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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 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Administrative Review Council—Report to the Attorney-General—No. 44—Internal review of agency decision making, November 2000.

Equal employment opportunity program—Telstra Corporation Limited—Report for 1999-2000.

Human Rights and Equal Opportunity Commission—

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2000—

Native title (Report no. 1/2001).

Social justice (Report no. 2/2001).

Reports—

No. 11—Inquiry into complaints of discrimination in employment and occupation: Discrimination on the ground of age.

No. 12—Inquiry into a complaint of acts or practices inconsistent with or contrary to human rights in an immigration detention centre.

Telecommunications (Interception) Act 1979—Report for 1999-2000 pursuant to Division 2 of Part IX of the Act.

3 TAXATION LAWS AMENDMENT (EXCISE ARRANGEMENTS) BILL 2000

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to Cabinet (Senator Heffernan)—That this bill be now read a second time—*and on the amendment moved by Senator Cook:*

At the end of the motion, add “but the Senate condemns the Government for:

- (a) failing to listen to the community concerning the goods and services tax (GST) impact on excise levels;
- (b) opposing Labor’s private member’s bill giving a fuel excise cut to motorists yet condoning a Government backbencher’s private member’s bill that would tear up the intergovernmental agreement signed with the states;
- (c) belatedly reducing only a portion of its GST fuel excise windfall merely because it is in a state of panic; and
- (d) its poor administration of the excise regime”.

Debate resumed.

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

Main 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, agreed to.

Bill to be reported without amendment.

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

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

4 **TAXATION LAWS AMENDMENT BILL (NO. 5) 1999**

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.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

Question—That the bill be agreed to—divided in respect of Schedule 1.

Question—That Schedule 1 stand as printed—put and negatived.

Senator Brown moved the following amendment:

Page 57 (after line 21), at the end of the bill, add:

Schedule 3—Capital proceeds

Income Tax Assessment Act 1997

1 Section 116-25 (cell at table item D1, fourth column)

Omit “None”, substitute “See section 116-82”.

2 After section 116-80

Insert:

116-82 Special rule for amounts received under RFA Private Forest Reserve Program

If you, as a landowner, receive an amount under the Regional Forest Agreements Private Forest Reserve Program as consideration for placing a restrictive covenant on your land title, the amount is not *capital proceeds for the purposes of this Part.

3 Application

The amendments made by items 1 and 2 apply to assessments for the 2000-2001 income year and later income years.

Debate ensued.

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

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 TAXATION—ANSWERS TO QUESTIONS

Senator Hutchins 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 goods and services tax.

Debate ensued.

Question put and passed.

8 INTERNATIONAL TREATY OBLIGATIONS—ANSWER TO QUESTION

Senator Greig moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Greig today relating to international treaty obligations.

Question put and passed.

9 PETITIONS

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

Senator Bartlett, from 40 petitioners, requesting that the Senate support the phasing out of prawn trawling in the Great Barrier Reef World Heritage Area by 2005.

Senator Mackay, from 43 603 petitioners, requesting that the Senate oppose the deregulation of Australia's postal service and support the expansion of the community service obligations of Australia Post.

10 NOTICES

The Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Ferris): To move on the next day of sitting—That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on 2 April 2001, from 8 pm, to take evidence for the committee's inquiry under section 206(d) of the Native Title Act.

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

- (a) notes the false claim made by the Minister for Family and Community Services (Senator Vanstone) on the *7.30 Report* on 20 March 2001, that 'Labor was never prepared to... make sure that pensioners will have 25 per cent of male total average weekly earnings';
- (b) recalls that it was the Labor Government that introduced the benchmark of 25 per cent of male total average weekly earnings in 1990 and kept the pension above that benchmark at every adjustment between 1990 and 1996;
- (c) notes that it was the Howard Government that allowed the standard rate of pension to drop below the 25 per cent benchmark in March 1998;
- (d) reminds Senator Vanstone:
 - (i) that it was the National Commission of Audit (established by the Howard Government on taking office) which, in June 1996, recommended removing this benchmark, and
 - (ii) that it was only when challenged by the Opposition about its intentions in the light of the recommendation by the National Commission of Audit and when threatened in the Senate with an opposition amendment to prevent government backsliding, that the Government agreed to bring forward its own legislation to give the 25 per cent benchmark a legislative basis; and
- (e) urges Senator Vanstone to brief herself on the facts, desist from making any further such false claims and take action to correct the public record at the earliest opportunity.

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

- (a) notes the announcement by Rio Tinto in the week beginning 18 March 2001 that it would not support mine owner Energy Resources of Australia's development of Jabiluka in the short term;
- (b) advises the Government that it is unacceptable for this major mine site including retention dams, mine construction and associated works to remain in this state for any length of time; and
- (c) calls on the Government to commence discussions with Rio Tinto immediately with a view to an early rehabilitation of the site and for it to be handed back to the traditional owners as soon as possible.

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 2 April 2001, from 7.30 pm, to take evidence for the committee's inquiry into the provisions of the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001 and two related bills.

The Chair of the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights be extended to 24 May 2001.

Senator Bourne: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Australian Broadcasting Corporation Act 1983* in relation to the provision of online and multichannelling services, and for related purposes. ***ABC Amendment (Online and Multichannelling Services) Bill 2001***.

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the import risk assessment on New Zealand apples be extended to the last sitting day in June 2001.

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

(a) notes that:

- (i) the Victorian Minister for the Environment and Conservation (Ms Garbutt) has gone against the advice of her scientific committee and decided not to list the grey-headed flying fox as a threatened species under the *Flora and Fauna Guarantee Act 1998* (Vic.),
- (ii) this is the first time a Victorian Environment Minister has not accepted the advice of the scientific committee on the listing of a threatened species under the Act,
- (iii) the species was classified as 'vulnerable to extinction' in the *Action Plan for Australian Bats*, produced by the Natural Heritage Trust,
- (iv) there is no other permanent breeding colony for the species in Victoria apart from the Royal Botanic Gardens site, and
- (v) the Royal Botanic Gardens, with the approval of the Minister, will shortly begin culling 1 000 of the bats using either lethal injection or low velocity short-range weapons;

(b) condemns the Minister for rejecting the advice of her scientific committee;

(c) calls on the Minister to adopt the Royal Society for the Prevention of Cruelty to Animals' suggested ways to manage the bat population without culling; and

(d) calls on the Federal Minister for the Environment and Heritage (Senator Hill) to consider the listing of the grey-headed flying fox under the *Environment Protection and Biodiversity Conservation Act 1999* as a matter of urgency.

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 provisions of paragraphs (5) to (7) of standing order 111 not apply to the Sydney Airport Demand Management Amendment Bill 2001, allowing it to be considered during this period of sittings.

Document: Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Sydney Airport Demand Management Amendment Bill 2001 in the 2001 autumn sittings.

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 provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Excise Tariff Amendment Bill (No. 1) 2001

Customs Tariff Amendment Bill (No. 2) 2001.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2001 autumn sittings.

Senator O'Brien, at the request of Senator Conroy: To move on the next day of sitting—That the Senate—

- (a) notes that since 1996:
 - (i) more than 1 500 bank branches have closed throughout Australia, reducing community access to financial services, particularly in regional Australia, and
 - (ii) the fee for a transaction conducted in a banking branch has increased by as much as 400 per cent and that since 1997 banks' fee income from households has increased by 53 per cent; and
- (b) urges the Commonwealth to immediately begin discussions with the banks on establishing a banking social charter to ensure that banks meet their social obligations to the community.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2001

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2001

1. The committee met on 27 March 2001.
2. The committee resolved to recommend—

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

Bill title	Stage at which referred	Legislation committee	Reporting date
Copyright Amendment (Parallel Importation) Bill 2001	Immediately	Legal and Constitutional	23 May 2001

(b) That the following bills *not* be referred to committees:

Electoral and Referendum Amendment Bill (No. 1) 2001
 Prime Minister and Cabinet Legislation Amendment (Application of Criminal Code) Bill 2001
 Social Security Legislation Amendment (Concession Cards) Bill 2000 [2001]
 Taxation Laws Amendment (Excise Arrangements) Bill 2000

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:

(*deferred from meeting of 15 August 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
 (*deferred from meeting of 27 March 2001*)
 Excise Tariff Amendment Bill (No. 1) 2001
 Customs Tariff Amendment Bill (No. 2) 2001
 Sydney Airport Demand Management Amendment Bill 2001

Paul Calvert
 Chair
 28 March 2001.

Senator Calvert moved—That the report be adopted.

Question put and passed.

12 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 3 Broadcasting Legislation Amendment Bill 2001.

No. 5 Appropriation (Parliamentary Departments) Bill (No. 2) 2000-2001 and two related bills.

Question put and passed.

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

Senator Calvert, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold two public meetings during the sitting of the Senate on 29 March 2001, from 9.30 am, and from 4 pm, to take evidence for the committee's inquiry into the import risk assessment on New Zealand apples.

Question put and passed.

14 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 869 standing in the name of Senator Brown for today, relating to microcredit programs, postponed till 29 March 2001.

15 NOTICE OF MOTION

Senator Brown, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes the increased prevalence of hand guns in Australia; and
- (b) calls on the Government to immediately implement measures to reduce the number and tighten the conditions for ownership of hand guns in Australia.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Woodley), pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on air safety be extended to 5 April 2001.

Question put and passed.

17 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg) 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 Foreign Affairs, Defence and Trade References Committee on the disposal of Defence properties be extended to 24 May 2001.

Question put and passed.

18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE

The Deputy President (Senator West) informed the Senate that Senator Mackay had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Government's proposals to deregulate Australia Post, which will have a disastrous impact on rural and regional Australia.

The proposal was supported by 4 senators and the matter was discussed.

19 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2001

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

4th report of 2001, dated 28 March 2001.

Alert Digest No. 4 of 2001, dated 28 March 2001.

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

20 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REPORT—ABC ON-LINE

Senator Calvert, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison), tabled the following report and documents:

ABC on-line—Final report [Matters specified in paragraph (c) of the terms of reference], dated March 2001 and submissions [7].

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

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

Debate ensued.

Question put and passed.

21 DOCUMENTS

The following documents were tabled by the Clerk:

Motor Vehicle Standards Act—

Road Vehicle (National Standards) Determination No. 1 of 2001.

Road Vehicle (National Standards) Determination No. 2 of 2001.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 17-22 of 2001.

22 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—

AusAID.

Comcare.

23 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Hogg) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson), by leave, moved—That Senator Schacht be appointed a participating member of the Legal and Constitutional Legislation Committee for the consideration of the provisions of the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001 and two related bills.

Question put and passed.

24 PIG INDUSTRY BILL 2000

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

Message no. 671, dated 27 March 2001—Pig Industry Bill 2000.

25 BROADCASTING LEGISLATION AMENDMENT BILL 2001

Order of the day read for the consideration of message no. 662 from the House of Representatives in committee of the whole (*see entry no. 33, 8 March 2001*).

In the committee

Message read.

SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, page 3 (after line 19), after item 1C, insert:

1 At the end of subparagraph 5A(2)(o)(i) of Schedule 4

Add “or the Special Broadcasting Service Corporation”.

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) moved—That the committee agrees to the amendment made by the House to the bill.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Hogg) resumed the chair and the Chair of Committees (Senator West) reported that the committee had considered message no. 662 from the House of Representatives relating to the Broadcasting Legislation Amendment Bill 2001 and had agreed to the amendment made by the House of Representatives to the bill.

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

Senator Bishop moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to:

- (a) suspend the auction of datacasting spectrum until the Parliament has adopted a less restrictive datacasting regime, a process that could still allow the datacasting spectrum auction to be completed by the 2000-01 financial year;
- (b) extend the application of the *Australian Broadcasting Corporation Act 1983* and the Australian Broadcasting Corporation (ABC) Charter to the ABC’s on-line and datacasting services;
- (c) honour its commitment that the ABC and the Special Broadcasting Service will not pay datacasting licensing fees; and

- (d) rectify its failure to adequately resource the ABC to effect the national broadcaster's transition to the digital world".

Debate ensued.

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

Main question, as amended, put and passed.

26 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2000-2001
APPROPRIATION BILL (NO. 3) 2000-2001
APPROPRIATION BILL (NO. 4) 2000-2001

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

Debate resumed.

On the motion of the Parliamentary Secretary to Cabinet (Senator Heffernan) the debate was adjourned till a later hour.

27 PHARMACEUTICAL BENEFITS ADVISORY COMMITTEE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Parliamentary Secretary to Cabinet (Senator Heffernan), by leave, made a statement relating to the order of the Senate of 26 February 2001 and tabled the following documents:

Pharmaceutical Benefits Advisory Committee—Copies of documents relating to the listing of the drugs Celecoxib and Rofecoxib on the Pharmaceutical Benefits Scheme (PBS)—

Celecoxib.

Rofecoxib.

28 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2000-2001
APPROPRIATION BILL (NO. 3) 2000-2001
APPROPRIATION BILL (NO. 4) 2000-2001

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

Debate resumed.

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

29 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Human Rights and Equal Opportunity Commission—Report No. 11—Inquiry into complaints of discrimination in employment and occupation: Discrimination on the ground of age. Motion to take note of document moved by Senator Cooney. On the motion of Senator Ludwig debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report No. 12—Inquiry into a complaint of acts or practices inconsistent with or contrary to human rights in an immigration detention centre. Motion to take note of document moved by Senator Bartlett and debated. Debate adjourned till Thursday at general business, Senator Cooney in continuation.

Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice report 2000 (Report no. 2/2001). Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Telecommunications (Interception) Act 1979—Report for 1999-2000 pursuant to Division 2 of Part IX of the Act. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title report 2000 (Report no. 1/2001). Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Administrative Review Council—Report to the Attorney-General—No. 44—Internal review of agency decision making, November 2000. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.52 pm till Thursday, 29 March 2001 at 9.30 am.

31 ATTENDANCE

Present, all senators except Senator Harris (on leave).

HARRY EVANS
Clerk of the Senate