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**1 MEETING OF SENATE**

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

**2 PETITIONS**

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Eggleston, 2 petitions similar in wording, from 419 and 267 petitioners, requesting that the Senate oppose the proposed takeover of Woodside Australian Energy by Shell.

Senator Evans, from 3 735 petitioners, requesting that the Senate take action to establish more open, honest and accountable doctor-patient relationships.

**3 NOTICES**

Senator Greig: To move on the next day of sitting—That the Senate calls on the Government to introduce legislation to ratify the Statute of the International Criminal Court.

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

(a) notes that:

- (i) whilst Australia has banned the practice of shark finning in many Australian states, it is still permitted in the Northern Territory, Tasmania, Queensland and South Australia, and
- (ii) Australia is a world leader in shark management, but despite an interim ban on shark finning in tuna fisheries, there are still a number of shark species targeted for their highly-valued fin, and at risk in Australia from over-fishing and bycatch; and

- (b) calls on the Government to make the ban permanent, and for the Australian federal, state and territory governments to cooperate in the development of a strong national plan of action that will end unsustainable shark fishing and high levels of shark in Australian fisheries.

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

(a) notes:

- (i) the comments of the United States (US) Environment Protection Agency chief officer that ‘we have no interest in implementing that [Kyoto Protocol] treaty’, and
- (ii) the endorsement of the Australian Minister for Foreign Affairs (Mr Downer) of the US policy on greenhouse gases; and

- (b) condemns the US Bush Administration and the Howard Government for their efforts to derail the Kyoto Climate Change Convention.

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

- (a) notes, with concern, the rapid expansion of problem gambling in Australia, with 300 000 people severely affected and up to 1 million family members, friends and workmates affected by this social scourge;

- (b) condemns the New South Wales State Government, and other state governments, for exacerbating this disturbing trend by expanding gambling outlets in their states over the past 5 years;
- (c) congratulates the Howard Government for heading off the next quantum leap in problem gambling by the courageous decision to bar online gambling in Australia; and
- (d) calls on all opposition parties in the Federal Parliament to back this legislation and thereby restrain the rise in the 'social misery index' for some of the most vulnerable members of Australian society.

Senator O'Brien, at the request of the Chair of the Economics References Committee (Senator Murphy): To move on the next day of sitting—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on 3 April 2001, from 4 pm to 6 pm, to take evidence for the committee's inquiry into mass marketed tax effective schemes and investor protection.

#### **4 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to Cabinet (Senator Heffernan) moved—That government business order of the day no. 4 (Remuneration Tribunal Amendment Bill 2000) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

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

- (a) general business notice of motion no. 878 standing in the name of Senator Conroy, relating to the establishment of a banking social charter; and
- (b) consideration of government documents.

Question put and passed.

#### **5 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 875 standing in the name of Senator Bourne for today, relating to the introduction of the ABC Amendment (Online and Multichannelling Services) Bill 2001, postponed till 2 April 2001.

Government business notice of motion no. 1 standing in the name of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) for today, relating to the consideration of legislation, postponed till 3 April 2001.

General business notice of motion no. 877 standing in the name of Senator Allison for today, relating to the grey-headed flying fox colony in the Melbourne Botanical Gardens, postponed till 2 April 2001.

General business notice of motion no. 871 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner) for today, relating to the benchmark for pension levels, postponed till 23 May 2001.

**6 LEAVE OF ABSENCE**

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator McKiernan for the period 29 March to 5 April 2001, on account of parliamentary business overseas.

Question put and passed.

**7 CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary to Cabinet (Senator Heffernan), at the request of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) and 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 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.

Question put and passed.

**8 ENVIRONMENT—JABILUKA**

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

Question put and passed.

**9 LUCAS HEIGHTS REACTOR—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights (Senator Forshaw), pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

**10 OVERSEAS AID—MICROCREDIT PROGRAMS**

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

- (a) notes the success of microcredit programs, such as the Grameen Bank of Bangladesh, in alleviating poverty and in particular in addressing those in absolute poverty (those living on less than \$US 1 per day); and
- (b) calls on the Government to implement its promise to double the 1997 microcredit aid budget to \$13 million by the end of this parliamentary term.

Question put and passed.

**11 HAND GUNS**

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

Question put and passed.

**12 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—  
JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Calvert, at the request of the Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Ferris) and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

**13 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING  
SITTING**

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

Question put and passed.

**14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane) 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 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.

Question put and passed.

**15 ECONOMICS LEGISLATION COMMITTEE—REPORT—ADDITIONAL ESTIMATES 2000-01**

Pursuant to order, Senator Calvert, at the request of the Chair of the Economics Legislation Committee (Senator Gibson), tabled the following report and documents:

Economics Legislation Committee—2000-01 additional estimates—Report and *Hansard* record of the committee's proceedings [3 vols].

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

**16 PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT AMENDMENT  
BILL 2001**

**SYDNEY AIRPORT DEMAND MANAGEMENT AMENDMENT BILL 2001**

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

Message no. 674, dated 28 March 2001—A Bill for an Act to amend the *Primary Industries and Energy Research and Development Act 1989*, and for related purposes.

Message no. 675, dated 29 March 2001—A Bill for an Act to amend the *Sydney Airport Demand Management Act 1997*, 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.

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

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

Question put and passed.

**17 EXCISE TARIFF AMENDMENT BILL (NO. 1) 2001  
CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2001**

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

Message no. 672, dated 28 March 2001—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 673, dated 28 March 2001—A Bill for an Act to amend the *Customs Tariff 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.

On the motion of Senator O'Brien the debate was adjourned.

*Statements by leave:* Senators Cook and Heffernan, by leave, made statements relating to the bills.

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

**18 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.

Debate adjourned till a later hour, Senator Knowles in continuation.

**19 PHARMACEUTICAL BENEFITS ADVISORY COMMITTEE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), 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—PBAC membership—Parts 1 and 2.

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*At 12.45 pm—*

**20 REMUNERATION TRIBUNAL AMENDMENT BILL 2000**

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, agreed to.

Bill to be reported without amendment.

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

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

**21 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 2 pm:* Debate was interrupted while Senator Hogg was speaking.

**22 QUESTIONS**

Questions without notice were answered.

**23 AGED CARE—ANSWERS TO QUESTIONS**

Senator Evans moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Vanstone) to questions without notice asked today relating to aged care.

Debate ensued.

Question put and passed.

**24 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—FUNDING AUSTRALIA'S DEFENCE**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Funding Australia's defence—Government response, dated March 2001.

**25 CORPORATIONS AND SECURITIES—JOINT STATUTORY COMMITTEE—GOVERNMENT  
RESPONSE—DRAFT FINANCIAL SERVICES REFORM BILL**

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

Corporations and Securities—Joint Statutory Committee—Report—Draft Financial Services Reform Bill—Government response.

**26 NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—INVOLVEMENT OF THE NATIONAL CRIME AUTHORITY IN CONTROLLED OPERATIONS**

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

National Crime Authority—Joint Statutory Committee—Report—Involvement of the National Crime Authority in controlled operations—Government response.

**27 AUDITOR-GENERAL—AUDIT REPORT NO. 31 OF 2000-2001—DOCUMENT**

The Deputy President (Senator West) tabled the following document:

Auditor-General—Performance audit—Administration of consular services: Department of Foreign Affairs and Trade (Report No. 31 of 2000-2001).

**28 FOREIGN AFFAIRS—SOUTH AFRICA—DOCUMENT**

The Deputy President (Senator West) tabled the following document:

Foreign Affairs—South Africa—Letter to the President of the Senate from the High Commissioner (Zolile T Magugu), South African High Commission, responding to resolution of the Senate of 8 March 2001, dated 26 March 2001.

**29 ENVIRONMENT, COMMUNICATION, 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 *Hansard* record of the committee's proceedings (Estimates 2000-01 (Supplementary hearings)—3 vols) and additional information (Estimates 2000-01—vol. 7).

**30 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—380TH REPORT**

Senator Calvert, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

380th report—Review of Auditor-General's reports 1999-2000: Third quarter—Army individual readiness notice; Examination of the Federation Cultural and Heritage Projects Program; Management of Job Network contracts, dated February 2001.

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

Question put and passed.

**31 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—3RD REPORT OF 2001**

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

3rd report of 2001—64th general report [2000], dated 29 March 2001.

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

Question put and passed.

### 32 DOCUMENTS

The following documents were tabled by the Clerk:

Aged Care Act—

Accreditation Grant Amendment Principles 2000 (No. 1).

Residential Care Subsidy Amendment Principles 2000 (No. 4).

Sanctions Amendment Principles 2001 (No. 1).

Christmas Island Act—List of applied Western Australian Acts for the period 26 August 2000 to 23 March 2001.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—

Civil Aviation Amendment Order (No. 2) 2001.

Civil Aviation Amendment Order (No. 3) 2001.

Exemption No. CASA EX09/2001.

Instrument No. CASA 121/01.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 26 August 2000 to 23 March 2001.

Customs Act—CEO Instrument of Approval No. 2 of 2001.

Health Insurance Act—

Declaration—QAA No. 2/2001.

Health Insurance (Accredited Pathology Laboratories—Approval) Amendment Principles 2001 (No. 1).

National Health Act—Declaration under subsection 78(4A), dated 27 March 2001.

### 33 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:

*Fuel Quality Standards Act 2000*—Part 1; Divisions 1, 3, 6 and 8 of Part 2; and Part 5—23 March 2001 (*Gazette* No. S 98, 23 March 2001).

*General business was called on.*

### 34 FINANCE—BANKING SOCIAL CHARTER

Senator Conroy, pursuant to notice, moved—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.

Debate ensued.

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

### 35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2000. Motion of Senator Stott Despoja to take note of document agreed to.

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 of Senator Cooney to take note of document agreed to.

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 of Senator Bartlett to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice report 2000 (Report no. 2/2001). Motion of Senator Crossin to take note of document agreed to.

*Telecommunications (Interception) Act 1979*—Report for 1999–2000 pursuant to Division 2 of Part IX of the Act. Motion of Senator Ludwig to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title report 2000 (Report no. 1/2001). Motion of Senator Crossin to take note of document agreed to.

Administrative Review Council—Report to the Attorney-General—No. 44—Internal review of agency decision making, November 2000. Motion of Senator Ludwig to take note of document agreed to.

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

*General business concluded.*

### 36 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

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

Employment, Workplace Relations, Small Business and Education References Committee—Report—Katu Kalpa: Report on the inquiry into the effectiveness of education and training programs for Indigenous Australians—Government response. Motion of Senator Collins to take note of document agreed to.

Rural and Regional Affairs and Transport References Committee—Report—Deregulation of the Australian dairy industry—Government response. Motion of Senator Forshaw to take note of document debated and agreed to.

**37 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 6.36 pm till Monday, 2 April 2001 at 12.30 pm.

**38 ATTENDANCE**

Present, all senators except Senators Boswell, Ian Campbell, Harris\*, McKiernan\* and Ridgeway (\* on leave).

**HARRY EVANS**  
Clerk of the Senate