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**1 MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

**2 WORKPLACE RELATIONS AMENDMENT (TALLIES) 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 third time.

Debate resumed.

Question put and passed.

Bill read a third time.

**3 THERAPEUTIC GOODS AMENDMENT BILL (No. 4) 2000 [2001]**

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

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*In the committee*

Consideration resumed of the bill—and of the amendments moved by the Leader of the Australian Democrats (Senator Lees):

Clause 2, page 1 (lines 7 to 13), omit the clause, substitute:

**2 Commencement**

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (2) Schedule 1 commences on a day to be fixed by Proclamation.
- (3) If Schedule 1 does not commence under subsection (2) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

Page 9 (after line 18), at the end of the bill, add:

**Schedule 2—Restricted goods*****Therapeutic Goods Act 1989*****1 Subsection 3(1) (definition of *restricted goods*)**

Repeal the definition.

**2 Section 6AA**

Repeal the section.

**3 Section 6AB**

Repeal the section.

**4 Section 23AA**

Repeal the section.

**5 Subsection 57(9)**

Repeal the subsection.



Debate resumed.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) the report from the committee was adopted and the bill read a third time.

**4 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2000 [2001]**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Cooney was speaking.

**5 QUESTIONS**

Questions without notice were answered.

**6 ECONOMY—ANSWERS TO QUESTIONS**

Senator Sherry moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) and the Minister for the Environment and Heritage (Senator Hill), to questions without notice asked by Senators Hogg and Ray today relating to the economy.

Debate ensued.

Question put and passed.

**7 TRANSPORT—ANSWER TO QUESTION**

Senator Greig moved—That the Senate take note of the answer given by the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) to a question without notice asked by Senator Greig today relating to transport infrastructure.

Question put and passed.

**8 NOTICES**

*Notices of motion:*

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the time for the presentation of reports of the Select Committee on Superannuation and Financial Services be extended as follows:

- (a) initial terms of reference—to 24 May 2001; and
- (b) the benefit design of Commonwealth public sector and defence force unfunded superannuation funds and schemes—to 5 April 2001.



The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the order of the Senate of 22 September 1999 establishing the Select Committee on Superannuation and Financial Services be amended as follows:

After paragraph (2), insert:

- (2A) The committee consider and report on any issues arising from the provisions of any bills relating to superannuation.

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

- (a) notes that:
- (i) the press coverage for the Australian Grand Prix in Melbourne on 1 March to 4 March 2001 again provided tobacco companies with unparalleled advertising opportunities,
  - (ii) Save Albert Park counted 255 370 ticketed attenders for the 4-day event, in contrast to the Grand Prix Corporation's claim that 369 500 people were there, and
  - (iii) this will be the sixth year that the race has made an operating loss, and again Victorian taxpayers will underwrite the event;
- (b) urges the Federal Government to ban incidental advertising of tobacco products outside the confines of the Grand Prix; and
- (c) urges the Victorian State Government to:
- (i) investigate alternative venues for the Grand Prix,
  - (ii) make public the contract signed with the Grand Prix Corporation, and
  - (iii) reveal the extent to which it subsidised the race.

Senator Bourne: To move on 8 March 2001—That the Senate—

- (a) notes that:
- (i) the International Day for the Elimination of Racial Discrimination is observed annually on 21 March, and
  - (ii) the reason it is observed annually on 21 March is because on that day in 1960, police opened fire and killed 69 people who were protesting against the apartheid system at a peaceful demonstration in Sharpeville, South Africa;
- (b) acknowledges that the horrors of racism, racial discrimination, xenophobia and ethnic cleansing are problems which have not gone away, but which persist in many parts of the world today, such that racism remains one of the most significant human rights challenges confronting society;
- (c) commends the Office of the United Nations High Commissioner for Human Rights for its efforts in preparing for this year's World Conference Against Racism and for its devotion to the promotion of equality and non-discrimination; and
- (d) urges the international community to confront the problem of racism and to redouble its efforts in seeking to eliminate all forms of racial discrimination in accordance with the United Nations Charter as well as the principles of the International Convention on the Elimination of All Forms of Racial Discrimination.



The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—

No. 1—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Family and Community Services Legislation Amendment (New Zealand Citizens) Bill 2001, allowing it to be considered during this period of sittings.

No. 2—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Aircraft Noise Levy Collection Amendment Bill 2001, allowing it to be considered during this period of sittings.

No. 3—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Lake Eyre Basin Intergovernmental Agreement Bill 2001, allowing it to be considered during this period of sittings.

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*Documents:* Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of certain bills in the 2001 autumn sittings.

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*Intention to withdraw:* Senator Calvert, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan) and pursuant to standing order 78, gave notice of Senator Coonan's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 and 2 standing in her name for 9 sitting days after today for the disallowance of the following instruments:

Civil Aviation Amendment Regulations 2000 (No. 8), as contained in Statutory Rules 2000 No. 295 and made under the *Civil Aviation Act 1988*.

Exemption No. CASA EX43/2000, made under regulation 308 of the Civil Aviation Regulations 1988.

Senator Calvert, by leave, made a statement relating to the notice of intention.

## 9 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 6 March 2001.

Business of the Senate notices of motion nos 1 and 2 standing in the name of Senator Brown for 6 March 2001, relating to the disallowance of regulations made under the *Renewable Energy (Electricity) Act 2000*, postponed till 27 March 2001.

General business notice of motion no. 830 standing in the name of Senator Stott Despoja for today, relating to 'Go Casual for a Cause Day', postponed till 6 March 2001.



**10 LEAVE OF ABSENCE**

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator West for 5 March and 6 March 2001, on account of parliamentary business overseas.

Question put and passed.

**11 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Crossin, pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

**12 GENETICALLY-MODIFIED ORGANISMS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

**13 ENVIRONMENT—RESIDENTIAL PROPERTY DEVELOPMENT—BRISBANE**

*Motion determined as not formal:* Senator Allison requested that general business notice of motion no. 835 standing in her name for today, relating to a residential property development in Brisbane, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Postponement:* Senator Allison, by leave, moved—That general business notice of motion no. 835 be postponed till the next day of sitting.

Question put and passed.



**14 TAXATION—ORDER FOR PRODUCTION OF DOCUMENTS**

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

- (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).

Question put and passed.

**15 POSTPONEMENT**

Senator Stott Despoja, by leave, moved—That general business notice of motion no. 831 standing in her name for today, relating to the Glenelg Croquet Club, be postponed till the next day of sitting.

Question put and passed.



**16 FOREIGN AFFAIRS—PEOPLE’S REPUBLIC OF CHINA—FREEDOM OF RELIGION**

*Motion determined as not formal:* Senator Brown requested that general business notice of motion no. 834 standing in his name for today, relating to freedom of religion in the People’s Republic of China, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Statement by leave:* Senator O’Brien, by leave, made a statement relating to the motion.

*Suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 834.

Debate ensued.

Question put and passed.

Senator Brown moved—That general business notice of motion no. 834 may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Brown moved—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 O’Brien moved the following amendment:

Omit all words after “Senate”, substitute “welcomes the People’s Republic of China’s ratification of the International Covenant on Economic, Social and Cultural Rights and calls on the Australian Government to encourage China to ratify the International Covenant on Civil and Political Rights”.

Debate ensued.

Senator Harradine moved the following amendment to Senator O’Brien’s proposed amendment:

At the end of the motion, add:

- (b) requests the Australian Government, at the next Australia/China Human Rights dialogue meeting, to raise as the priority freedom of religion in the People’s Republic of China.

Debate ensued.

Question—That Senator Harradine’s amendment to Senator O’Brien’s proposed amendment be agreed to—put and passed.

Question—That Senator O’Brien’s amendment, as amended, be agreed to—put and passed.

Main question, as amended, put and passed.



**17 AUSTRALIAN PARLIAMENTARY DELEGATION TO HUNGARY AND POLAND—DOCUMENT**

Senator Coonan, by leave, tabled the following document:

Hungary and Poland—Report of the Australian parliamentary delegation, 15-26 October 2000, dated March 2001.

**18 DOCUMENTS**

The following documents were tabled by the Clerk:

Aged Care Act—Schedule of Residential Care Services determined to be Adjusted Residential Care Services as at 1 November 2000.

Australian Bureau of Statistics Act—Proposal No. 1 of 2001.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—

Directives—Part 105, dated 15, 16 [2] and 22 February 2001.

Instruments Nos CASA 98/01 and CASA 108/01.

Statutory Rules 2001 No. 34.

Class Ruling CR 2001/1.

Copyright Act—Regulations—Statutory Rules 2001 No. 29.

Customs Act—Regulations—Statutory Rules 2001 No. 30.

Defence Act—Regulations—Statutory Rules 2001 No. 32.

Export Inspection (Service Charge) Act—Regulations—Statutory Rules 2001 No. 28.

Family Law Act—Regulations—Statutory Rules 2001 No. 31.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2001 No. 36.

Migration Act—Regulations—Statutory Rules 2001 No. 27.

Navigation Act—Marine Orders—Order No. 5 of 2001.

Navigation Act and Protection of the Sea (Prevention of Pollution from Ships) Act—Marine Orders—Orders Nos 3 and 4 of 2001.

Product Ruling PR 2001/16.

Safety, Rehabilitation and Compensation Act—Notice under paragraph 16(6)(c)—Notice No. 1 of 2001.

Stevedoring Industry Finance Committee Act—Regulations—Statutory Rules 2001 No. 35.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2001 No. 37.

Superannuation (Resolution of Complaints) Act—Regulations—Statutory Rules 2001 No. 38.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2001 (No. 1).

Trade Marks Act—Regulations—Statutory Rules 2001 No. 33.

Workplace Relations Act—Rules—Statutory Rules 2001 No. 39.



**19 GOVERNOR-GENERAL'S PROCLAMATION—COMMENCEMENT OF PROVISIONS OF AN ACT**

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the date specified:

*Migration Legislation Amendment (Overseas Students) Act 2000*—Schedules 2 and 3—1 March 2001 (*Gazette* No. GN 8, 28 February 2001).

**20 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2000—Statements of compliance—

Department of Communications, Information Technology and the Arts.

Environment and Heritage portfolio.

**21 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT BILL (NO. 2) 2000**

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

Message no. 645, dated 1 March 2001—Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 2000.

**22 NATIONAL MUSEUM OF AUSTRALIA AMENDMENT BILL 2001**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 643, dated 1 March 2001—National Museum of Australia Amendment Bill 2001.

**23 VETERANS' AFFAIRS LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2000**

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

Message no. 644, dated 1 March 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, 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 Denman the debate was adjourned till the next day of sitting.



**24 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Medicare Levy Amendment (CPI Indexation) Bill (No. 2) 2000).

Question put and passed.

**25 MEDICARE LEVY AMENDMENT (CPI INDEXATION) BILL (NO. 2) 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.

Senator Cook moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for its treatment of Medicare and the effective ‘Americanisation’ of the health system, and its taxation policies generally, given the impact these policies have had on the Australian economy”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

On the motion of Senator Ian Campbell consideration of the bill in committee of the whole was made an order of the day for a later hour.

**26 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2000 [2001]**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—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:* Senator Ellison 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 Ellison the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 6, page 7 (lines 4 to 8), omit “investigating officer” (wherever occurring), substitute “investigating constable”.

Schedule 1, item 56, page 21 (line 25) to page 22 (line 7), omit “A constable” (wherever occurring), substitute “An authorised applicant”.

Schedule 1, item 56, page 22 (line 2), omit “constable”, substitute “authorised applicant”.

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

Schedule 1, item 7, page 7 (line 16), omit “Division 14”, substitute “section 23YQ”.

Schedule 1, page 9 (after line 15), after item 24, insert:

**24A Subsection 23WA(1) (definition of order)**

Repeal the definition, substitute:

*order* means:

- (a) in relation to a suspect—an order of a magistrate under section 23WS or interim order of a magistrate under section 23XA; or
- (b) in relation to an offender—an order of a judge or magistrate under section 23XWO; or
- (c) in relation to a volunteer—an order of a magistrate under section 23XWU.

Schedule 1, page 10 (after line 12), after item 29, insert:

**29A Subsection 23WA(1) (definition of relevant offence)**

Repeal the definition, substitute:

*relevant offence* means:

- (a) in relation to a person who is a suspect:
  - (i) the indictable offence in relation to which the person is a suspect; or
  - (ii) any other indictable offence arising out of the same circumstances; or
  - (iii) any other indictable offence in respect of which the evidence likely to be obtained as a result of a proposed forensic procedure carried out on the suspect is likely to have probative value; or
- (b) in relation to an offender—the offence for which the offender was convicted and to which an application for an order authorising a forensic procedure relates.

Schedule 1, page 12 (after line 32), after item 36, insert:

**36A Section 23WB**

After “suspect” (wherever occurring), insert “, offender or volunteer”.

**36B Subsection 23WB(4)**

After “suspect’s”, insert “, offender’s or volunteer’s”.



Schedule 1, page 13 (after line 17), after item 41, insert:

**41A Subsection 23WJ(2)**

Omit “the taking of a hand print, finger print, foot print or toe print”, substitute “a non-intimate forensic procedure”.

Note: The heading to subsection 23WJ(2) is altered by omitting “*most*” and substituting “*intimate*”.

Schedule 1, page 15 (after line 17), after item 54, insert:

**54A Subsection 23XP(1)**

Omit “the taking of a hand print, finger print, foot print or toe print”, substitute “a non-intimate forensic procedure”.

Note: The heading to section 23XP is altered by omitting “**most**” and substituting “**intimate**”.

Schedule 1, item 56, page 29 (line 3), after “material”, insert “taken or information”.

Schedule 1, page 39 (after line 16), after item 75, insert:

**75A Subsection 23YG(2) (note)**

Omit “section 23XV”, substitute “section 23XU”.

Schedule 1, page 45 (after line 2), after item 81, insert:

**81A Section 23YT**

Repeal the section.

Senator Greig moved the following amendment:

Schedule 1, page 15 (after line 17), after item 54, insert:

**54B After section 23XV**

Insert:

**23XVA Right of independent analysis**

- (1) A suspect must be given the right to have any sample taken from the suspect or a crime scene, that is used for the purposes of proceedings against the suspect, and the results of the analysis of that sample, examined by an independent scientific expert.
- (2) The investigating constable may require any independent examination of the sample and the results of the analysis to be carried out in the presence of the investigating constable or a person nominated by the investigating constable.

Debate ensued.

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

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

Schedule 1, item 56, page 25 (lines 18 to 26), omit paragraphs (b) and (c), substitute:

- (b) that the volunteer has a choice as to whether the information is stored on the volunteers (limited purposes) index or the volunteers (unlimited purposes) index of that system;



- (ba) if the information is placed on the volunteers (limited purposes) index—the purpose for which the information is placed on the index and that the information may only be used for that purpose;
- (c) if the information is placed on the volunteers (unlimited purposes) index—that the information may be used for the purposes of a criminal investigation or any other purpose for which the DNA database system may be used under Division 8A;

Schedule 1, page 29 (after line 16), after item 58, insert:

**58A Paragraph 23XX(3)(a)**

Omit “suspect”, substitute “person”.

**58B Subsection 23XX(4)**

Omit “suspect” (wherever occurring), substitute “person”.

**58C Paragraph 23XX(5)(c)**

Omit “suspect”, substitute “person”.

**58D Paragraph 23XX(5)(g)**

Omit “suspects”, substitute “persons”.

**58E Sections 23XY and 23YA**

Omit “suspect” (wherever occurring), substitute “person”.

Schedule 1, item 64, page 31 (line 10), omit “suspect”, substitute “person”.

Schedule 1, item 65, page 31 (lines 19 to 21), omit paragraph (a), substitute:

- (a) at any place (whether within or outside Australia) where an offence (whether a prescribed offence or an offence under the law of a participating jurisdiction) was, or is reasonably suspected of having been, committed; or

Schedule 1, item 65, page 32 (lines 16 to 20), omit the definition of *serious offenders index*, substitute:

*serious offenders index* means an index of DNA profiles derived from forensic material taken from:

- (a) serious offenders in accordance with Division 6A, or under a corresponding law of a participating jurisdiction; and
- (b) suspects who have been convicted of a prescribed offence or an offence under a corresponding law of a participating jurisdiction.

Schedule 1, item 65, page 32 (lines 28 to 31), omit the definition of *suspects index*, substitute:

*suspects index* means an index of DNA profiles derived from forensic material taken from suspects in accordance with Division 3, 4 or 5 or under a corresponding law of a participating jurisdiction.

Schedule 1, item 65, page 33 (lines 7 to 16), omit the definition of *volunteers (unlimited purposes) index*, substitute:



***volunteers (unlimited purposes) index*** means an index of DNA profiles derived from forensic material taken:

- (a) from volunteers who (or whose parents or guardians) have been informed under paragraph 23XWR(2)(c) that information obtained may be used for the purpose of a criminal investigation or any other purpose for which the DNA database system may be used under this Division, in accordance with Division 6B, or under a corresponding law of a participating jurisdiction; and
- (b) from deceased persons whose identity is known.

Schedule 1, item 65, page 34 (lines 10 and 11), omit “in relation to a serious offence or prescribed offence”.

Schedule 1, item 77, page 40 (lines 29 to 31), omit paragraph (g), substitute:

- (g) the purposes of an investigation by the Privacy Commissioner or the Ombudsman of the Commonwealth or of a participating jurisdiction.

Senator Greig moved the following amendments together by leave:

Schedule 1, item 77, page 41 (lines 28 to 34), omit subsection (2), substitute:

- (2) Forensic material, or information obtained from it, that was taken in accordance with a law of a State or a Territory must not be retained or used for investigative, evidentiary or statistical purposes of the Commonwealth unless the taking of the material or the derivation of information from it would not constitute a breach of, or failure to comply with, any provision of this Part relating to the carrying out of forensic procedures.
- (2A) Subsection (2) does not apply to forensic material, or information obtained from it, that is taken in accordance with a law of a State or a Territory if the taking of the material or the derivation of information from it would constitute only a minor or technical breach of, or failure to comply with, any provision of this Part relating to the carrying out of forensic procedures.

Schedule 1, item 81, page 43 (lines 15 and 16), omit “or is prescribed by the regulations for the purposes of this definition”.

Debate ensued.

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

Senator Ellison moved the following amendments together by leave:

No. 1—Schedule 1, item 81, page 43 (line 31), after “one”, insert “or more”.

No. 2—Schedule 1, page 45 (after line 4), at the end of the Schedule, add:

**83 After paragraph 23YV(1)(b)**

Insert:

- (ba) the effectiveness of independent oversight and accountability mechanisms for the DNA database system; and



**84 Subsection 23YV(1)**

Omit “second anniversary of the commencement of this Act,” substitute “first anniversary of the commencement of Schedule 1 to the *Crimes Amendment (Forensic Procedures) Act 2001* referred to in subsection 2(2) of that Act”.

**85 Subsection 23YV(4) (paragraph (b) of the definition of *independent review*)**

Omit “and a nominee of the Ombudsman”, substitute “, a nominee of the Ombudsman and a nominee of the Privacy Commissioner”.

**86 At the end of section 23YV**

Add:

- (5) If a written report tabled under subsection (3) identifies inadequacies in respect of the matters referred to in subsection (1):
  - (a) the Minister must cause a further independent review to be undertaken within 2 years of the tabling of that report to ascertain whether the inadequacies have been effectively dealt with; and
  - (b) subsections (2), (3) and (4) apply in relation to the report of that further review in the same manner as they apply in respect of the report of the original review.

Debate ensued.

Senator Greig moved the following amendment to Senator Ellison’s proposed amendment no. 2:

Schedule 1, item 83, at the end of the item, add:

- (bb) any disparities between the legislative and regulatory regimes of the Commonwealth and participating jurisdictions for the collection and use of DNA evidence; and
- (bc) any issues relating to privacy or civil liberties arising from forensic procedures permitted by this part; and

Question—That Senator Greig’s amendment to Senator Ellison’s proposed amendment no. 2 be agreed to—put and passed.

Question—That amendments no. 1 and no. 2, as amended, be agreed to—put and passed.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The Acting Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Bartlett) reported accordingly.

On the motion of Senator Ellison the report from the committee was adopted and the bill read a third time. All Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.



**27 MEDICARE LEVY AMENDMENT (CPI INDEXATION) BILL (No. 2) 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.

The Leader of the Australian Democrats (Senator Lees) moved the following amendments together by leave:

Schedule 1, page 3 (after line 4), before item 1, insert:

**1A Section 6**

Omit "\$100,000" (wherever occurring), substitute "\$103,123".

**1B Subsection 6(2)**

Omit "\$1,500" (wherever occurring), substitute "\$1,547".

**1C Subsection 6(2)**

Omit "\$103,000", substitute "\$103,094".

**1D Paragraph 12(1)(a)**

Omit "\$50,000", substitute "\$51,562".

Schedule 1, page 4 (after line 2), before item 3, insert:

**2A Section 3A**

Omit "\$100,000" (wherever occurring), substitute "\$103,123".

**2B Section 3A**

Omit "\$1,500" (wherever occurring), substitute "\$1,547".

**2C Section 3A**

Omit "\$103,000", substitute "\$103,094".

Schedule 1, page 4 (after line 14), after item 8, insert:

**8A Subsection 8B(2)**

Omit "\$50,000", substitute "\$51,562".

Schedule 1, page 4 (after line 18), after item 10, insert:

**10A Subsection 8E(2)**

Omit "\$50,000", substitute "\$51,562".

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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The Acting Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Ferguson) 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 and the bill read a third time.

**28 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 11 (Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000 and a related bill).

Question put and passed.

**29 DEFENCE LEGISLATION AMENDMENT (ENHANCEMENT OF THE RESERVES AND MODERNISATION) BILL 2000  
DEFENCE RESERVE SERVICE (PROTECTION) 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 these bills be now read a second time.

Debate resumed.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment in respect of the Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000:

At the end of the motion, add “but the Senate condemns the failure of the Government to introduce arrangements to optimise the successful operation of the Defence Force, including the Government’s failure to:

- (a) articulate a coherent policy on the expected contribution of reservists and Reserve Units to our national defence effort;
- (b) reintroduce defence leave for reservists as an allowable award matter;
- (c) review its disastrous experiment with Common Induction Training in the Army;
- (d) implement employment and education protection measures before the deployment of reservists to East Timor;
- (e) reverse the dramatic decline in recruitment levels in recent years;
- (f) address anomalies in pay and conditions for reservists;
- (g) properly manage the provision of training opportunities and of necessary equipment;
- (h) clarify ongoing levels of funding for its announced measures beyond the 2000-01 financial year; and
- (i) consult adequately with relevant stakeholder groups”.

Debate ensued.

*At 9.50 pm:* Debate was interrupted while Senator Sandy Macdonald was speaking.



**30 ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.41 pm till Tuesday, 6 March 2001 at 2 pm.

**31 ATTENDANCE**

Present, all senators except Senators Harris\*, Ridgeway, Troeth and West\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate