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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 DOCUMENTS

The following government documents were tabled:

Employment National Limited—Statement of corporate intent 2000/01.

Higher education—Report for the 2001-2003 triennium by the Minister for Education, Training and Youth Affairs, March 2001.

Local Government (Financial Assistance) Act 1995—National Office of Local Government—Report for 1999-2000 on the operation of the Act.

Stevedoring Industry Finance Committee—Report for 1999-2000.

Treaty—*Multilateral*—Text, together with national interest analysis and regulation impact statement—Amendments done at Koror, Palau on 30 March 1999 to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America of 2 April 1987.

3 DISTINGUISHED VISITORS

The President welcomed members of a parliamentary delegation from New Zealand led by the Speaker of the New Zealand Parliament, the Right Honourable Jonathan Hunt, MP, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

4 QUESTIONS

Questions without notice were answered.

5 MINISTERIAL RESPONSIBILITY—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to questions without notice asked by Senators Faulkner and Ray today relating to the financial interests of the Minister for the Arts and the Centenary of Federation (Mr McGauran).

Debate ensued.

Document: Senator Ferris, by leave, tabled the following document:

Ministerial responsibility—New South Wales—Copy of a newspaper clipping, ‘Two police probes into Whelan pub licence’, *Sun Herald*, 29 November 1998, p. 26.

Debate continued.

Question put and passed.

6 HEALTH—POWER LINES—RADIATION—ANSWER TO QUESTION

Senator Allison, by leave, moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator Allison today relating to radiation from power lines.

Question put and passed.

7 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bourne, from 91 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

Senator Bourne, from 75 petitioners, requesting that the Senate take action to increase education spending to 5 per cent of GDP as a matter of priority.

Senator Cook, from 60 petitioners, requesting that the Senate take action to ensure a reduction in the excise on petrol so that there is no increase in its price as a result of the goods and services tax.

Senator Patterson, from 60 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

8 NOTICES

Notices of motion:

The Chair of the Economics Legislation Committee (Senator Gibson): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on its examination of annual reports referred to the committee be extended to 8 March 2001.

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

(a) notes that:

(i) Dungog Shire Council has received its first payment under the Federal Government's \$1.6 billion Roads to Recovery program, and

(ii) the council will be paid \$1.4 million over 4 years and the following three projects will be aided by Roads to Recovery funding:

Monkerai Road,

Main Creek Road, and

St Mary's Bridge, Allwyn River Road; and

(b) calls on other councils within the Hunter community to finalise the projects they wish to receive funding under the Roads to Recovery program, so that the benefits of improved roads can be passed on to the community as soon as possible.

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

(a) notes that the Minister for Health and Aged Care (Dr Wooldridge) declined the Senate's invitation of 1 March 2001 to provide an explanation for the Government's failure to ensure effective monitoring and safety control of 58 sites of genetically-engineered crops in Tasmania associated with foreign companies Aventis and Monsanto; and

- (b) resolves that there be laid on the table, no later than 9.45 am on 8 March 2001, by the Minister representing the Minister for Health and Aged Care (Senator Vanstone), an explanation for the failure referred to in (a), together with details on:
- (i) what prosecution or other legal action is being taken,
 - (ii) what urgent moves have been set in train to contain the spread, including by bees, of genetically-modified material within and beyond the 100-metre buffer zone for the crop area,
 - (iii) when and how the Minister was informed 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.

Notices of motion withdrawn:

Senator Calvert, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan) and pursuant to notice of intention given on 5 March 2001, withdrew business of the Senate notices of motion nos 1 and 2 standing in her name for 8 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 Allison withdrew general business notice of motion no. 835 standing in her name for today, relating to a residential property development in Brisbane.

9 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 831 standing in the name of Senator Stott Despoja for today, relating to the Glenelg Croquet Club, postponed till 7 March 2001.

General business notice of motion no. 839 standing in the name of Senator Allison for today, relating to the Australian Grand Prix and tobacco advertising, postponed till 7 March 2001.

General business notice of motion no. 838 standing in the name of the Chair of the Select Committee on Superannuation and Financial Services (Senator Watson) for today, relating to a variation of appointment of the committee, postponed till 26 March 2001.

10 CENTENARY OF FIRST MEETINGS OF PARLIAMENT—PROPOSED VARIATION OF RESOLUTION

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

- (1) That the resolution of the Senate agreed to on 27 February 2001 in relation to the centenary sittings in Melbourne be modified as follows:
- (a) After subparagraph (1)(b)(iii), insert:

- (iia) addresses by senators and members of the House of Representatives who are independent or members of minority political parties for a maximum of 10 minutes each; and
- (b) After subparagraph (2)(b)(ii), insert:
 - (iia) addresses by senators who are independent or members of minority political parties not mentioned in subparagraph (ii), for a maximum of 10 minutes each.
- (2) That a message be sent to the House of Representatives seeking its concurrence with the modification made by paragraph (1)(a) of this resolution.

Question put and negatived.

11 CONSIDERATION OF LEGISLATION

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 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.

Question put and passed.

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

Question put and passed.

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

Question put and passed.

12 HEALTH—CEREBRAL PALSY

Senator Allison, at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

13 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Calvert, at the request of the Chair of the Select Committee on Superannuation and Financial Services (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

14 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2000-01

Senator Calvert, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Estimates (Supplementary) 2000-01—vol. 6).

15 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—REPORT—FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) BILL 2000

Pursuant to order, Senator Calvert, at the request of the Chair of the Select Committee on Superannuation and Financial Services (Senator Watson), tabled the following report and documents:

Family Law Legislation Amendment (Superannuation) Bill 2000, dated March 2001 and submissions nos 31-56 [26].

Report ordered to be printed on the motion of Senator Calvert.

16 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST AND 2ND REPORTS OF 2001

Senator Calvert, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

1st report of 2001—Remediation of Defence land at Neutral Bay, Sydney, NSW.

2nd report of 2001—Defence Housing Authority responses to recommendations in the tenth report of 2000: Development of 90 apartments in Darwin.

Senator Calvert, by leave, moved—That the Senate take note of the reports.

Question put and passed.

17 DOCUMENTS

The following documents were tabled by the Clerk:

Census and Statistics Act—Australian Bureau of Statistics—Statement No. 1 of 2001.

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

18 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—

Australian Trade Commission.

Department of Health and Aged Care.

Department of Transport and Regional Services.

International Air Services Commission.

Treasury portfolio.

**19 AUSTRALIAN RESEARCH COUNCIL BILL 2000
AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS)
BILL 2000**

Messages from the House of Representatives were reported as follows:

Message no. 646, dated 5 March 2001—Australian Research Council Bill 2000, insisting on disagreeing to amendments nos 3 to 7, 10 and 11 made and insisted on by the Senate and disagreeing to amendments made by the Senate in place of amendments nos 1, 8 and 9.

Message no. 647, dated 5 March 2001—Australian Research Council (Consequential and Transitional Provisions) Bill 2000, insisting on disagreeing to amendments nos 1 to 4 made and insisted on by the Senate.

On the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) consideration of the messages in committee of the whole was made an order of the day for the next day of sitting.

**20 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—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner) 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 resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Allison	Collins	Greig	McLucas
Bartlett	Cook	Harradine	Murphy
Bishop	Cooney	Hogg	Murray
Bolkus	Crossin	Hutchins	O’Brien
Bourne	Crowley	Lees	Ray
Brown	Denman (Teller)	Ludwig	Ridgeway
Buckland	Evans	Lundy	Sherry
Campbell, George	Forshaw	Mackay	Stott Despoja
Carr	Gibbs	McKiernan	Woodley

NOES, 31

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

Bills, taken together and as a whole by leave, debated.

Senator Brown moved the following amendment in respect of the Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000:

Schedule 1, item 1, page 3 (line 31), at the end of subsection (2), add “; but not in circumstances involving confrontation with civilians within Australia, such as in strikes or protests”.

Debate ensued.

Senator Faulkner moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator George Campbell) resumed the chair and the Temporary Chair of Committees (Senator McKiernan) reported that the committee had considered the bills, made progress and asked leave to sit again.

The Special Minister of State (Senator Abetz) moved—That the committee have leave to sit again on the next day of sitting.

Debate ensued.

Question put and passed.

21 **HEALTH LEGISLATION AMENDMENT BILL (NO. 1) 2001**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—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.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Tambling moved the following amendments together by leave:

No. 1—Page 2 (after line 16), after clause 4, insert:

5 Application of amendments made by Schedule 4

The *National Health Act 1953* as amended by Schedule 4 applies to any changes intended to come into effect at or after the commencement of Schedule 4, including changes notified to the Secretary before the commencement of Schedule 4.

No. 2—Page 7 (after line 21), at the end of the bill, add:

Schedule 4—Rate increases proposed by registered organisations

National Health Act 1953

1 After paragraph 6(1)(a)

Insert:

(aa) the Minister's power under subsection 78(4A); or

2 After subsection 78(4)

Insert:

(4A) Where the Minister is of the opinion that a change that would increase rates of contribution by contributors would be contrary to the public interest, the Minister may, by declaration in writing, declare that the change shall not come into operation.

(4B) The Minister must cause a copy of a declaration under subsection (4A) to be laid before each House of the Parliament within 15 sitting days after the declaration is made.

3 Subsection 78(5)

Add at the end "or (4A)".

4 Subsection 78(6)

After "subsection (4)", insert "or (4A)".

5 Subsection 78(7)

Omit "a declaration under subsection (4)", substitute "any declaration under either of subsections (4) and (4A)".

6 Paragraph 78(9)(b)

Omit "a declaration under subsection (4)", substitute "any declaration under either of subsections (4) and (4A)".

Senator Forshaw moved the following amendment to Senator Tambling's proposed amendment no. 2:

Schedule 4, item 2, at the end of the item, add:

(4C) A declaration under subsection (4A) must set out the grounds on which the Minister formed the opinion that a change that would increase rates of contributions by contributors would be contrary to the public interest.

Debate ensued.

Question—That Senator Forshaw's amendment to Senator Tambling'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, further debated and agreed to.

Bill to be reported with amendments.

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

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

22 TRADE PRACTICES AMENDMENT BILL (NO. 1) 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.

At 6.50 pm: Debate was interrupted while Senator Schacht was speaking.

23 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Employment National Limited—Statement of corporate intent 2000/01. Motion to take note of document moved by Senator Collins. Debate adjourned till Thursday at general business, Senator Collins in continuation.

Local Government (Financial Assistance) Act 1995—National Office of Local Government—Report for 1999-2000 on the operation of the Act. Motion to take note of document moved by Senator Mackay. Debate adjourned till Thursday at general business, Senator Mackay in continuation.

Higher education—Report for the 2001-2003 triennium by the Minister for Education, Training and Youth Affairs, March 2001. Motion to take note of document moved by Senator Carr, debated and agreed to.

24 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.34 pm till Wednesday, 7 March 2001 at 9.30 am.

25 ATTENDANCE

Present, all senators except Senators Harris*, Watson and West* (* on leave).

HARRY EVANS
Clerk of the Senate