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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 **FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (NEW ZEALAND CITIZENS) BILL 2001**

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

Message no. 650, dated 6 March 2001—A Bill for an Act to amend the social security law and certain other laws in relation to residence requirements, 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 O'Brien the debate was adjourned.

On the motion of Senator Ian Campbell the resumption of the debate was made an order of the day for a later hour.

3 **PRIVILEGES—HOUSE OF REPRESENTATIVES STANDING COMMITTEE—ATTENDANCE OF SENATORS BEFORE COMMITTEE**

Order of the day read for the consideration of message no. 635 from the House of Representatives (*see entry no. 22, 8 February 2001*).

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the Senate authorises Senators Bourne, Calvert, Ferguson, Gibbs, Hutchins, Sandy Macdonald and Schacht, as members of the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, to appear before the House of Representatives Committee of Privileges, subject to the rule, applied in the Senate by rulings of the President, that one House of the Parliament may not inquire into or adjudge the conduct of a member of the other House.

Debate ensued.

Question put and passed.

4 **DEFENCE LEGISLATION AMENDMENT (ENHANCEMENT OF THE RESERVES AND MODERNISATION) BILL 2000**
DEFENCE RESERVE SERVICE (PROTECTION) BILL 2000

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

In the committee

Consideration resumed of the bills—and of the amendment moved by Senator Brown 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 resumed.

Document: The Leader of the Opposition in the Senate (Senator Faulkner), by leave, tabled the following document:

Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000—Copy of letter from the Minister for Veterans’ Affairs (Mr Scott) to the Shadow Minister for Defence Science and Personnel (Mr Ferguson), dated 6 March 2001.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senators—

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

NOES, 51

Senators—

Abetz	Denman	Kemp	Patterson
Bishop	Eggleston	Knowles	Payne
Boswell	Ellison	Lightfoot	Ray
Brandis	Evans	Ludwig	Reid
Buckland	Ferguson	Lundy	Schacht
Campbell, George	Ferris	Macdonald, Sandy	Sherry
Campbell, Ian	Forshaw	Mackay	Tambling
Carr	Gibbs	Mason	Tchen
Collins	Gibson	McGauran	Tierney
Coonan (Teller)	Harradine	McKiernan	Troeth
Cooney	Herron	McLucas	Vanstone
Crossin	Hogg	Murphy	Watson
Crowley	Hutchins	Newman	

Question negatived.

Bills agreed to

Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted.

Senator Abetz moved—That these bills be now read a third time.

Debate ensued.

Question put and passed.

Bills read a third time.

5 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.

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.

Senator Murray moved the following amendment:

Schedule 1, page 3 (after line 5), before item 1, insert:

1A At the end of section 46

Add:

- (8) In an action brought against a corporation by the ACCC under subsection (1), if the ACCC can show that the corporation:
- (a) has a substantial degree of market power; and
 - (b) has taken advantage of that power;
- the onus rests with the corporation to show that the corporation has not taken advantage of its power for a purpose referred to in subsection (1).

1B After section 50

Insert:

50AA Action where ownership situation has effect of substantially lessening competition

- (1) If a corporation:
- (a) owns shares in the capital of a body corporate; or
 - (b) owns assets of a person;

and the ownership has the effect of substantially lessening competition in a market, the ACCC may apply to the Court for an order that the corporation divest itself of the shares or assets.

- (2) If a person:
 - (a) owns shares in the capital of a corporation; or
 - (b) owns assets of a corporation;
 and the ownership has the effect of substantially lessening competition in a market, the ACCC may apply to the Court for an order that the person divest himself or herself of the shares or assets.
- (3) Without limiting the matters that may be taken into account for the purposes of subsections (1) and (2) in determining whether the ownership has substantially lessened competition in a market, the matters mentioned in subsection 50(3) may be taken into account.

At 12.45 pm: The Deputy President (Senator West) resumed the chair and the Temporary Chair of Committees (Senator Murphy) reported progress.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 ECONOMY—ANSWERS TO QUESTIONS

Senator Cook moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) to questions without notice asked today relating to the economy. Debate ensued.
Question put and passed.

9 PETROL PRICES—FUEL INDUSTRY—ANSWER TO QUESTION

Senator Murray moved—That the Senate take note of the answer given by the Minister for Industry, Science and Resources (Senator Minchin) to a question without notice asked by Senator Murray today relating to competition in the fuel industry.
Question put and passed.

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

The Assistant Treasurer (Senator Kemp), by leave, made a statement relating to the order of the Senate of 5 March 2001 for the production of documents concerning taxation (*see entry no. 14, 5 March 2001*).

Statements by leave: Senators Cook and Murray, by leave, made statements relating to the matter.

11 NOTICES

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

- (a) notes, on International Women's Day, the contribution of the organisation, Australian Women in Agriculture, to the well-being of agricultural communities;
- (b) acknowledges that rural and regional Australia would cease to function without the contribution of women to their communities; and
- (c) calls on the Government to continue funding this organisation as a high priority in the May 2001 Budget.

The Chair of the Finance and Public Administration References Committee (Senator George Campbell): To move on the next day of sitting—That the Minister representing the Minister for Finance and Administration (Senator Abetz) provide to the Finance and Public Administration References Committee by 14 March 2001 the following documents relating to that committee's inquiry into the Government's information technology (IT) outsourcing initiative:

- (a) a copy of the legal advice obtained by the Department of Finance and Administration from Phillips Fox, referred to in evidence at the public hearing on 7 February 2001;
- (b) a record of documents generated by the Humphry Review and their current location;
- (c) a copy of advice from KPMG on whether the IT outsourcing service contracts contained embedded finance leases;
- (d) copies of the evaluation reports for IT contracts that have been let, with information identified as commercially sensitive 'blacked out' and providing the reasons for such claims;
- (e) a copy of legal advice that the disclosure of evaluation reports to the committee may create a significant risk of litigation to the Commonwealth;
- (f) a copy of a letter and attachments from the Minister for Finance and Administration (Mr Fahey) dated 20 January 1999 to ministers that gives further detail about the Office of Asset Sales and Information Technology Outsourcing's role in going forward with the implementation of the IT initiative and advice as to whether the letter was provided to the Humphry Review;
- (g) details of the transition arrangements and the operation of the Office of Asset Sales and Information Technology Outsourcing (OASITO) for the next 6 months, including:
 - (i) arrangements with the consultants that OASITO previously had on the books,
 - (ii) who is to be retained,
 - (iii) precisely which contracts have been terminated and when, and
 - (iv) ongoing liabilities in terms of contract commitments after 31 December 2001; and
- (h) copies of financial advice from PricewaterhouseCoopers, dated 26 May 2000, and Deloitte Touche Tohmatsu, dated 10 May 2000, on the methodology used to calculate savings.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for other purposes. ***Prime Minister and Cabinet Legislation Amendment (Application of Criminal Code) Bill 2001.***

Senator Mason: To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters be authorised to hold two public meetings during the sittings of the Senate on 27 March 2001 and 3 April 2001, from 5 pm, to take evidence for the committee's inquiry into the integrity of the electoral roll.

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

(a) notes:

- (i) an advertisement published in the Port Stephens *Examiner* of 28 February 1996, in which the Member for Paterson (Mr Horne) claims that he fought hard to get a Medicare office opened in Nelson Bay and that the office was in fact open, and
- (ii) that there was no Medicare office in Nelson Bay when this advertisement was published and that this advertisement was published just days before the 1996 federal election;
- (b) criticises Mr Horne for telling residents of Nelson Bay, when he was advised in May 1995 by the then Parliamentary Secretary to the Minister for Health, that there would not be a Medicare office at Nelson Bay; and
- (c) calls on Mr Horne to explain why he told people via his advertisement that a Nelson Bay Medicare office was opened, when there was clearly no office in existence.

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

- (a) notes the perilous human health situation in South Africa, and elsewhere in Africa, and the right of the Government of South Africa to take action to make health care more accessible to its citizens;
- (b) supports the South African Government in its effort to provide much needed medicines at affordable prices to poor South Africans though the Medicines and Related Substances Control Amendment Act passed by the South African Parliament in 1997;
- (c) further notes that the South African Government's right to take action in matters of national emergency and to source drugs from legitimate suppliers, so-called parallel importation, is not precluded by the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights; and
- (d) calls upon the major pharmaceutical companies and the Pharmaceutical Manufacturing Association to end their action in the South African High Court against the legitimate actions of the South African Government to deal with a major health crisis.

12 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2001**

The Chairman of the Selection of Bills Committee (Senator Calvert) tabled the following report:

SELECTION OF BILLS COMMITTEE**REPORT NO. 3 OF 2001**

1. The committee met on 6 March 2001.
2. The committee resolved to recommend—
 - (a) That, upon the introduction of the following bill in the House of Representatives, the provisions of the bill be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Crimes Amendment (Age Determination) Bill 2001	Immediately	Legal and Constitutional	27 March 2001

- (b) That the provisions of the following bills be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000	Immediately	Legal and Constitutional	22 May 2001
Import Processing Charges Bill 2000			
Customs Depot Licensing Charges Amendment Bill 2000			

- (c) That the following bills **not** be referred to committees:
 - Family and Community Services Legislation Amendment (New Zealand Citizens) Bill 2001
 - Primary Industries and Energy Research and Development Amendment Bill 2001

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:
 - (deferred from meeting of 15 August 2000)*
 - Trade Practices Amendment Bill (No. 1) 2000
 - Treasury Legislation Amendment (Application of Criminal Code) Bill 2000
 - (deferred from meeting of 5 September 2000)*
 - Maritime Legislation Amendment Bill 2000
 - (deferred from meeting of 3 October 2000)*
 - Human Rights (Mandatory Sentencing for Property Offences) Bill 2000
 - (deferred from meeting of 6 February 2001)*
 - New Business Tax System (Simplified Tax System) Bill 2000

Social Security Legislation Amendment (Concession Cards) Bill 2000

Taxation Laws Amendment (Excise Arrangements) Bill 2000

(deferred from meeting of 6 March 2001)

Aircraft Noise Levy Collection Amendment Bill 2001

Copyright Amendment (Parallel Importation) Bill 2001

Lake Eyre Basin Intergovernmental Agreement Bill 2001

Paul Calvert

Chair

7 March 2001.

Senator Calvert moved—That the report be adopted.

Question put and passed.

13 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 8 March 2001.

General business notice of motion no. 828 standing in the name of Senator Brown for today, relating to biodiesel fuel, postponed till 8 March 2001.

14 GENETICALLY-MODIFIED CROPS—TASMANIA—ORDER FOR PRODUCTION OF DOCUMENT

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

Question put and passed.

15 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Calvert, at the request of the Chair of the Economics Legislation Committee (Senator Gibson) and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

16 AUSTRALIAN GRAND PRIX—TOBACCO ADVERTISING

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

Documents: Senator Allison, by leave, tabled the following documents:

Australian Grand Prix—Tobacco advertising—Press extracts [32] illustrating tobacco advertising associated with the Australian Grand Prix, March 2001.

Question put and negatived.

17 URGENCY MOTION

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

The failure of the Government to take account of the disastrous impact of the goods and services tax on the national economy.

The proposal was supported by 4 senators.

Senator Cook moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 28

Senators—

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

NOES, 38

Senators—

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

Question negatived.

18 SCRUTINY OF BILLS—STANDING COMMITTEE—3RD REPORT AND ALERT DIGEST NO. 3 OF 2001

Senator O'Brien, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney), tabled the following report and document:

3rd report of 2001, dated 7 March 2001.

Alert Digest No. 3 of 2001, dated 7 March 2001.

Report ordered to be printed on the motion of Senator O'Brien.

19 AUDITOR-GENERAL—AUDIT REPORT NO. 30 OF 2000-2001—DOCUMENT

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

Auditor-General—Performance audit—Management of the Work for the Dole Programme—Department of Employment, Workplace Relations and Small Business (Report No. 30 of 2000-2001).

Senator Stott Despoja, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

20 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations 2001/5 and 2001/6.

21 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 Agriculture, Fisheries and Forestry.

Department of Defence.

Department of the Prime Minister and Cabinet.

Public Service and Merit Protection Commission.

22 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP

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

The Parliamentary Secretary to Cabinet (Senator Heffernan), by leave, moved—That Senator Stott Despoja be discharged as a substitute member from the Finance and Public Administration References Committee and be appointed a participating member for the committee's inquiry into the Government's information technology outsourcing initiative from close of business on 8 March 2001.

Question put and passed.

23 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

A message from His Excellency the Governor-General was reported, informing the Senate that he has assented to the following law:

2 March 2001—Message No. 1—*International Monetary Agreements Amendment Act (No. 1) 2001* (Act No. 1, 2001).

**24 HEALTH LEGISLATION AMENDMENT BILL (NO. 1) 2001
WORKPLACE RELATIONS AMENDMENT (TALLIES) BILL 2000**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 651, dated 7 March 2001—Health Legislation Amendment Bill (No. 1) 2001.

Message no. 652, dated 7 March 2001—Workplace Relations Amendment (Tallies) Bill 2000.

**25 TREASURY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001
WORKPLACE RELATIONS AMENDMENT (UNFAIR DISMISSALS) BILL 1998 [No. 2]
AIRCRAFT NOISE LEVY COLLECTION AMENDMENT BILL 2001**

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

Message no. 648, dated 6 March 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for other purposes.

Message no. 649, dated 6 March 2001—A Bill for an Act to amend the *Workplace Relations Act 1996*.

Message no. 653, dated 7 March 2001—A Bill for an Act to amend the *Aircraft Noise Levy Collection Act 1995*, and for related purposes.

The Parliamentary Secretary to Cabinet (Senator Heffernan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

Explanatory memorandum: Senator Heffernan tabled a revised explanatory memorandum relating to the Treasury Legislation Amendment (Application of Criminal Code) Bill 2001.

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

Consideration of legislation: Senator Heffernan moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

26 LEGISLATION COMMITTEE—REPORTS—ANNUAL REPORTS

Pursuant to order, Senator Calvert, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2001, dated March 2001—

Community Affairs Legislation Committee.

Employment, Workplace Relations, Small Business and Education Legislation Committee.

Environment, Communications, Information Technology and the Arts Legislation Committee.

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Legal and Constitutional Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

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

Senator Evans, by leave, moved—That the Senate take note of the report of the Community Affairs Legislation Committee.

Question put and passed.

27 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That intervening business be postponed till after consideration of government business order of the day no. 22 (Australian Research Council Bill 2000 and a related bill).

Question put and passed.

28 AUSTRALIAN RESEARCH COUNCIL BILL 2000

AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Order of the day read for the consideration of messages nos 646 and 647 from the House of Representatives in committee of the whole (*see entry no. 19, 6 March 2001*).

In the committee

AUSTRALIAN RESEARCH COUNCIL BILL 2000—

Message read.

The Minister for Justice and Customs (Senator Ellison) moved—That the committee:

- (a) does not insist on original amendments nos 3 to 7, 10 and 11 made and insisted on by the Senate to which the House of Representatives has insisted on disagreeing;
- (b) does not insist on replacement amendments nos 1 to 5 made by the Senate in place of its original amendments nos 1, 8 and 9 to which the House has disagreed; and
- (c) makes the following amendments in place of Senate replacement amendment no. 1 and original amendment no. 3:

Clause 3, page 2 (line 11), omit “, at the request of the Minister,”.

Clause 9, page 6 (lines 6 to 12), omit the clause (but not the note), substitute:

9 The Board’s functions

- (1) In addition to the functions conferred on the Board by other provisions of this Act, the Board has the functions of:
 - (a) deciding the ARC’s goals, priorities, policies and strategies; and
 - (b) subject to subsections (2) and (3), initiating inquiries, on its own motion, into matters related to research; and
 - (c) ensuring that the ARC’s functions are performed properly, efficiently and effectively.
- (2) The Board may initiate an inquiry under paragraph (1)(b) only if:
 - (a) the inquiry will not prejudice the performance of any or all of the ARC’s functions under section 6; and
 - (b) the Board has consulted the Minister about the proposal to initiate the inquiry.

- (3) If the Board initiates an inquiry under paragraph (1)(b):
- (a) the Board must provide the Minister with information about the results of that inquiry; and
 - (b) the Board may, if it considers it appropriate to do so, publish information about the results of the inquiry in such manner as the Board thinks appropriate.

Debate ensued.

Explanatory memorandum: Senator Ellison tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Debate continued.

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

Question put and passed.

The Deputy President (Senator West) resumed the chair and the Chair of Committees reported that the committee had considered messages nos 646 and 647 from the House of Representatives relating to the Australian Research Council Bill 2000 and the Australian Research Council (Consequential and Transitional Provisions) Bill 2000, made progress and asked leave to sit again.

Ordered, on the motion of Senator Ellison, that the committee have leave to sit again at a later hour.

29 ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That consideration of government business continue from 6.50 pm till 7.20 pm today.

Question put and passed.

30 AUSTRALIAN RESEARCH COUNCIL BILL 2000

AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000

Order of the day read for the further consideration of messages nos 646 and 647 from the House of Representatives in committee of the whole (*see entry no. 19, 6 March 2001*).

In the committee

AUSTRALIAN RESEARCH COUNCIL BILL 2000—

Consideration resumed of message no. 646—and of the motion moved by the Minister for Justice and Customs (Senator Ellison) (*see entry no. 28*).

Debate resumed.

The question was divided—

Question—That the committee does not insist on its original amendments nos 3 and 11—put and passed.

Question—That the committee does not insist on its original amendment no. 10—put and passed.

Question—That the committee does not insist on its original amendments nos 4 to 7—put and negatived.

Question—That the committee does not insist on its replacement amendment no. 1—put and passed.

Question—That the committee does not insist on its replacement amendments nos 2 to 5—put.

The committee divided—

AYES, 38

Senators—

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

NOES, 25

Senators—

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

Question agreed to.

Question—That the amendments moved in place of replacement amendment no. 1 and original amendment no. 3 be agreed to—put and passed.

AUSTRALIAN RESEARCH COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000—

Message read.

Senator Ellison moved—That the committee does not insist on amendments nos 1 to 4 made and insisted on by the Senate to which the House of Representatives has insisted on disagreeing.

Debate ensued.

The question was divided—

Question—That the committee does not insist on amendments nos 1 to 3—put and negatived.

Question—That the committee does not insist on amendment no. 4—put and passed.

On the motion of Senator Stott Despoja the following amendment was agreed to in place of amendment no. 4:

Schedule 1, page 4 (after line 33), at the end of the Schedule, add:

8 At the end of the Act

Add:

Schedule 1—Institutions or bodies eligible for special research assistance

Note: See section 23.

Institutions or bodies eligible for special research assistance	
Item	Name of institution or body
1	Australian Catholic University
2	Charles Sturt University
3	Southern Cross University
4	Macquarie University
5	The University of New England
6	The University of New South Wales
7	The University of Newcastle
8	The University of Sydney
9	University of Technology, Sydney
10	University of Western Sydney
11	University of Wollongong
12	Deakin University
13	La Trobe University
14	Monash University
15	Royal Melbourne Institute of Technology
16	Swinburne University of Technology
17	The University of Melbourne
18	University of Ballarat
19	Victoria University of Technology
20	Melbourne College of Divinity
21	Central Queensland University
22	Griffith University
23	James Cook University
24	Queensland University of Technology
25	The University of Queensland

Institutions or bodies eligible for special research assistance	
Item	Name of institution or body
26	University of Southern Queensland
27	University of the Sunshine Coast
28	Bond University
29	Curtin University of Technology
30	Edith Cowan University
31	Murdoch University
32	The University of Western Australia
33	The Flinders University of South Australia
34	The University of Adelaide
35	University of South Australia
36	University of Tasmania
37	Batchelor College
38	Northern Territory University
39	Australian Maritime College
40	The Australian National University
41	University of Canberra
42	The University of Notre Dame Australia

Resolutions to be reported.

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

- (a) the committee had considered message no. 646 from the House of Representatives relating to the Australian Research Council Bill 2000 and:
 - (i) had resolved to insist on original amendments nos 4 to 7 made and insisted on by the Senate,
 - (ii) had resolved not to insist on original amendments nos 3, 10 and 11 and had made an amendment in place of original amendment no. 3, and
 - (iii) had resolved not to insist on its amendments nos 1 to 5 which replaced original amendments nos 1, 8 and 9 and had made an amendment in place of replacement amendment no. 1; and
- (b) the committee had considered message no. 647 from the House of Representatives relating to the Australian Research Council (Consequential and Transitional Provisions) Bill 2000 and had resolved to insist on amendments nos 1 to 3 made and insisted on by the Senate, had resolved not to insist on amendment no. 4 and had made an amendment in place of that amendment.

On the motion of Senator Ellison the report from the committee was adopted.

31 ADJOURNMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.53 pm till Thursday, 8 March 2001 at 9.30 am.

32 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate