty Limited Report for 1999-2000.

IIF Investments Pty Limited Report for 1999-2000.

Air Navigation Act—Regulations—Statutory Rules 2000 Nos 360 and 361.

Airports Act—Regulations—Statutory Rules 2000 No. 340.

Australian Communications Authority Act—Radiocommunications (Charges) Determination 2000 (No. 1).

Australian Meat and Live-stock Industry Act—

Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union) Order 2000.

Regulations—Statutory Rules 2000 No. 341.

Australian National University Act—Statute No. 268.

Australian Prudential Regulation Authority Act—Instrument under section 51—Instrument fixing charges to be paid to APRA, dated 14 December 2000.

Australian Radiation Protection and Nuclear Safety Act—Regulations—Statutory Rules 2000 No. 330.

Broadcasting Services Act—

Broadcasting Services (Events) Notice No. 1 of 1994 (Amendment No. 4 of 2000).

Broadcasting Services (International Broadcasting) Guidelines 2000.

Commercial Television Conversion Scheme Variation 2000 (No. 1).

National Television Conversion Scheme Variation 2000 (No. 1).

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—

Civil Aviation Amendment Order (No. 21) 2000.

Civil Aviation Amendment Order (No. 22) 2000.

Civil Aviation Amendment Order (No. 23) 2000.

Directives—Part—

105, dated 5 [2], 6 [4], 7, 8 [2], 11 [4], 13, 19 and 22 December 2000; and 4, 10, 11 [5], 12 [4], 16 [4], 17, 18, 23 [4] and 31 January 2001.

106, dated 11 December 2000; and 12 and 16 January 2001.

107, dated 11 [3] December 2000.

Exemptions Nos CASA EX49/2000, CASA EX50/2000, CASA EX51/2000, CASA EX53/2000, CASA EX03/2001 and EX04/2001.

Instruments Nos CASA 524/00, CASA 540/00, CASA 554/00-CASA 558/00, CASA 560/00, CASA 561/00, CASA 10/01, CASA 20/01, CASA 35/01, CASA 41/01 and CASA 47/01.

Statutory Rules 2000 No. 362.

Commonwealth Authorities and Companies Act—Notice pursuant to paragraph—
45(1)(a) and (c)—Participation in formation and membership of Beyond Blue Limited.

45(1)(c)—Membership of the National Institute of Clinical Studies Australia Ltd.

Commonwealth Electoral Act—Regulations—Statutory Rules 2000 Nos 354 and 355.

Corporations Act—Accounting Standard AASB 1043—Changes to the Application of AASB and AAS Standards and Other Amendments.

Currency Act—Currency (Royal Australian Mint) Determination 2000 (No. 9).

Customs Act—

CEO Instruments of Approval Nos 57 and 58 of 2000.

Notice under subsection—

164(5A)—Notice No. 1 (2001).

164(5AAC)—Notice No. 1 (2001).

Regulations—Statutory Rules 2000 Nos 349, 350 and 352.

Customs Administration Act—Regulations—Statutory Rules 2000 No. 351.

Defence Act—

Determination under section 58B—Defence Determination 2000/40.

Regulations—Statutory Rules 2000 No. 327.

Environment Protection and Biodiversity Conservation Act—Solitary Islands Marine Reserve (Commonwealth Waters)—

Comments on representations on the management plan, dated February 2001.

Management plan.

Environment Protection (Nuclear Codes) Act—Regulations—Statutory Rules 2000 No. 331.

Excise Act—

Notice under subsection—

78A(5A)—Notice No. 1 (2001).

78A(5AAC)—Notice No. 1 (2001).

Regulations—Statutory Rules 2000 Nos 365 and 366.

Excise Amendment (Compliance Improvement) Act—Regulations—Statutory Rules 2000 No. 367.

Export Control Act—Export Control (Orders) Regulations—Export Control (Fees) Amendment Orders 2000 (No. 3).

Export Inspection and Meat Charges Collection Act—Regulations—Statutory Rules 2000 No. 342.

Export Inspection (Establishment Registration Charges) Act—Regulations—Statutory Rules 2000 No. 343.

Family Law Act—Rules of Court—Statutory Rules 2001 No. 1.

Farm Household Support Act—

Dairy Exit Program Scheme Amendment 2000 (No. 3).

Restart Advice Scheme Amendment 2000 (No. 1).

Restart Re-establishment Grant Scheme Amendment 2000 (No. 3).

Federal Court of Australia Act—Rules of Court—Statutory Rules 2000 Nos 333 and 372.

Financial Management and Accountability Act—Financial Management and Accountability (Comcover Special Account) Amendment Determination 2000/14.

Fisheries Management Act—

Northern Prawn Fishery Management Plan 1995—Direction No. NPFD 46.

Regulations—Statutory Rules 2000 Nos 337-339.

Southern Bluefin Tuna Fishery Management Plan 1995—2000/2001 SBT Provisional TAC Determination.

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2000 No. 336.

Fuel Sales Grants Act—Regulations—Statutory Rules 2000 No. 368.

Goods and Services Tax—

Determinations GSTD 2000/12 and GSTD 2001/1.

Rulings GSTR 2000/37 and GSTR 2001/1.

Health Insurance Act—

Declaration—QAA No. 4/2000.

Health Insurance (Diagnostic Imaging — Continuing Medical Education and Quality Assurance Programs) Approval 2000.

Regulations—Statutory Rules 2000 No. 356.

Higher Education Funding Act—

Allocation of Units of Study to Differential Higher Education Contribution Scheme Contribution Bands Guidelines 2000.

Determination under section—

15—Determinations Nos T2-T6 of 2001.

16—Determination No. T7 of 2001.

24—Determination No. T8 of 2001.

27A—Determination No. T1-2001 of 2001.

Home and Community Care Act—Amending agreement in relation to the provision of financial assistance by the Commonwealth of Australia for Home and Community Care Program to Western Australia, dated 30 November 2000.

International Monetary Agreements Act—National interest statement—Australian Government loan to Papua New Guinea, dated 14 December 2000.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Migration Act—

Direction under section 499—Direction – Student Visa Program – Use of Electronic Confirmation of Enrolment – No. 22.

Regulations—Statutory Rules 2000 No. 335.

Statement for period 1 July to 31 December 2000 under section—

48B [12].

345 [12].

351 [36].

417 [184].

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2000 (No. 1).

Murray-Darling Basin Act—Murray-Darling Basin Agreement—Schedule F—Cap on Diversions.

National Health Act—

Declarations Nos PB 1 and PB 2 of 2001.

Determination—

No. PB 3 of 2001.

Under Schedule 1—PIB30/2000 and PIB31/2000.

Regulations—Statutory Rules 2000 Nos 357 and 369.

Rules No. PB 17 of 2000.

National Museum of Australia Act—Regulations—Statutory Rules 2000 No. 326.

Native Title Act—

Recognition of Representative Aboriginal/Torres Strait Islander Body 2000 (No. 14).

Recognition of Representative Aboriginal/Torres Strait Islander Body 2001 (No. 1).

Recognition of Representative Aboriginal/Torres Strait Islander Body 2001 (No. 2).

Navigation Act—Marine Orders—Orders Nos 1 and 2 of 2001.

Parliamentary Service Act—

Parliamentary (Consequential and Transitional) Determination 2000/3.

Parliamentary Service Determinations 2000/2, 2000/4 and 2000/5.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2000 No. 324.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2000 No. 344.

Primary Industries (Customs) Charges Act, Primary Industries (Excise) Levies Act and Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2000 No. 322.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2000 Nos 320 and 345.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2000 Nos 321 and 346.

Primary Industries Levies and Charges Collection Act, National Residue Survey (Customs) Levy Act and National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2000 No. 323.

Product Rulings PR 2000/112 (Addendum), PR 2000/115-PR 2000/119 and PR 2001/1-PR 2001/10.

Product Stewardship (Oil) Act—Regulations—Statutory Rules 2000 No. 353.

Public Employment (Consequential and Transitional) Amendment Act—Regulations—Statutory Rules 2000 No. 332.

Public Service Act—

Public Service Commissioner's Amendment Directions 2000 (No. 1).

Regulations—Statutory Rules 2000 No. 359.

Radiocommunications Act—

Citizen Band Radio Stations Class Licence Variation 2000 (No. 1).

Radiocommunications (Limitation of Authorisation of Third Party Users) Determination 2000.

Radiocommunications (Transfer of Apparatus Licences) Determination 2000.

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Determination 2000 (No. 1).

Remuneration Tribunal Act—

Determination—

2000/14: Remuneration and allowances for various public offices and Members of Parliament.

2000/15: Remuneration and allowances of the Solicitor-General and Director of Public Prosecutions.

2000/16: Remuneration for holders of public office.

2000/17: Travelling Allowance Rates.

Regulations—Statutory Rules 2000 Nos 329 and 334.

Renewable Energy (Electricity) Act—Regulations—Statutory Rules 2001 No. 2.

Safety, Rehabilitation and Compensation Act—Notice of declaration—Notice No. 4 of 2000.

Seafarers Rehabilitation and Compensation Act—Notice No. 2 of 2000.

Superannuation Act 1976—Declaration—Statutory Rules 2000 No. 370.

Superannuation Act 1990—Declaration—Statutory Rules 2000 No. 371.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 20/00, 22/00-24/00 and 1/01-3/01.

Taxation Determinations TD 98/22 (Addendum), TD 2000/53, TD 2000/54 and TD 2000/54 (Addendum) and TD 2001/1.

Taxation Ruling—

ST 2454 (Addendum).

TR 2000/List.

TR 2000/17, TR 2000/18 and TR 2000/18 (Addendum).

Telecommunications Act—

Determination under section—

51—Amendment No. 2 of 2000.

95—Amendment No. 2 of 2000.

Telecommunications Labelling (Customer Equipment and Cabling) Amendment Notice 2000 (No. 2).

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph—

15(1)(b) No. 3 of 2000.

15(1)(e) No. 1 of 2000.

Telecommunications (Interception) Act—Regulations—Statutory Rules 2000 No. 325.

Therapeutic Goods Act—Regulations—Statutory Rules 2000 No. 358.

Trade Practices Act—Instrument under section—

10.02A—Instrument No. Part X 10.02A 1/2000—Instrument of declaration of inland terminals.

10.03—Instrument No. 1 of 2000—Declaration of designated inwards peak shipper body.

Veterans' Entitlements Act—Instrument under section—

88A—Instrument No.—

13/2000—Veterans' Entitlements Treatment (Veterans' Home Care) Determination 13/2000.

18/2000—Veterans' Entitlements Treatment (Accident and Personal Safety) Determination 18/2000.

19/2000—Veterans' Entitlements Treatment (Unidentifiable Condition) Determination 19/2000.

20/2000—Veterans' Entitlements Treatment (Residential Care) Determination 20/2000.

21/2000—Veterans' Entitlements Treatment (Anxiety and Depressive Disorders) Determination 21/2000.

22/2000—Veterans' Entitlements Treatment (Gulf War Health Study) Determination 22/2000.

25/2000—Veterans' Entitlements Determination (psychiatric assessments – dependants of Vietnam veterans) 2000.

26/2000—Veterans' Entitlements Determination (counselling and psychiatric assessment – former dependants of Vietnam veterans) 2000.

90—Instrument No.—

12/2000—Veterans' Entitlements (Treatment Principles – Veterans' Home Care) Instrument 12/2000.

23/2000—Veterans' Entitlements (Treatment Principles – Re-made Section 88A Determinations) Instrument No. 23/2000.

116A—Instrument No. 27/2000—Veterans' Entitlements Determination (Veterans' Children Education Scheme – eligible child) 2000.

117—Instrument No. 30/2000—Veterans' Children Education Scheme (Leave of Absence) Instrument No. 30/2000.

118—Instrument No. 29/2000—Veterans' Entitlements (Veterans' Children Education Scheme – Guidance and Counselling Services) Determination 2000.

196B—Instruments Nos 1-12 of 2001.

Wool Services Privatisation Act—

Declaration of Research Body, dated 19 December 2000.

Regulations—Statutory Rules 2000 Nos 347 and 348.

Workplace Relations Act—Regulations—Statutory Rules 2000 No. 328.

40 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2000—Act (other than item 8 of Schedule 2)—5 December 2000 (*Gazette* No. S 612, 4 December 2000).

Broadcasting Services Amendment (Digital Television and Datacasting) Act 2000—1 January 2001—

(a) items 1 to 74, 76 to 134, 135, 136, 136C, 137AA to 139, 139B, 139C, 140, 141, 144 and 145 of Schedule 1;

(b) Schedule 2;

(c) Schedule 3.

(*Gazette* No. GN 50, 20 December 2000).

Farm Household Support Amendment Act 2000—Section 3 and Schedules 1, 2 and 3—18 December 2000 (*Gazette* No. S 634, 15 December 2000).

Wool Services Privatisation Act 2000—Schedule 1—1 January 2001 (*Gazette* No. S 638, 18 December 2000).

41 TAXATION—OPINION POLLS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 4 December 2000:

Taxation—Opinion polls—Responses received from—

Department of the Prime Minister and Cabinet.

Office of the Minister for Immigration and Multicultural Affairs.

42 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—CHANGE IN MEMBERSHIP

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), by leave, moved—That Senator McKiernan be discharged from and Senator Gibbs be appointed to the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Question put and passed.

43 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

7 December 2000—Message No. 41—

Farm Household Support Amendment Act 2000 (Act No. 144, 2000)

Wool Services Privatisation Act 2000 (Act No. 145, 2000)

11 December 2000—Message No. 42—*National Health Amendment (Improved Monitoring of Entitlements to Pharmaceutical Benefits) Act 2000* (Act No. 146, 2000)

19 December 2000—Message No. 43—

Indigenous Education (Targeted Assistance) Act 2000 (Act No. 147, 2000)

States Grants (Primary and Secondary Education Assistance) Act 2000 (Act No. 148, 2000)

21 December 2000—Message—

No. 44—

ACIS Administration Amendment Act 2000 (Act No. 149, 2000)

Renewable Energy (Electricity) (Charge) Amendment Act 2000 (Act No. 150, 2000)

Interactive Gambling (Moratorium) Act 2000 (Act No. 151, 2000)

Telecommunications Legislation Amendment Act 2000 (Act No. 152, 2000)

Fuel Quality Standards Act 2000 (Act No. 153, 2000)

No. 45—

Roads to Recovery Act 2000 (Act No. 154, 2000)

Privacy Amendment (Private Sector) Act 2000 (Act No. 155, 2000)

Taxation Laws Amendment Act (No. 8) 2000 (Act No. 156, 2000)

Veterans' Affairs Legislation Amendment (Budget Measures) Act 2000 (Act No. 157, 2000)

Aged Care Amendment Act 2000 (Act No. 158, 2000)

No. 46—

Copyright Amendment (Moral Rights) Act 2000 (Act No. 159, 2000)

Financial Sector Legislation Amendment Act (No. 1) 2000 (Act No. 160, 2000)

Jurisdiction of Courts (Miscellaneous Amendments) Act 2000 (Act No. 161, 2000)

Horticulture Marketing and Research and Development Services Act 2000 (Act No. 162, 2000)

Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000 (Act No. 163, 2000)

No. 47—

Education Services for Overseas Students Act 2000 (Act No. 164, 2000)

Education Services for Overseas Students (Assurance Fund Contributions) Act 2000 (Act No. 165, 2000)

Education Services for Overseas Students (Consequential and Transitional) Act 2000 (Act No. 166, 2000)

Education Services for Overseas Students (Registration Charges) Amendment Act 2000 (Act No. 167, 2000)

Migration Legislation Amendment (Overseas Students) Act 2000 (Act No. 168, 2000)

No. 48—

Gene Technology Act 2000 (Act No. 169, 2000)
Gene Technology (Consequential Amendments) Act 2000 (Act No. 170, 2000)
Gene Technology (Licence Charges) Act 2000 (Act No. 171, 2000)
Broadcasting Services Amendment Act 2000 (Act No. 172, 2000)
Taxation Laws Amendment Act (No. 7) 2000 (Act No. 173, 2000)
Renewable Energy (Electricity) Act 2000 (Act No. 174, 2000).

44 GENE TECHNOLOGY BILL 2000

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 629, dated 8 December 2000 am—Gene Technology Bill 2000.

45 RENEWABLE ENERGY (ELECTRICITY) BILL 2000

A message from the House of Representatives was reported as follows:

Message no. 627, dated 8 December 2000 am—Renewable Energy (Electricity) Bill 2000, agreeing to amendments nos 1, 5, 6, 17 to 20 and 23 made and insisted on by the Senate, agreeing to amendments made in place of amendments nos 2 and 7, agreeing to the amendment made by the Senate in place of the amendment made by the House of Representatives in place of amendment no. 24 and agreeing to the further amendments made by the Senate to the bill.

46 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2000

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 620, dated 7 December 2000—A Bill for an Act to amend the *Aboriginal and Torres Strait Islander Commission Act 1989*, and for related purposes.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ian Campbell moved—That this bill be now read a second time.

On the motion of Senator Carr the debate was adjourned till the next day of sitting.

47 ADMINISTRATIVE REVIEW TRIBUNAL BILL 2000

ADMINISTRATIVE REVIEW TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 631, dated 5 February 2001—A Bill for an Act to establish an Administrative Review Tribunal, and for other purposes.

Message no. 632, dated 5 February 2001—A Bill for an Act to repeal or amend certain Acts as a consequence of the enactment of the *Administrative Review Tribunal Act 2000*, and for related purposes.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills be now read a second time.

Explanatory memoranda: Senator Ian Campbell tabled revised explanatory memoranda [2] relating to the bills.

On the motion of Senator Carr the debate was adjourned till the next day of sitting.

48 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2000—CONSIDERATION

Order of the day read for the consideration of the Procedure Committee's second report of 2000.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the recommendations of the Procedure Committee in its second report of 2000, presented on 2 December 2000, be adopted as follows:

- (a) standing order 26(9), relating to supplementary meetings of legislation committees considering estimates, be amended as set out in the report with immediate effect; and
- (b) the continuing order relating to the powers of parliamentary secretaries, be amended as set out in the report with effect from 1 January 2002.

Question put and passed.

49 SYDNEY HARBOUR FEDERATION TRUST BILL 2000 [2001]

Order of the day read for the consideration of message no. 612 from the House of Representatives in committee of the whole (*see entry no. 22, 7 December 2000*).

In the committee

Message read.

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES

- (1) Page 1 (after line 10), after the title, insert:

Preamble

The Parliament intends to conserve and preserve land in the Sydney Harbour region for the benefit of present and future generations of Australians. The land is being vacated by the Department of Defence and includes land at North Head, Middle Head, Georges Heights, Woolwich

and Cockatoo Island. Suitable land with significant environmental and heritage values will be returned to the people of Australia.

The Parliament intends to establish the Sydney Harbour Federation Trust as a transitional body to manage the land and facilitate its return in good order. The Trust will transfer suitable land to New South Wales for inclusion in the national parks and reserves system.

[preamble]

- (2) Clause 2A, page 2 (lines 5 to 19), omit the clause.

[clause 2A—purpose of the Act]

- (3) Clause 3, page 2 (line 20) to page 4 (line 19), omit the clause, substitute:

3 Definitions

In this Act, unless the contrary intention appears:

affected council means a council, established under the *Local Government Act 1993* of New South Wales, of the area in which:

- (a) land mentioned in Schedule 1 or 2; or
- (b) any other Trust land;

is situated.

Chair means the Chair of the Trust.

Commonwealth body includes a Department of State, or authority, of the Commonwealth.

Commonwealth member means a member who was appointed by the Minister under section 12, other than on the recommendation of New South Wales.

Commonwealth place means a place referred to in paragraph 52(i) of the Constitution, other than the seat of government.

Executive Director means the Executive Director of the Trust.

Harbour land means land in the Sydney Harbour region and includes Sydney Harbour's river systems, catchment area and North and South Head.

interest, in relation to land, means:

- (a) a legal or equitable estate or interest in the land; or
- (b) a right, power or privilege over, or in relation to, the land.

interim Trust means the advisory body known as the interim Trust and established by the Commonwealth to commence planning and public consultation in respect of certain Harbour land.

land includes buildings and improvements on the land.

member includes the Chair.

plan means a plan prepared under Part 5 of this Act.

plan area means the land covered by a plan under section 27.

public employee means a person who is a full-time member, officer or employee of:

- (a) the Australian Public Service; or
- (b) the Public Service of a State or a Territory; or
- (c) an authority of the Commonwealth or a State or a Territory; or
- (d) local government.

public notice means a notice published:

- (a) in the *Gazette*; and
- (b) in a daily newspaper circulating in the Sydney region; and
- (c) in a local newspaper circulating in the area concerned.

repeal time means the time at which this Act is repealed under section 66.

suitable person, in respect of a member, means a person with qualifications or experience relevant to one or more of the following fields:

- (a) environmental and heritage conservation;
- (b) indigenous culture;
- (c) land planning and management;
- (d) business management;

and any other field relevant to the Trust's functions.

Trust means the Sydney Harbour Federation Trust established by section 5.

Trust land means any land that:

- (a) vests in the Trust; and
- (b) is held by the Trust from time to time for and on behalf of the Commonwealth;

under section 22.

Trust land site means:

- (a) the sites mentioned in Schedules 1 and 2; or
- (b) land specified in a notice published in the *Gazette* under subsection 21(2).

[clause 3—definitions]

- (4) Part 2, clauses 5 to 9, page 5 (line 2) to page 8 (line 9), omit the Part, substitute:

Part 2—Establishment of the Trust

5 Establishment

- (1) The Sydney Harbour Federation Trust is established by this section.
- (2) The Trust:
 - (a) is a body corporate with perpetual succession; and
 - (b) may have a common seal; and
 - (c) may sue and be sued in its corporate name.

Note: The *Commonwealth Authorities and Companies Act 1997* applies to the Trust. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

- (3) All courts, judges and persons acting judicially must:
- (a) take notice of the imprint of the common seal of the Trust appearing on a document; and
 - (b) presume that the document was duly sealed.

6 Objects

The objects of the Trust are the following:

- (a) to ensure that management of Trust land contributes to preserving the amenity of the Sydney Harbour region;
- (b) to protect, conserve and interpret the environmental and heritage values of Trust land;
- (c) to maximise public access to Trust land;
- (d) to establish and manage suitable Trust land as a park on behalf of the Commonwealth as the national government;
- (e) to co-operate with other Commonwealth bodies that have a connection with any Harbour land in managing that land;
- (f) to co-operate with New South Wales and affected councils in furthering the above objects.

7 Functions

The functions of the Trust are the following:

- (a) to hold Trust land for and on behalf of the Commonwealth;
- (b) to undertake community consultation on the management and conservation of Trust land;
- (c) to do the things referred to in section 38A before plans take effect for an area of Trust land;
- (d) to develop draft plans in respect of Trust land and any other Harbour land in furthering the objects, and performing other functions, of the Trust;
- (e) to rehabilitate, remediate, develop, enhance and manage Trust land, by itself or in co-operation with other institutions or persons, in accordance with the plans;
- (f) to make recommendations to the Minister on:
 - (i) plans; and
 - (ii) the proposed transfer of any Trust land;
- (g) to promote appreciation of Trust land, in particular its environmental and heritage values;
- (h) to provide services and funding to other Commonwealth bodies in furthering the objects, and performing other functions, of the Trust;
- (i) anything incidental to or conducive to the performance of its other functions.

8 Powers

- (1) The Trust has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) The Trust's powers include, but are not limited to, the following powers:
 - (a) negotiate with other Commonwealth bodies and with New South Wales and affected councils;
 - (b) acquire, hold and dispose of real and personal property;
 - (c) enter into agreements with New South Wales and affected councils;
 - (d) accept gifts, grants, bequests and devises made to it;
 - (e) enter into contracts and agreements;
 - (f) form, or participate in the formation of, companies;
 - (g) enter into partnerships;
 - (h) participate in joint ventures;
 - (i) raise money, by borrowing or otherwise, in accordance with section 63.

9 Minister may give directions

- (1) The Minister may give written directions to the Trust in relation to the performance of its functions and the exercise of its powers.
- (2) The Minister must give the Trust written reasons for the directions.
- (3) The Trust must perform its functions and exercise its powers in a manner consistent with any directions given by the Minister under subsection (1).

[Part 2—establishment of the Trust]

- (5) Part 3, clauses 10 to 20, page 9 (line 2) to page 11 (line 24), omit the Part, substitute:

Part 3—Constitution of the Trust

10 Membership of the Trust

The Trust consists of:

- (a) the Chair; and
- (b) 6 other members.

11 Invitations to NSW to recommend members

- (1) Before initially appointing members to the Trust, the Minister must invite New South Wales to recommend persons to be appointed to 2 membership positions.
- (2) If New South Wales does so, then one of the persons recommended must be an elected member of an affected council.
- (3) If:
 - (a) a vacancy arises in the membership of the Trust; and
 - (b) there are not 2 other membership positions held by persons recommended by New South Wales;
 then the Minister must invite New South Wales to recommend persons to be appointed to the vacant membership position.

- (4) Within 2 months of receiving the invitation, New South Wales may recommend suitable persons. If New South Wales does so, at least one of its 2 membership positions must be held by a person who is an elected member of an affected council.
- (5) If New South Wales fails to recommend a person under this section, then the Minister must instead ensure that one of the members he or she appoints is an elected member of an affected council.

12 Appointment of members

- (1) The members of the Trust are to be appointed by the Minister by written instrument.
- (2) The Minister must not appoint a person as a member unless the Minister is satisfied that the person is a suitable person.
- (3) One of the members must, in the Minister's opinion, represent the interests of indigenous people.
- (4) The Minister must not appoint a person as a member if, immediately after the appointment of the person, more than one-half of the members of the Trust would be public employees.
- (5) The appointment of a member is not invalid because of a defect or irregularity in connection with the member's appointment.

13 Terms of office of members

- (1) A member is to be appointed on a part-time basis.
- (2) A member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

14 Acting appointments

- (1) The Minister may appoint a member to act as the Chair:
 - (a) during a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Chair is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.
- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

15 Additional terms and conditions of appointment of members

A member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

16 Outside employment of members

A member must not engage in any paid employment that, in the Minister's opinion, conflicts or may conflict with the proper performance of the member's duties.

17 Remuneration and allowances of members

- (1) A member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed.
- (2) A member is to be paid the allowances that are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

18 Leave of absence

The Chair may grant leave of absence to any other member on the terms and conditions that the Chair determines.

19 Resignation

A member may resign his or her appointment by giving the Minister a written resignation.

20 Termination of appointment of members

- (1) The Minister may terminate a member's appointment for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate a member's appointment if:
 - (a) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the member is absent, except on leave of absence, from 3 consecutive meetings of the Trust; or
 - (c) the member engages in paid employment that, in the Minister's opinion, conflicts or could conflict with the proper performance of the duties of his or her office; or
 - (d) the member fails, without reasonable excuse, to comply with Subdivision B of Division 4 of Part 3 of the *Commonwealth Authorities and Companies Act 1997*.

Note: That Subdivision has rules about "directors" disclosing material personal interests.

- (3) The Minister must not terminate the appointment of a member appointed on the recommendation of New South Wales without first consulting New South Wales.

[Part 3—constitution of the Trust]

- (6) Part 4, clauses 22 to 25, page 12 (line 2) to page 13 (line 3), omit the Part, substitute:

Part 4—Trust land

21 Vesting by Minister of land in the Trust

- (1) The Minister administering the *Naval Defence Act 1910* must, within 4 years of this Act commencing, by notice or notices published in the *Gazette*, specify that each Trust land site mentioned in Schedules 1 and 2 that is a Commonwealth place is to vest in the Trust in accordance with section 22. A notice may deal with a part only of a Trust land site.
- (2) The Minister may, by notice published in the *Gazette*, specify that a part of any other Harbour land that is a Commonwealth place is to vest in the Trust in accordance with section 22.
- (3) The notice must specify the day from which the land is to vest.

22 Vesting of Trust land

- (1) From the beginning of the day specified in the notice, all right, title and interest that the Commonwealth holds in the land vests in the Trust without any conveyance, transfer or assignment.
- (2) The Trust holds the land for and on behalf of the Commonwealth.

23 Minister may make arrangements

- (1) If:
 - (a) the Minister specifies land under section 21; and
 - (b) immediately before the land vests in the Trust under section 22, the Commonwealth is a party to an agreement or instrument that relates to the land;then the Minister may specify, in writing, the agreement or instrument for the purposes of this section.
- (2) An agreement or instrument specified under this section has effect, after the land vests in the Trust, as if:
 - (a) the Trust were substituted for the Commonwealth as a party to the agreement or instrument; and
 - (b) any reference in the agreement or instrument to the Commonwealth were (except in relation to matters that occurred before the land vested) a reference to the Trust.

24 Transfer of Trust land

- (1) The Trust must not sell or otherwise transfer the freehold interest of:
 - (a) any land mentioned in Schedule 1; or
 - (b) land identified in a plan as having significant environmental and heritage values;other than to the Commonwealth, New South Wales or an affected council.
- (2) If the Trust agrees to sell or otherwise transfer the freehold interest of any Trust land, then the Trust must seek the Minister's approval, in writing, of:
 - (a) the terms and conditions of the agreement; and

- (b) the transferee.

25 Lands Acquisition Act not to apply

Part X of the *Lands Acquisition Act 1989* does not apply to the disposal by the Trust of Trust land or an interest in Trust land.

[Part 4—trust land]

- (7) Part 5, clauses 26 to 38B, page 14 (line 2) to page 21 (line 25), omit the Part, substitute:

Part 5—Plans

26 Trust to prepare plans

- (1) Within 2 years of this Act commencing, the Trust must prepare a draft plan in respect of each Trust land site mentioned in Schedules 1 and 2.
- (2) Within 2 years of any other land vesting in the Trust under section 22, the Trust must prepare a draft plan in respect of that land.
- (3) The Minister may extend the period mentioned in subsections (1) and (2) on application, in writing, by the Trust.

27 Plan areas

- (1) A plan must cover at least one Trust land site and must not cover only a part of a site.
- (2) A plan may cover any Harbour land that has not vested in the Trust under section 22. However, the plan takes effect in respect of that land only when:
 - (a) the plan is approved and notified under this Part; and
 - (b) the land vests in the Trust.

Note: If the plan has been approved and notified under this Part before the land vests in the Trust, then the plan does not require further notification under section 34 when the land eventually vests in the Trust.

28 Content of plans

- (1) A plan must accord with the objects of the Trust.
- (2) The plan must accord with principles of ecologically sustainable development.
- (3) The plan must contain the following:
 - (a) a history and description of the plan area, including an identification of current land uses of the area or parts of the area;
 - (b) an assessment of the environmental and heritage values of the area;
 - (c) an assessment of the interrelationship between the plan area and the surrounding region, including other public land in the Sydney Harbour region and other Trust land;
 - (d) objectives for the conservation and management of the area;
 - (e) policies in respect of the conservation and management of the area;
 - (f) an identification of proposed land uses in the area or parts of the area;

- (g) an identification of the nature of possible future owners of the area or parts of the area;
- (h) guidelines, options (if necessary) and recommendations for the implementation of the plan;
- (i) detailed estimates of costs that may be incurred in respect of the area, including costs for remediation, rehabilitation and conservation of the area;
- (j) anything else required by the regulations.

29 Consultation on proposal to prepare draft plan

- (1) Before preparing a draft plan, the Trust must, by public notice:
 - (a) state that it proposes to prepare a draft plan in respect of a specified plan area; and
 - (b) invite interested persons to make representations in connection with the proposal by a specified date that is at least one month after the date of publication of the notice; and
 - (c) specify an address to which representations may be sent.
- (2) A person may make written submissions to the Trust in connection with the proposal not later than the date stated in the notice.
- (3) The Trust:
 - (a) must take into account any submissions made to it in accordance with subsection (2); and
 - (b) must take into account any advice or recommendations received from an advisory committee established under Part 8; and
 - (c) may take into account any other submissions.

30 Consultation on draft plan

- (1) The Trust must make a draft plan, that it has prepared, publicly available by electronic or other means.

Note: The Trust can also charge a reasonable fee for copies of draft plans: see section 70A.

- (2) The Trust must also, by public notice:
 - (a) state that the draft plan has been prepared in respect of a specified plan area; and
 - (b) state where the draft plan is made available to the public; and
 - (c) invite interested persons to make representations in connection with the draft plan by a specified date that is at least one month after the date of publication of the notice; and
 - (d) specify an address to which representations may be sent.
- (3) A person may make written submissions to the Trust in connection with the draft plan not later than the date stated in the notice.
- (4) The Trust:
 - (a) must take into account any submissions made to it in accordance with subsection (3); and

- (b) must take into account any advice or recommendations received from an advisory committee established under Part 8; and
- (c) may take into account any other submissions.

31 Minister to approve plans

- (1) The Trust must submit a draft plan, together with a written report on:
 - (a) its consultations under sections 29 and 30; and
 - (b) consultations (if any) with advisory committees established under Part 8;to the Minister (the *Commonwealth Minister*).
- (2) Before considering the draft plan, the Commonwealth Minister must:
 - (a) provide a copy of it, together with any relevant material, to a relevant Minister (the *State Minister*) of New South Wales; and
 - (b) invite the State Minister to provide comments on the draft plan within 2 months.
- (3) In considering the draft plan, the Minister must take into account any comments or alterations suggested, within the 2 months, by the State Minister.
- (4) The Commonwealth Minister may:
 - (a) approve the draft plan without alteration; or
 - (b) refer the draft plan to the Trust with either or both of the following:
 - (i) directions to conduct a public hearing or any other consultations;
 - (ii) suggested alterations; or
 - (c) reject the draft plan, giving reasons.

32 Action on referral by Minister

- (1) If the Minister refers a draft plan to the Trust, then the Trust must do the following:
 - (a) reconsider the draft plan;
 - (b) undertake the consultations directed by the Minister;
 - (c) undertake any other consultations as the Trust thinks necessary;
 - (d) consider any suggestions made by the Minister;
 - (e) if it thinks fit, alter the draft plan.
- (2) The Trust must then submit:
 - (a) the draft plan; and
 - (b) a written report on additional consultations (if any) undertaken under this section;to the Minister for approval.
- (3) This Part (other than section 26) applies to a draft plan submitted under this section in the same way as it applies to a draft plan submitted under section 31.

33 Rejection of draft plan

- (1) If the Minister rejects the draft plan, then the Trust must:

- (a) consider the Minister's reasons; and
 - (b) prepare a new draft plan.
- (2) This Part (other than section 26) applies to a new draft plan in the same way as it applies to a draft plan submitted under section 31.

34 Notification of plan

If a plan is approved by the Minister, then the Trust must, by notice published in the *Gazette*:

- (a) state that a plan, in respect of a specified plan area or a part of a plan area, has been prepared; and
- (b) specify the day on which the plan takes effect for the area or the part of the area; and
- (c) state where the plan is made available to the public.

Note: The Trust can also charge a reasonable fee for copies of plans: see section 70A.

35 Commencement and implementation of plans

- (1) A plan takes effect for the plan area, or the part of the plan area, specified in a notice under section 34, from the beginning of the day specified in the notice.

Note: Section 27 contains an exception to this rule for land that has not vested in the Trust.

- (2) The Trust must begin to implement a plan as soon as practicable after it has taken effect for the plan area or the part of the plan area.

36 Amendment to plans

- (1) The Trust may, in writing, prepare an amendment to a plan.
- (2) Sections 28 to 35 apply in relation to the preparation of an amendment to a plan in the same way as they apply in relation to the preparation of a draft plan.

36A Submissions to be publicly available

The Trust must make publicly available, by electronic or other means, submissions made under Part 5 on:

- (a) proposals to prepare draft plans; and
- (b) draft plans; and
- (c) amendments to draft plans.

Note: The Trust can also charge a reasonable fee for copies of submissions: see section 70A.

37 Commonwealth etc. to act in accordance with plans

- (1) If a plan has been approved and notified for a plan area (even if the plan or a part of the plan has not taken effect in respect of that area), then the Commonwealth, the Trust and other Commonwealth bodies must act in accordance with the plan in carrying out activities in that area.

- (2) However, this section does not authorise or require the Commonwealth, the Trust or the Commonwealth body to carry out an activity that it is not otherwise legally able to carry out.

38 Transitional—interim Trust actions

Anything done, before this Act commences, by the Commonwealth on behalf of the interim Trust in relation to a plan is taken, for the purposes of this Act, to have been done by the Trust.

38A Transitional—activities before plans take effect

- (1) Before a plan takes effect for an area of Trust land, the Trust may:
- (a) determine the way in which the area may be used before the relevant plan takes effect; and
 - (b) use the area in that way; and
 - (c) grant leases and licences over the area in accordance with section 38B; and
 - (d) carry out maintenance and repair work in the area; and
 - (e) carry out other work in the area to protect the health and safety of persons present there.
- (2) The Trust must not carry out, or allow to be carried out, any work other than the work mentioned in paragraphs (1)(d) and (e).
- (3) The Trust must not cause significant damage, or allow significant damage to be caused, by doing things under subsection (1).
- (4) The Trust must not take into account things done under subsection (1) when determining the content of draft plans.

38B Transitional—leases and licences granted before plans take effect

- (1) This section applies to leases and licences granted under section 38A before a plan takes effect for an area.
- (2) A lease or licence for a fixed term over an area of Trust land:
- (a) must not be for a term of more than 12 months; and
 - (b) must expire within 18 months after the vesting of the land in the Trust.
- (3) A period under a lease for a periodic tenancy:
- (a) must not extend for more than one month; and
 - (b) must not begin after a plan takes effect for any of the area over which the lease is granted.
- (4) A licence that is not for a fixed term must be revoked before a plan takes effect for any of the area over which the licence is granted.
- (5) If a lease or fixed-term licence is in force for an area when a plan takes effect, then the plan takes effect except to the extent that it interferes with the operation of the lease or licence in that area.
- (6) A lease or licence that contravenes this section or subsection 38A(2) or (3) is void.

[Part 5—plans]

- (8) Part 7, clauses 50 to 56A, page 25 (line 2) to page 27 (line 19), omit the Part, substitute:

Part 7—Meetings of the Trust

50 Times and places of meetings

- (1) The Trust is to hold such meetings as are necessary for the efficient performance of its functions.
- (2) Meetings are to be held at such times and places as the Trust determines.
- (3) The Chair may call a meeting at any time if, in his or her opinion, it is in the public interest for the Trust to consider matters urgently.
- (4) The Chair must ensure that at least 4 meetings are held each year.

50A Meetings to be public

Meetings of the Trust must be open to the public unless the Trust determines that it is in the public interest to meet in private.

51 Notice of meetings

- (1) Each member is entitled to receive at least:
 - (a) 24 hours' notice of an urgent meeting called by the Chair under subsection 50(3); and
 - (b) 7 days' written notice of any other meeting of the Trust.
- (2) The Trust must also give at least 7 days' notice to the public of a meeting of the Trust, unless the meeting is an urgent meeting or a private meeting.

52 Presiding at meetings

- (1) The Chair presides at all meetings at which he or she is present.
- (2) If the Chair is not present at a meeting, the members present are to appoint a Commonwealth member to preside.

53 Quorum

A majority of the members for the time being holding office constitutes a quorum.

54 Voting at meetings

- (1) A question is decided by a majority of the votes of the members present and voting.
- (2) The person presiding at a meeting has a deliberative vote and, if necessary, also a casting vote.

Note: Subdivision B of Division 4 of Part 3 of the *Commonwealth Authorities and Companies Act 1997* has rules for “directors” about disclosing, and voting on matters involving, material personal interests.

54A Minutes of meetings

- (1) The Trust must keep minutes of its meetings.
- (2) The reasons why the Chair called an urgent meeting under subsection 50(3) must be recorded in the minutes.

- (3) The name of each person who moves or seconds a motion must be recorded in the minutes.
- (4) The minutes must be made publicly available:
 - (a) by electronic means; and
 - (b) for inspection at an office of the Trust.

55 Conduct of meetings

The Trust may, subject to this Part, conduct proceedings at its meetings in accordance with a written code of meeting practice.

56 Resolutions without meetings

If the Trust so determines, a resolution is taken to have been passed at a meeting of the Trust if:

- (a) without meeting, a majority of the members indicate agreement with the resolution in accordance with the method determined by the Trust; and
- (b) that majority would have constituted a quorum at a meeting of the Trust.

[Part 7—meetings of the Trust]

- (9) Clause 57, page 28 (lines 4 to 32), omit the clause, substitute:

57 Community advisory committees

- (1) The Trust must, by writing, establish a community advisory committee in respect of each plan area.
- (2) The function of each committee is to provide advice or recommendations to the Trust on issues relating to the relevant plan area.
- (3) In providing that advice or making those recommendations, each committee must consider:
 - (a) the relevant plan area in the context of the Sydney Harbour region; and
 - (b) the objects of the Trust and the other provisions of this Act.
- (4) Each committee consists of:
 - (a) one or more representatives, appointed by the Trust, of the local community and of affected councils; and
 - (b) any other person appointed by the Trust.
- (5) A member holds office for the period specified by the Trust. The period must not exceed 3 years.
- (6) The Trust must, after consulting a committee, give written directions to the committee on:
 - (a) procedures to be followed in relation to the meetings of the committee; and
 - (b) the way in which the committee is to carry out its functions.

57A The Trust's obligations to community advisory committees

- (1) The Trust must provide relevant documents and information to community advisory committees.

- (2) In making decisions or taking action in respect of a plan area, the Trust must consider any advice or recommendation of the relevant committee.

[clause 57—community advisory committees]

- (10) Clause 58, page 29 (lines 2 to 10), omit subclauses (1) and (2), substitute:
- (1) The Trust must establish one or more technical advisory committees.
 - (2) The function of a committee is to provide advice and recommendations on any or all of the following matters:
 - (a) environmental and heritage matters relating to plan areas;
 - (b) rehabilitation and decontamination of plan areas;
 - (c) planning and management of plan areas;
 - (d) financial arrangements for plan areas.

[clause 58—technical advisory committees]

- (11) Clause 58, page 29 (line 16), omit “paragraphs (2)(a), (b) or (c)”, substitute “subsection (2)”.

[clause 58—technical advisory committees]

- (12) Clause 58, page 29 (line 17), omit “reasonable”.

[clause 58—technical advisory committees]

- (13) Part 9, clauses 59 to 65, page 30 (line 2) to page 31 (line 18), omit the Part, substitute:

Part 9—Finance

59 Appropriation of money

- (1) There is payable to the Trust such money as is appropriated by the Parliament.
- (2) The Minister for Finance and Administration may give directions as to the amounts in which, and the times at which, money referred to in subsection (1) is to be paid to the Trust.

60 Application of money

- (1) The Trust’s money is to be applied only:
 - (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Trust in the performance of its functions and the exercise of its powers; and
 - (b) in payment or discharge of the liability imposed under section 61; and
 - (c) in payment of remuneration and allowances payable under this Act.
- (2) Subsection (1) does not prevent investment of surplus money of the Trust under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

61 Interim Trust costs etc.

- (1) If, whether before or after the commencement of this Act, the Commonwealth incurs costs or liabilities in respect of the interim Trust, then the Sydney Harbour Federation Trust must pay to the Commonwealth an amount equal to those costs or liabilities.

- (2) The amount may be recovered by the Commonwealth as a debt due to the Commonwealth in a court of competent jurisdiction.

62 Borrowing

The Trust may, with the approval of the Minister for Finance and Administration, borrow money from the Commonwealth or persons other than the Commonwealth on terms and conditions that are specified in, or are consistent with, the approval.

63 Trust may give security

- (1) The Trust must not give security over any land mentioned in Schedule 1.
- (2) However, the Trust may give security over:
 - (a) the whole or any part of any other Trust land that is identified as suitable for sale in a plan approved under Part 5; or
 - (b) any other assets;for:
 - (c) the repayment by the Trust of money borrowed by the Trust under section 62 and the payment by the Trust of interest (including any compound interest) on that money; or
 - (d) the payment by the Trust of amounts (including any interest) that the Trust is liable to pay with respect to money raised by the Trust under paragraph 8(2)(i).

64 Contracts

- (1) The Trust must not, except with the Minister's written approval:
 - (a) enter into a contract involving the payment or receipt by the Trust of an amount exceeding \$1,000,000; or
 - (b) enter into a lease or licence of Trust land for a period that ends after the end of 10 years from the commencement of this Act.
- (2) Paragraph (1)(a) does not apply to the investment of money by the Trust in accordance with section 18 of the *Commonwealth Authorities and Companies Act 1997*.

64A Leases over 25 years

- (1) Before entering into a lease or licence over Trust land for a period of longer than 25 years, the Trust must determine, in writing, the proposed terms and conditions of the lease or licence.
- (2) The determination is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (3) The terms and conditions of the lease or licence must accord with the determination.

65 Liability to taxation

The Trust is not subject to taxation under a law of the Commonwealth or of a State or a Territory.

[Part 9—finance]

- (14) Part 10, clauses 66 to 68, page 32 (line 2) to page 33 (line 10), omit the Part, substitute:

Part 10—Repeal of this Act

66 Repeal of this Act

- (1) As soon as practicable after the end of 10 years from the commencement of this Act, the Minister must, by notice published in the *Gazette*, specify a day on which this Act is to be repealed.
- (2) This Act is repealed at the beginning of that day.

67 Transfer of assets

- (1) The Minister may, by writing, make any or all of the following declarations:
 - (a) a declaration that a specified asset vests in a specified person immediately before the repeal time without any conveyance, transfer or assignment;
 - (b) a declaration that a specified instrument relating to a specified asset continues to have effect after the asset vests in the specified person as if a reference in the instrument to the Trust were a reference to the person;
 - (c) a declaration that the specified person becomes the Trust's successor in law in relation to a specified asset immediately after the asset vests in the person.

Note: An asset or instrument may be specified by name, by inclusion in a specified class or in any other way.

- (2) A declaration under subsection (1) has effect accordingly.
- (3) A copy of a declaration under subsection (1) is to be published in the *Gazette* within 14 days after the making of the declaration.
- (4) Subsection (1) does not prevent the Trust from transferring an asset to a person otherwise than under that subsection.

68 Transfer of liabilities

- (1) The Minister may, by writing, make any or all of the following declarations:
 - (a) a declaration that a specified liability ceases to be a liability of the Trust and becomes a liability of the specified person immediately before the repeal time;
 - (b) a declaration that a specified instrument relating to a specified liability continues to have effect after the liability becomes a liability of the specified person as if a reference in the instrument to the Trust were a reference to the person;
 - (c) a declaration that the specified person becomes the Trust's successor in law in relation to a specified liability immediately after the liability becomes a liability of the person.

Note: A liability or instrument may be specified by name, by inclusion in a specified class or in any other way.

- (2) A declaration under subsection (1) has effect accordingly.
- (3) A copy of a declaration under subsection (1) is to be published in the *Gazette* within 14 days after the making of the declaration.
- (4) Subsection (1) does not prevent the Trust from transferring a liability to a person otherwise than under that subsection.

69 Residual assets and liabilities

- (1) Immediately before the repeal time, any residual assets and liabilities that have not been covered by a declaration under section 67 or 68 vest in the Commonwealth.
- (2) Any instrument relating to such an asset or liability continues to have effect after the asset or liability vests in the Commonwealth as if a reference in the instrument to the Trust were a reference to the Commonwealth.

[Part 10—repeal of this Act]

- (15) Part 11, clauses 70 to 73, page 34 (line 2) to page 36 (line 13), omit the Part, substitute:

Part 11—Miscellaneous

70 Annual report

The annual report on the Trust under section 9 of the *Commonwealth Authorities and Companies Act 1997* must also include:

- (a) a description of the condition of plan areas at the end of the period to which the report relates; and
- (b) the text of all directions, and reasons for directions, given by the Minister to the Trust under section 9 during the period to which the report relates.

70A Fees for documents

The Trust may charge a reasonable fee for copies of the following documents:

- (a) draft plans and plans approved under Part 5;
- (b) submissions made under Part 5 on:
 - (i) proposals to prepare draft plans; and
 - (ii) draft plans; and
 - (iii) amendments to draft plans;
- (c) any other documents made available by the Trust.

71 Exemption from certain State laws

- (1) An excluded State law does not apply, and is taken never to have applied, in relation to:
 - (a) the Trust; or
 - (b) the property (including Trust land) or transactions of the Trust; or
 - (c) anything done by or on behalf of the Trust.

- (2) In this section:

excluded State law means a law of a State, including a law of a State that is applied to a Commonwealth place by virtue of the *Commonwealth Places (Application of Laws) Act 1970*, that relates to any of the following matters:

- (a) town planning;
- (b) the use of land;
- (c) tenancy;
- (d) powers and functions of local councils;
- (e) standards applicable to the design, or manner of construction, of a building, structure or facility;
- (f) approval of the construction, occupancy, use of or provision of services to, a building, structure or facility;
- (g) alteration or demolition of a building, structure or facility;
- (h) the protection of the environment or of the natural and cultural heritage;
- (i) dangerous goods;
- (j) licensing in relation to:
 - (i) carrying on a particular kind of business or undertaking; or
 - (ii) conducting a particular kind of operation.

law means a written law, and includes:

- (a) subordinate legislation; and
- (b) a provision of a law.

72 Delegation

- (1) The Trust may, by writing, delegate to:
- (a) the Executive Director; or
 - (b) an SES employee of the Department; or
 - (c) a person employed under section 48;
- all or any of the functions and powers conferred on the Trust by this Act.
- (2) The Executive Director must report at least once every 6 months on the exercise of delegated functions and powers.

73 Regulations

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, the regulations may make provision relating to any of the following:
- (a) conferring functions on the Trust for the purposes of the regulations;
 - (b) the content of plans;
 - (c) giving effect to, and enforcing the observance of, plans;
 - (d) the way in which proposed land uses are identified in draft plans;
 - (e) services and facilities in, or in connection with, Trust land;

- (f) charging of fees by the Trust in respect of services or facilities provided by the Trust in or in connection with Trust land;
- (g) protecting and conserving the environmental and heritage values of Trust land;
- (h) removing persons unlawfully on Trust land or committing offences against regulations on Trust land;
- (i) regulating conduct of persons on Trust land;
- (j) regulating or prohibiting carrying on any trade or commerce on Trust land;
- (k) removing unauthorised structures from Trust land;
- (l) granting or issuing licences, permissions, permits and authorities in respect of Trust land;
- (m) the conditions subject to which licences, permissions, permits and authorities are granted or issued;
- (n) charging of fees by the Trust in respect of such licences, permissions, permits and authorities;
- (o) penalties for offences against the regulations by way of fines of no more than 10 penalty units;
- (p) functions and powers of wardens and rangers for Trust land;
- (q) the appointment of wardens and rangers;
- (r) arrangements with the Commonwealth, New South Wales and affected councils for the performance of functions and the exercise of powers of wardens and rangers;
- (s) any matter incidental to or connected with any of the above.

[Part 11—miscellaneous]

(16) Schedule 1, page 37 (lines 2 to 9), omit the Schedule, substitute:

Schedule 1—Defence land to be vested in the Trust and remain in public ownership

Note: See subsections 21(1) and 24(1) and section 63.

Defence land to be vested in the Trust and remain in public ownership		
Item	Title of Trust land site	Site description
1	Middle Head and Georges Heights in the Parish of Willoughby, County of Cumberland	Lot 1 in Deposited Plan 831153; Lots 202 and 203 in Lot 2 in Deposited Plan 831153; Lot 2 in Deposited Plan 541799; Lot 1 in Deposited Plan 233157
2	Woolwich in the Parish of Hunters Hill, County of Cumberland	Lot 4 in Deposited Plan 573213 (“Horse Paddock”) and Lot 1 in Deposited Plan 223852 (“Goat Paddock”)

Defence land to be vested in the Trust and remain in public ownership

Item	Title of Trust land site	Site description
3	Cockatoo Island	The island situated in the Harbour of Port Jackson in the State of New South Wales and known as Cockatoo Island, vested in the Commonwealth under section 5 of the <i>Cockatoo and Schnapper Islands Act 1949</i>

[Schedule 1—Defence land to be vested in the Trust and remain in public ownership]

(17) Page 37 (after line 9), at the end of the Bill, add:

Schedule 2—Other land to be vested in the Trust

Note: See subsection 21(1).

Other land to be vested in the Trust

Item	Title of Trust land site	Site description
1	Middle Head and Georges Heights in the Parish of Willoughby, County of Cumberland	Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 in Deposited Plan 233157

[Schedule 2—other land to be vested in the Trust]

Explanatory memoranda: The Minister for the Environment and Heritage (Senator Hill) tabled a supplementary explanatory memorandum relating to the government amendments moved in the House of Representatives to the bill and a further supplementary explanatory memorandum relating to further government amendments to be moved in the Senate to amendments agreed to in the House of Representatives.

Senator Hill moved—That the committee agrees to amendment no. 1 made by the House of Representatives to the bill.

Debate ensued.

At 6.50 pm: The Acting Deputy President (Senator Lightfoot) resumed the chair and the Chair of Committees (Senator West) reported progress.

50 GOVERNMENT DOCUMENTS—CONSIDERATION

The government document tabled earlier today (*see entry no. 2*) was called on but no motion was moved.

51 ADJOURNMENT

The Acting Deputy President (Senator Lightfoot) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.31 pm till Wednesday, 7 February 2001 at 9.30 am.

52 ATTENDANCE

Present, all senators except Senators Bishop, Eggleston, Evans*, Harris*, Patterson and Ridgeway* (* on leave).

HARRY EVANS
Clerk of the Senate