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**1 MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

**2 PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 9 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.

Senator Collins, from 250 petitioners, requesting that the Senate reject the proposal to abolish the Administrative Appeals Tribunal.

**3 NOTICES**

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

(a) notes that:

- (i) the European Parliament has overwhelmingly supported the passage of a directive that it believes will result in the world's toughest laws governing genetically-modified (GM) organisms,
- (ii) this directive means crops will be subject to strict assessment and monitoring and any pharmaceuticals, food, seed or animal feed containing GM products will have to be labelled,
- (iii) this directive overturns the 2-year defacto ban on GM products, but firms will only be granted licences if they provide a risk assessment and carry out continuous monitoring of any possible dangers, and
- (iv) this directive will also establish a public registry, which will allow consumers to trace products;

(b) acknowledges that GM products may have benefits but may also have significant unintended consequences; and

(c) re-affirms its commitment to a strong government role in ensuring a strict regulatory environment and monitoring compliance to ensure minimal environmental and public health risk.

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

(a) notes that:

- (i) 2 March 2001 is 'Go Casual for a Cause Day', and
- (ii) people may choose to 'Go Casual for a Cause' by wearing jeans, pyjamas, a moth-balled relic from the past, or an 'I Would if I Could' badge for those who can not bring themselves to dress casually; and

(b) commends the Spastic Centres of Australia in their bid to make Australians 'Go Casual for a Cause' on 2 March 2001, in support of therapy, research, education and services for people with cerebral palsy.

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

(a) notes moves to demolish South Australia's oldest croquet club, the Glenelg Croquet Club, to build a car park as part of the Glenelg Oval master plan; and

- (b) calls on the Holdfast Bay Council to recognise the community support for this vital community asset and allow the Glenelg Croquet Club to continue to exist in its current location.

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

(a) notes:

- (i) a study commissioned by the Hunter Taskforce, which claims that Hunter Valley workers are \$520 a month behind the New South Wales average income and the area's real unemployment rate is around 3 per cent greater than figures produced by the Australian Bureau of Statistics (ABS), and
  - (ii) that if you use either the ABS model or the Hunter Taskforce model to determine unemployment rates, unemployment would still be lower today in the Hunter under a Howard Government than it was under a Labor Government, under which in 1995 it reached a peak of around 15 per cent;
- (b) criticises the figures produced for the Hunter Taskforce, which are potentially biased and do not recognise the benefits that a stable economy has had in the region, including, low interest rates, low mortgage payments, low inflation rates and historically low unemployment rates; and
- (c) calls on the Hunter Taskforce to start acting on community ideas that create jobs for the region, which would have more benefit to the Hunter Valley than conducting misleading and dishonest surveys.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan): To move 15 sitting days after today—That the Nuclear Non-Proliferation (Safeguards) Amendment Regulations 2000 (No. 3), as contained in Statutory Rules 2000 No. 305 and made under the *Nuclear Non-Proliferation (Safeguards) Act 1987*, be disallowed.

Senator Coonan, by leave, made a statement relating to the notice of motion.

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

- (1) That there be laid on the table by the Minister representing the Treasurer (Senator Kemp), no later than immediately after motions to take note of answers to questions without notice on 7 March 2001, the following documents:
  - (a) the Segment Accountability reports for the 2 years up to, and including, 30 June 2000, provided to the Deputy Commissioner of the Large Business and International (LB&I) business line biannually or at any other time from the following LB&I divisions:
    - (i) Media and Communication,
    - (ii) Banking and Finance,
    - (iii) Insurance and Superannuation,
    - (iv) High Wealth Individuals,
    - (v) Capital Gains Tax,
    - (vi) International, and
    - (vii) Strategic Intelligence Analysis;
  - (b) the governance reports provided by the Deputy Commissioner of LB&I to the Commissioner and/or second Commissioners for the 2 years up to, and including, 30 June 2000;

- (c) a copy of the report in regards to the transfer pricing project known as the 207 project and supporting documents pertaining to the 207 project strategy;
  - (d) all agenda documents, supporting documents and minutes of meetings in regards to the Aggressive Tax Planning Steering Committee, chaired by Mr Kevin Fitzpatrick and Mr Michael Bersten, since the inception of the committee; and
  - (e) a copy of the report into the Australian Taxation Office product rulings, *Review of Product Rulings Project 1998/99*.
- (2) That, in complying with this order, the Minister may cause the following kinds of information to be deleted from the documents:
- (a) the names of individual taxpayers; and
  - (b) information which would directly and specifically harm the strategic pursuit of tax avoidance,

provided that the withholding of such information does not prevent the Senate from gaining a clear understanding of the information contained in the reports, minutes, documents and supporting documents referred to in paragraph (1).

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

- (a) notes the resolution of the European Parliament on freedom of religion in the People's Republic of China that calls for the European Union and its member states to submit a resolution to the United Nations Commission on Human Rights, at its meeting in Geneva, to condemn all violations of religious rights and, in particular, those directed against Tibetan and Mongolian monks, certain Christian churches and certain Muslim communities, and adherents of the Falun Gong movement; and
- (b) calls on the Australian Government to seek China's ratification and implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

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

- (a) notes that:
  - (i) Mirvac, one of Australia's largest residential property developers, is developing an 18-acre site on the old CSR sugar refinery site at New Farm in Brisbane,
  - (ii) included in the site is a tiny 1/2 acre park which is to be developed into 13 townhouses, and
  - (iii) a group of residents is conducting a public awareness and consumer campaign; and
- (b) calls on Mirvac to protect the park for wildlife and residents.

Senator Crossin: To move on the next day of sitting—That the time for the presentation of the report of the Joint Standing Committee on the National Capital and External Territories on the sale of the Christmas Island resort be extended to 18 June 2001.

Senator Brown: To move on 6 March 2001—That regulations 11 and 19 of the Renewable Energy (Electricity) Regulations 2001, as contained in Statutory Rules 2001 No. 2 and made under the *Renewable Energy (Electricity) Act 2000*, be disallowed.

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 6 Communications and the Arts Legislation Amendment (Application of Criminal Code) Bill 2000.

No. 7 Law and Justice Legislation Amendment (Application of Criminal Code) Bill 2000 [2001].

No. 8 Aboriginal and Torres Strait Islander Commission Amendment Bill 2000.

Question put and passed.

Senator Ian Campbell moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 92 (Excise Tariff Amendment (Petrol Tax Cut) Bill 2001 and a related bill); and
- (b) consideration of government documents.

Question put and passed.

**5 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 827 standing in the name of Senator Brown for today, relating to the centenary sittings of the Senate in Melbourne, postponed till 5 March 2001.

General business notice of motion no. 786 standing in the names of Senators Bourne and Allison for today, relating to nuclear weapons, postponed till 6 March 2001.

**6 AUSTRALIAN NATIONAL UNIVERSITY—NOEL BUTLIN ARCHIVES**

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate congratulates the Vice-Chancellor of the Australian National University (ANU), Professor Ian Chubb, for restoring funding of \$100 000 per annum to the Noel Butlin Archives at the university and, in so doing:

- (a) recognising the Noel Butlin Archives as Australia's most important repository of business and labour records;
- (b) honouring the obligations into which the university has entered by maintaining, for public use, this remarkable collection of the history of hundreds of businesses, unions and significant Australians, which constitutes Australia's most important source for the history of enterprise and working life;
- (c) acknowledging the critical position such archival resources occupy in Australian research programs; and
- (d) ensuring that, in respect to the Noel Butlin Archives, the ANU is implementing its unique statutory charter, one characterised by its national role in teaching, post-graduate study and research.

Question put and passed.

**7 LAKE EYRE BASIN INTERGOVERNMENTAL AGREEMENT BILL 2001**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved—That the following bill be introduced:

A Bill for an Act to approve the Lake Eyre Basin Intergovernmental Agreement, and for related purposes.

Question put and passed.

Senator Ian Campbell presented the bill and 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.

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*Explanatory memorandum:* Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day of the 2001 budget sittings.

**8 FORMULA ONE GRAND PRIX**

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) on 1 March to 4 March 2001, the Formula One Grand Prix will be held in a public park in Melbourne,
- (ii) more than 1 000 established trees were cut down to construct the track,
- (iii) for at least 5 months of the year, Grand Prix infrastructure interferes with public access to, and enjoyment of, the park, which comprises 60 per cent of the public open space in the City of Port Phillip,
- (iv) tobacco promotion and advertising in a park is abhorrent,
- (v) the park is progressively degraded each year by the event,
- (vi) each year more than 27 000 tonnes of infrastructure is trucked into the park and then out again, adding to the greenhouse gas problem, as well as polluting several suburbs en route, and
- (vii) the methodology of economic evaluations of the 1996 and 2000 Grand Prix events has not been peer-reviewed and is questioned by some mainstream economists; and

- (b) calls on the Victorian State Government to transfer the race to a permanent, purpose-built venue elsewhere in Victoria, which will right the ethical, environmental and economic wrongs caused by the event being held in Albert Park.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison	Brown	Murray	Stott Despoja
Bartlett	Greig	Ridgeway	Woodley
Bourne (Teller)	Lees		

NOES, 50

Senators—

Abetz	Crane	Hutchins	O'Brien (Teller)
Alston	Crossin	Knowles	Patterson
Bishop	Crowley	Lightfoot	Payne
Boswell	Denman	Ludwig	Ray
Brandis	Eggleston	Lundy	Reid
Buckland	Faulkner	Macdonald, Sandy	Schacht
Calvert	Ferris	Mackay	Tambling
Campbell, George	Forshaw	Mason	Tchen
Campbell, Ian	Gibbs	McGauran	Tierney
Carr	Gibson	McKiernan	Troeth
Collins	Harradine	McLucas	West
Cook	Herron	Murphy	
Cooney	Hogg	Newman	

Question negatived.

#### 9 **INDUSTRY—TEXTILE, CLOTHING AND FOOTWEAR—ORDER FOR PRODUCTION OF DOCUMENT**

Senator George Campbell, 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 taking note of answers to questions without notice on 26 March 2001, the list of all firms having eligible textile, clothing and footwear (TCF) activities which have been registered for the TCF Strategic Investment Program and which are therefore entitled to a grant under that program.

Question put and passed.

#### 10 **NATIONAL MISSILE DEFENCE SYSTEM**

Senator Cook, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recalls its resolution of 29 June 2000 concerning nuclear disarmament and non proliferation and notes the response by the Minister for Foreign Affairs (Mr Downer) of 22 August 2000;
- (b) affirms that Australia must always be prepared to make its own independent judgements on strategic issues and its national security interests;



- (c) considers the proliferation of weapons of mass destruction and ballistic missile delivery systems to be a most serious international security issue;
- (d) notes:
  - (i) the declared intention of the United States Government to proceed with the development and deployment of a national missile defence (NMD) system, and
  - (ii) that countries including Canada, Germany and France have expressed strong concerns about the potential adverse implications of NMD, and that Russia and China have expressed strong opposition to the proposed deployment of NMD;
- (e) noting that China has warned it will respond to NMD by increasing its strategic nuclear missile forces, expresses its concern that NMD may trigger a major nuclear build-up in the Asia-Pacific region;
- (f) recalls Australia's longstanding support for the integrity of the 1972 Anti-Ballistic Missile Treaty as a keystone for nuclear arms control and disarmament;
- (g) considers that sustained multilateral cooperation is fundamental to combating the proliferation of weapons of mass destruction;
- (h) expresses concern that NMD is likely to be counter-productive, with the potential to undermine non-proliferation cooperation and derail world progress towards nuclear disarmament;
- (i) deplores the Australian Government's support for the development and deployment of NMD;
- (j) affirms that Australia should not support, or be involved in, NMD research, development or trials; and
- (k) calls on the Australian Government:
  - (i) to review any such involvement in NMD through the satellite relay ground station at Pine Gap or other arrangements, and
  - (ii) to energetically support cooperative efforts to combat ballistic missile proliferation, including strengthening the missile technology control regime, pursuing a multilateral ballistic missile and space vehicle launch notification regime, urging the de-alerting of nuclear missile forces to reduce the risk of an accidental or unauthorised nuclear weapons launch and encouraging further negotiated deep cuts in existing nuclear arsenals.

Senator Bourne, by leave, moved the following amendment:

At the end of the motion, add:

- (l) calls on the Australian Government to:
  - (i) take no action at a diplomatic level that will further or encourage the pursuit of NMD,
  - (ii) make no statements publicly or privately to US officials that in any way further the deployment of NMD,
  - (iii) inform the Parliament what discussions if any have already taken place with respect to NMD and the joint facilities,

- (iv) inform the Parliament as to whether any arrangements whatsoever have been entered into with respect to Space Based Infrared Systems at the joint facilities,
- (v) refrain from allowing the use of the joint facilities in any manner contrary to the Anti-Ballistic Missile Treaty,
- (vi) disallow use of the joint facilities or other facilities in Australia for NMD-related tests or NMD-related research,
- (vii) urge the governments of the US and Russia to proceed with the early implementation of START-II and the negotiation of START-III at the lowest possible warhead levels as soon as possible, and
- (viii) call on the nuclear weapons states to implement the commitment in the Final Declaration of the Nuclear Non-Proliferation Treaty Review Conference of 19 May 2000 to the 'total and unequivocal elimination' of nuclear weapons on a timely basis.

*Statements by leave:* Senators Bourne, Cook and Brown, by leave, made statements relating to the motion.

Question—That the amendment be agreed to—put and negatived.

Main question put and passed.

**11 SUPERANNUATION LEGISLATION AMENDMENT (POST-RETIREMENT COMMUTATIONS) BILL 2000**

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

Message no. 641, dated 28 February 2001—A Bill for an Act to amend various Acts relating to superannuation, and for other 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 O'Brien the debate was adjourned till the next day of sitting.

**12 NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—REPORT—NATIONAL CRIME AUTHORITY LEGISLATION AMENDMENT BILL 2000**

Pursuant to order, the Deputy Chair of the Parliamentary Joint Committee on the National Crime Authority (Senator George Campbell) tabled the following report and documents:

National Crime Authority Legislation Amendment Bill 2000, dated March 2001, *Hansard* record of the committee's proceedings and submissions [24].

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

Question put and passed.

**13 BROADCASTING LEGISLATION AMENDMENT BILL 2000 [2001]**

Order of the day read for the further consideration of the bill in committee of the whole.

Senator Bourne, pursuant to contingent notice, moved—That it be an instruction to the committee of the whole that:

- (a) the committee divide the Broadcasting Legislation Amendment Bill 2000 [2001] to incorporate in a separate bill provisions relating to unrestricted multi-channelling for the Australian Broadcasting Corporation and the Special Broadcasting Service; and
- (b) the committee add to that bill enacting words and provisions for titles, commencement and schedules of amendments.

Question put and passed.

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*In the committee*

Consideration resumed of the bill, as amended.

*Division of bill:* Senator Bourne moved—

- (1) That amendment (2) on sheet 2107, containing Schedule 1, items 1 and 1A in relation to multi-channelling and agreed to by the committee on 27 February 2001, be incorporated in a schedule to a separate bill with items 1 and 1A renumbered as items 1 and 2, respectively.
- (2) That the following be inserted at the beginning of the new bill:

**A Bill for an Act to amend the *Broadcasting Services Act 1992* in relation to multi-channelling**

The Parliament of Australia enacts:

**1 Short title**

This Act may be cited as the *Broadcasting Services Amendment (Multi-channelling) Act 2001*.

**2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

**3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

**Schedule 1—Amendments**

***Broadcasting Services Act 1992***

Debate ensued.

Question put and passed.

The Broadcasting Legislation Amendment Bill 2000 [2001], as amended, and the Broadcasting Services Amendment (Multi-channelling) Bill 2001 agreed to.

The Broadcasting Legislation Amendment Bill 2000 [2001] to be reported with amendments and the Broadcasting Services Amendment (Multi-channelling) Bill 2001 to be reported without amendments.

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The Acting Deputy President (Senator Crowley) resumed the chair and the Chair of Committees (Senator West) reported that the committee:

- (a) had considered the Broadcasting Legislation Amendment Bill 2000 [2001] and, pursuant to the instruction of the Senate, had divided the bill into two bills, the Broadcasting Legislation Amendment Bill 2000 [2001] and the Broadcasting Services Amendment (Multi-channelling) Bill 2001;
- (b) had amended the Broadcasting Legislation Amendment Bill 2000 [2001]; and
- (c) had agreed to the Broadcasting Services Amendment (Multi-channelling) Bill 2001 with enacting words and provisions for titles and commencement.

The Minister for Communications, Information Technology and the Arts (Senator Alston) moved—That the report from the committee be adopted.

Senator Bourne moved the following amendment:

At the end of the motion, add “and that further consideration of the Broadcasting Services Amendment (Multi-channelling) Bill 2001 be made an order of the day for 6 August 2001”.

Question—That the amendment be agreed to—put and passed.

Main question, as amended, put and passed.

On the motion of Senator Alston the Broadcasting Legislation Amendment Bill 2000 [2001] was read a third time.

#### 14 **WORKPLACE RELATIONS AMENDMENT (TALLIES AND PICNIC DAYS) BILL 2000**

Order of the day read for the consideration of the bill in committee of the whole.

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##### *In the committee*

Bill, taken as a whole by leave, debated.

On the motion of Senator Murray the following amendments, taken together by leave, were debated and agreed to:

Title, page 1 (line 2), omit “**and picnic days**”.

Clause 1, page 1 (line 7), omit “*and Picnic Days*”.

On the motion of Senator Murray the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 1 (lines 9 and 10), omit “a day to be fixed by Proclamation”, substitute “the day on which it receives the Royal Assent”.

Clause 2, page 1 (line 11) to page 2 (line 2), omit subclause (2), substitute:

- (2) Item 1 of Schedule 1 commences 12 months after the day on which this Act receives the Royal Assent.

Senator Murray moved the following amendment:

Schedule 1, page 3 (line 2) to page 10 (line 18), omit the Schedule, substitute:

**Schedule 1—Tallies**

***Workplace Relations Act 1996***

**1 Paragraph 89A(2)(d)**

Omit “, tallies”.

**2 At the beginning of paragraph 89A(2)(d)**

Insert “incentive-based payments (other than tallies),”.

**3 After section 89A**

Insert:

**89B Review of certain awards**

- (1) Within 12 months after this section commences, the Commission must review all awards containing clauses that provide for, or regulate, tallies and, after considering appropriate alternatives, may vary an award to remove such clauses.
- (2) Any clause that provides for, or regulates, tallies that is contained in an award ceases to have effect at the end of 12 months after this section commences.
- (3) After the end of the period of time mentioned in subsection (2), the Commission may vary any award to remove any clauses that have ceased to have effect because of subsection (2).
- (4) If the Commission varies an award under subsection (1) or (3), it must include in the award provisions that ensure that overall entitlements to pay provided by the award are not reduced by that variation, unless the Commission considers that it would be in the public interest not to include such provisions.

Senator Collins moved the following amendment to Senator Murray’s proposed amendment:

Schedule 1, item 2, paragraph 89A(2)(d), omit “(other than tallies)”.

Debate ensued.

Senator Murray, by leave, amended his amendment to read as follows:

Schedule 1, page 3 (line 2) to page 10 (line 18), omit the Schedule, substitute:

**Schedule 1—Tallies**

***Workplace Relations Act 1996***

**1 Paragraph 89A(2)(d)**

Omit “, tallies”.

**2 At the beginning of paragraph 89A(2)(d)**

Insert “incentive-based payments (other than tallies in the meat industry),”.

**3 After section 89A**

Insert:

**89B Review of certain awards**

- (1) Within 12 months after this section commences, the Commission must review all awards containing clauses that provide for, or regulate, tallies and, after considering appropriate alternatives, may vary an award to remove such clauses.
- (2) Any clause that provides for, or regulates, tallies that is contained in an award ceases to have effect at the end of 12 months after this section commences.
- (3) After the end of the period of time mentioned in subsection (2), the Commission may vary any award to remove any clauses that have ceased to have effect because of subsection (2).
- (4) If the Commission varies an award under subsection (1) or (3), it must include in the award provisions that ensure that overall entitlements to pay provided by the award are not reduced by that variation, unless the Commission considers that it would be in the public interest not to include such provisions.

Debate ensued.

Senator Collins, by leave, amended her amendment to Senator Murray's proposed amendment to read as follows:

Schedule 1, item 2, paragraph 89A(2)(d), omit "(other than tallies in the meat industry)".

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*Declaration of interest:* Senator Cooney declared an interest in relation to the bill.

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Debate ensued.

Question—That Senator Collins' amendment to Senator Murray's proposed amendment be agreed to—put.

The committee divided—

AYES, 28

Senators—

Bishop	Cooney	Harradine	McLucas
Brown	Crossin	Hogg	Murphy
Buckland	Crowley	Hutchins	O'Brien
Campbell, George	Denman	Ludwig (Teller)	Ray
Carr	Evans	Lundy	Schacht
Collins	Forshaw	Mackay	Sherry
Cook	Gibbs	McKiernan	West

## NOES, 41

Senators—

Abetz	Ellison	Macdonald, Ian	Stott Despoja
Allison	Ferguson	Macdonald, Sandy	Tambling
Bartlett	Ferris	Mason	Tchen
Boswell	Gibson	McGauran	Tierney
Bourne	Greig	Minchin	Troeth
Brandis	Herron	Murray	Vanstone
Calvert (Teller)	Hill	Newman	Watson
Campbell, Ian	Kemp	Patterson	Woodley
Chapman	Knowles	Payne	
Coonan	Lees	Reid	
Eggleston	Lightfoot	Ridgeway	

Question negatived.

Senator Collins moved the following amendments to Senator Murray's proposed amendment together by leave:

Schedule 1, item 3, subsection 89B(1), after "tallies", insert "in the meat industry".

Schedule 1, item 3, subsection 89B(2), after "tallies", insert "in the meat industry".

Question—That Senator Collins' amendments to Senator Murray's proposed amendment be agreed to—put and passed.

Question—That the amendment, as amended, be agreed to—put and passed.

Bill, as amended, agreed to.

Bill to be reported with amendments and with an amendment to the title.

---

The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) the report from the committee was adopted.

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

Debate ensued.

*At 12.45 pm:* Debate was interrupted while Senator Collins was speaking.

# 15 **GENETICALLY-MODIFIED CROPS—TASMANIA—PROPOSED SUSPENSION OF STANDING ORDERS**

Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Brown moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to genetically-modified crops in Tasmania.

Debate ensued.

Senator Brown, by leave, withdrew the motion.

**16 COMMUNICATIONS AND THE ARTS LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Kemp)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

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*In the committee*

Bill, taken as a whole by leave, agreed to.

Bill to be reported without amendment.

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The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

**17 LAW AND JUSTICE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000 [2001]**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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On the motion of Senator Patterson the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (line 5), omit “Schedule 51 commences”, substitute “Schedules 21 and 51 commence”.

Page 151 (lines 2 to 4), omit the heading to Schedule 51, substitute:

**Schedule 51—Amendments (except for Customs Act)  
commencing on the day mentioned in subsection  
2.2(2) of the Criminal Code**

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of Senator Patterson the report from the committee was adopted and the bill read a third time.

**18 COMMUNICATIONS AND THE ARTS LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000—STATEMENT BY LEAVE**

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson), by leave, made a statement relating to a question asked by Senator Ridgeway today during debate on the Communications and the Arts Legislation Amendment (Application of Criminal Code) Bill 2000.

**19 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2000**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

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*In the committee*

Bill, taken as a whole by leave, agreed to.

Bill to be reported without amendment.

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The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

*Suspension of sitting:* On the motion of Senator Patterson the sitting of the Senate was suspended till 2 pm.

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At 2 pm—

## 20 QUESTIONS

Questions without notice were answered.

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*Disorder:* Senator Schacht, for persistently and wilfully refusing to conform to the standing orders, was reported to the Senate by the President.

Senator Schacht, having been called on in accordance with standing order 203, made an explanation and apology.

*Suspension of senator:* The Minister for the Environment and Heritage (Senator Hill) moved—That Senator Schacht be suspended from the sitting of the Senate.

Question put.

The Senate divided—

### AYES, 43

Senators—

Abetz	Coonan	Knowles	Payne
Allison	Crane	Lees	Ridgeway
Alston	Eggleston	Lightfoot	Stott Despoja
Bartlett	Ellison	Macdonald, Ian	Tambling
Boswell	Ferguson	Macdonald, Sandy	Tchen
Bourne	Ferris	Mason	Tierney
Brandis	Gibson	McGauran	Troeth
Brown	Greig	Minchin	Vanstone
Calvert (Teller)	Harradine	Murray	Watson
Campbell, Ian	Herron	Newman	Woodley
Chapman	Kemp	Patterson	

### NOES, 29

Senators—

Bishop	Cooney	Hogg	O'Brien (Teller)
Bolkus	Crossin	Hutchins	Ray
Buckland	Crowley	Ludwig	Schacht
Campbell, George	Denman	Lundy	Sherry
Carr	Evans	Mackay	West
Collins	Faulkner	McKiernan	
Conroy	Forshaw	McLucas	
Cook	Gibbs	Murphy	

Question agreed to.

Senator Schacht withdrew from the chamber.

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A further question without notice was answered.

**21 ANSWERS TO QUESTIONS**

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

**22 GENETICALLY-MODIFIED CROPS—TASMANIA**

Senator Brown, by leave, moved—That the Senate—

- (a) condemns the failure of the Government and the Gene Technology Regulator to monitor and safely control 58 sites of genetically-modified crops in Tasmania associated with foreign companies, Aventis and Monsanto; and
- (b) calls on the Minister for Health and Aged Care (Dr Wooldridge) to provide the Senate, by the next day of sitting, an explanation for his failure and details on:
  - (i) what prosecution or other legal action is being taken,
  - (ii) what urgent moves have been set in train to contain spread of genetically-modified material within and beyond the 100 metres buffer zone for the crop areas,
  - (iii) when and how the Minister was informed and when and how he reacted,
  - (iv) the potential damage, direct and indirect, to Tasmania's agriculture sector, in particular its growing organic produce sector's well-being, and
  - (v) all approved, current and previous, genetically-engineered sites in Tasmania.

Question put and passed.

**23 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—GOVERNMENT RESPONSE—JAPAN'S ECONOMY**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Japan's economy: Implications for Australia—Government response.

**24 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA AND APEC**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Australia and APEC: A review of Asia Pacific Economic Cooperation—Government response, dated March 2001.

**25 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Legal and Constitutional Legislation Committee—Report—Privacy Amendment (Private Sector) Bill 2000—Government response, dated 14 February 2001.

**26 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—THE 1998 FEDERAL ELECTION**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Electoral Matters—Joint Standing Committee—Report—The 1998 federal election: Inquiry into the conduct of the 1998 federal election and matters related thereto—Government response.

**27 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA AND ASEAN**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia and ASEAN: Managing change—Government response, dated November 2000.

**28 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S TRADE RELATIONSHIP WITH INDIA**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's trade relationship with India: Commonwealth, common language, cricket and beyond—Government response, dated November 2000.

**29 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—COMMUNICATIONS WITH AUSTRALIA'S EXTERNAL TERRITORIES—GOVERNMENT RESPONSE**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

National Capital and External Territories—Joint Standing Committee—Report—Island to islands: Communications with Australia's external territories—Government response.

**30 DOCUMENTS**

The following documents were tabled by the Clerk:

Acts Interpretation Act—Statement pursuant to subsection 34C(7) relating to the delay in presentation of a report—National Residue Survey Report for 1999-2000.

Higher Education Funding Act—Determination under section 19—Determination No. T12 of 2001.

**31 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That Senator Forshaw replace Senator Evans on the Community Affairs Legislation Committee for the consideration of the Australia New Zealand Food Authority Amendment Bill 2001.

Question put and passed.

**32 CUSTOMS TARIFF AMENDMENT BILL (No. 4) 2000**

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

Message no. 642, dated 28 February 2001—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That this bill be now read a second time.

*Leave refused:* Senator Ellison sought leave to incorporate the second reading speech in *Hansard*.

An objection was raised and leave was not granted.

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*Document:* Senator Ellison tabled the following document:

Second reading speech relating to the bill.

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On the motion of Senator O'Brien the debate was adjourned till the next day of sitting.

*General business was called on.*

**33 EXCISE TARIFF AMENDMENT (PETROL TAX CUT) BILL 2001 (No. 2)  
CUSTOMS TARIFF AMENDMENT (PETROL TAX CUT) BILL 2001 (No. 2)**

Order of the day read for the adjourned debate on the motion of Senator Cook—That these bills be now read a second time.

Debate resumed.

*At 6 pm:* Debate was interrupted while Senator Tierney was speaking.

**34 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to government documents were considered:

Commonwealth Electoral Act—2000 Redistribution into electoral divisions—Northern Territory—Report. Motion of Senator Crossin to take note of document agreed to.

General business order of the day no. 1 relating to government documents was called on but no motion was moved.

*General business concluded.*

**35 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—  
CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

Rural and Regional Affairs and Transport References Committee—Report—Deregulation of the Australian dairy industry—Government response. Motion of Senator Forshaw to take note of document debated. Debate adjourned till the next day of sitting, Senator Forshaw in continuation.

Environment, Communications, Information Technology and the Arts References Committee—Report—The Hinchinbrook Channel inquiry—Government response. Motion of Senator Bartlett to take note of document agreed to.

Corporations and Securities—Joint Statutory Committee—Report—Fees on electronic and telephone banking. Motion of the chair of the committee (Senator Chapman) to take note of report agreed to.

**36 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 21 of 2000-01—Performance audit—Management of the National Highways System Program: Department of Transport and Regional Services. Motion to take note of document moved by Senator O'Brien. Debate adjourned till next day of sitting, Senator O'Brien in continuation.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

**37 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.10 pm till Monday, 5 March 2001 at 12.30 pm.

**38 ATTENDANCE**

Present, all senators except Senators Harris\* and Heffernan (\* on leave).

**HARRY EVANS**  
Clerk of the Senate