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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 DOCUMENT**

The following government document was tabled:

United Nations—International Covenant on Civil and Political Rights—Human Rights Committee—Communications No. 947/2000—Decision.

**3 QUESTIONS**

Questions without notice were answered.

**4 TAXATION—ANSWER TO QUESTION**

Senator Crowley 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 West today relating to the goods and services tax and pensioners.

Debate ensued.

Question put and passed.

**5 PETITION**

The following petition, lodged with the Clerk by Senator Bourne, was received:

From 60 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

**6 NOTICES**

The Chair of the Economics References Committee (Senator Murphy): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia's stock exchanges be extended to 24 May 2001.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 and two related bills be extended to 21 May 2001.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on telecommunications and electromagnetic emissions be extended to 20 April 2001.

The Leader of the Australian Democrats (Senator Lees): To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer (Senator Kemp), no later than 5 April 2001, a copy of the report into the impact of the fringe benefits tax changes on Indigenous organisations by the Office for Aboriginal and Torres Strait Islander Health and the Aboriginal and Torres Strait Islander Commission.

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 to amend the *Crimes Act 1914*, and for other purposes. ***Measures to Combat Serious and Organised Crime Bill 2001***.

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

- (a) notes:
  - (i) the slow progress of roadworks at the Weakleys Drive and New England Highway intersection near Maitland, New South Wales, and the tactics of the New South Wales Government, which is delaying the development of a much-needed overpass, and
  - (b) that this is one of the busiest intersections in the Hunter Valley and has been the scene of many accidents, including fatalities;
- (b) criticises the New South Wales Government for not addressing the need for a link road between Thornton Road and Anderson Drive, which would reduce traffic through the intersection and prevent problems for residents from Beresfield and Thornton and which has to be built before work on the overpass can begin; and
- (c) calls on the Roads and Traffic Authority, the New South Wales Government and the Federal Government to work together on this issue so that the intersection can be made safer for motorists.

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

- (a) notes the protest on the weekend of 31 March and 1 April 2001 by 1 500 people against the Government's plans for development of the Australian Defence Industries (ADI) site at St Marys;
- (b) opposes the large scale housing development plan at the St Marys site in recognition of the intensity and extent of community opposition;
- (c) calls on the Federal Government to protect the heritage-listed Cumberland Plains Woodland and the last viable population of kangaroos and emus in the Sydney metropolitan area; and
- (d) supports the creation of a regional park, including a nature reserve, covering the entire ADI site, that protects in perpetuity the natural and cultural heritage of the site, and creates sustainable employment opportunities in tourism and education, and provides the people of western Sydney with urgently needed space for passive recreation.

Senator Schacht: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to award the Victoria Cross for Australia to certain persons. ***Award of Victoria Cross for Australia Bill 2001***.

## 7 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Calvert, by leave and at the request of the Chair of the Employment, Workplace Relations, Small Business and Education Legislation Committee (Senator Tierney), moved—That the Employment, Workplace Relations, Small Business and Education Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 4 April 2001, from 12.45 pm to 1.30 pm, to take evidence for the consideration of the provisions of the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000 and the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000.

Question put and passed.

**8 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 881 standing in the name of Senator Greig for today, relating to shark finning and unsustainable shark fishing, postponed till 5 April 2001.

General business notice of motion no. 887 standing in the name of Senator Brown for today, relating to the Kyoto Protocol on climate change, postponed till 4 April 2001.

**9 AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT BILL 2001**

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 following bill be introduced:

A Bill for an Act to amend legislation relating to agricultural and veterinary chemicals, and for related purposes.

Question put and passed.

Senator Ian Campbell presented the bill and 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.

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*Explanatory memorandum:* Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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*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.

**10 ABC AMENDMENT (ONLINE AND MULTICHANNELLING SERVICES) BILL 2001**

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

Question put and passed.

Senator Bourne presented the bill and 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 Bourne moved—That this bill be now read a second time.

On the motion of Senator Calvert the debate was adjourned till the next day of sitting.

**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 Crimes Amendment (Age Determination) 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 Electoral and Referendum Amendment Bill (No. 1) 2001, allowing it to be considered during this period of sittings.

*Statements by leave:* Senators Brown and Ian Campbell, by leave, made statements relating to the motion.

Question put and passed.

**12 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), at the request of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) and pursuant to notice of motion not objected to as a formal motion, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being pedestrian crossings at the intersection of Parliament Drive and Melbourne Avenue.

Question put and passed.

**13 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—EXTENSION 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 the report of the Select Committee on Superannuation and Financial Services on the provisions of the Parliamentary (Choice of Superannuation) Bill 2001 be extended to 9 August 2001.

Question put and passed.

**14 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—INFORMATION TECHNOLOGY OUTSOURCING INQUIRY—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator O'Brien, at the request of the Chair of the Finance and Public Administration References Committee (Senator George Campbell) and pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that the order for the production of documents relating to the Finance and Public Administration References Committee inquiry into the Government's information technology outsourcing initiative, which was passed by the Senate on 26 March 2001, has not been complied with; and

- (b) requires that the acting Minister for Finance and Administration provide to the Finance and Public Administration References Committee, by no later than the adjournment of the Senate on 4 April 2001, all documents listed in that order.

Question put and passed.

# 15 ENVIRONMENT—FORESTRY PRACTICES CODE

*Motion determined as not formal:* Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Lees), requested that general business notice of motion no. 862 standing in her name for today, relating to alleged breaches of the Forestry Practices Code 2000, be taken as formal.

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

*Proposed suspension of standing orders:* Senator Bartlett, at the request of Senator Lees and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Lees moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 862.

Debate ensued.

Question put.

The Senate divided—

## AYES, 10

Senators—

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

## NOES, 41

Senators—

Bishop	Crane	Knowles	Reid
Brandis	Crossin	Ludwig	Schacht
Buckland	Crowley	Lundy	Sherry
Calvert	Evans	Macdonald, Sandy	Tchen
Campbell, George	Ferguson	Mackay	Tierney
Campbell, Ian	Ferris	Mason	Troeth
Carr	Forshaw	McLucas	Watson
Chapman	Gibbs	Murphy	West
Collins	Gibson	O'Brien (Teller)	
Cook	Herron	Patterson	
Cooney	Hogg	Payne	

Question negatived.

**16 ENVIRONMENT—GREY-HEADED FLYING FOX**

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved—  
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 permanent breeding colony for the species in Victoria other than the Melbourne Botanic Gardens, and
  - (v) the Melbourne Botanic Gardens, with the approval of the Victorian Environment Minister, will shortly begin killing 1 000 of the bats using either lethal injection or low velocity short-range weapons;
- (b) calls on the Victorian Environment Minister to make a greater effort at seeking an alternative site for the bat colony along the Yarra River, and to instruct the Director of the Melbourne Botanic Gardens to manage the gardens for both the benefit of the bats and existing botanic specimens; and
- (c) calls on the Federal Minister for the Environment and Heritage (Senator Hill) to:
  - (i) seek urgent advice from the Threatened Species Scientific Committee on the listing of the grey-headed flying fox under the *Environment Protection and Biodiversity Conservation Act 1999*,
  - (ii) upon the listing of the grey-headed flying fox under the *Environment Protection and Biodiversity Conservation Act 1999*, designate the proposed bat kill in the Melbourne Botanic Gardens as a ‘controlled action’ instigating full impact assessment procedures,
  - (iii) advise the Senate on the potential detrimental effect upon World Heritage Listed rainforests in south-east Australia of killing large numbers of grey-headed flying fox,
  - (iv) if the above advice indicates that the values of the listed World Heritage sites may be damaged by the killing of grey-headed flying fox in Melbourne’s Botanic Gardens, seek an injunction to stop the kill under the *Environment Protection and Biodiversity Conservation Act 1999*, and
  - (v) write to the Victorian Minister asking her to stop the kill, in any event, until the Commonwealth has reviewed the conservation status of the bat.

Question put.



The Senate divided—

AYES, 10

Senators—

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

NOES, 34

Senators—

Bishop	Cooney	Knowles	Reid
Brandis	Crane	Ludwig	Schacht
Buckland	Crossin	Lundy	Tchen
Calvert	Crowley	Mackay	Tierney
Campbell, George	Ferguson	Mason	Troeth
Campbell, Ian	Ferris	McLucas	Watson
Carr	Gibbs	O'Brien (Teller)	West
Collins	Hogg	Patterson	
Cook	Hutchins	Payne	

Question negatived.

**17 TRADE POLICY—MINISTERIAL STATEMENT—DOCUMENTS**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), by leave, made a statement relating to trade policy and tabled the following documents:

Trade policy—

Australia's trade outcomes and objectives statement 2001.

Trade outcomes and objectives statement 2001—Ministerial statement by the Minister for Trade (Mr Vaile), dated 3 April 2001.

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

Question put and passed.

**18 PARLIAMENT ACT—PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—DOCUMENTS**

The Minister for Industry, Science and Resources (Senator Minchin) tabled the following documents:

Parliament Act—Proposal, together with supporting documentation, relating to design and siting of a services pavilion associated with Commonwealth Place and the materials, colours and finishes to Commonwealth Place.

*Notice of motion:* Senator Minchin, by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and siting of a services pavilion associated with Commonwealth Place and the material, colours and finishes to Commonwealth Place.

Parliament Act—Proposal, together with supporting documentation, relating to the text and images for the Magna Carta monument.

*Notice of motion:* Senator Minchin, by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the final text and images for the Magna Carta monument in Magna Carta Place.

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—ADDITIONAL ESTIMATES 2000-01**

Pursuant to order, Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled the following report and documents:

Rural and Regional Affairs and Transport 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 McGauran .

**20 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL 2001**

Pursuant to order, Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following report and documents:

Australia New Zealand Food Authority Amendment Bill 2001, dated April 2001, *Hansard* record of the committee's proceedings and submissions [12].

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

**21 DOCUMENTS**

The following documents were tabled by the Clerk:

Australian Land Transport Development Act—Determination of charge rate under section 10 for the financial year—

1994-95.  
1995-96.  
1996-97.  
1997-98.  
1998-99.  
1999-00.

Customs Act—Notice under subsection—

164(5A)—Notice No. 2 (2001).  
164(5AAC)—Notice No. 2 (2001).

Excise Act—Notice under subsection—

78A(5A)—Notice No. 2 (2001).  
78A(5AAC)—Notice No. 2 (2001).

National Health Act—Determinations under Schedule 1—PHI 2/2001-PHI 5/2001.

**22 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS**

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

30 March 2001—Message No. 7—

*Veterans' Affairs Legislation Amendment (Application of Criminal Code) Act 2001*  
(Act No. 16, 2001)

*Aircraft Noise Levy Collection Amendment Act 2001* (Act No. 17, 2001)

*Family and Community Services Legislation Amendment (New Zealand Citizens) Act 2001* (Act No. 18, 2001).

**23 ANTI-GENOCIDE BILL 1999—PROPOSED SUSPENSION OF STANDING ORDERS**

Senator Greig, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Greig moving a motion to provide that the consideration of the Anti-Genocide Bill 1999 take precedence over all government and general business until proceedings on the bill are concluded.

Debate ensued.

Question put.

The Senate divided—

**AYES, 10**

Senators—

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

**NOES, 38**

Senators—

Bishop	Eggleston	Ludwig	Payne
Brandis	Ferguson	Lundy	Reid
Buckland	Ferris	Mackay	Schacht
Campbell, George	Forshaw	Mason	Tambling
Carr	Gibbs	McGauran (Teller)	Tchen
Collins	Heffernan	McLucas	Tierney
Cooney	Hogg	Minchin	Watson
Crane	Hutchins	Newman	West
Crossin	Knowles	O'Brien	
Crowley	Lightfoot	Patterson	

Question negatived.

**24 MIGRATION LEGISLATION AMENDMENT (INTEGRITY OF REGIONAL MIGRATION SCHEMES) 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.

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 George Campbell) 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.

**25 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Electoral and Referendum Amendment Bill (No. 1) 2001.

Question put and passed.

**26 ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 1) 2001**

Order read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling)—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.

Question—That the bill be agreed to—divided in respect of Schedule 1, item 45.

Schedule 1, item 45 debated.

Question—That Schedule 1, item 45 stand as printed—put and negatived.

Bill, as amended, further debated.

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*At 6.50 pm:* The Acting Deputy President (Senator Lightfoot) resumed the chair and the Chair of Committees (Senator West) reported progress.

**27 GOVERNMENT DOCUMENT—CONSIDERATION**

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

United Nations—International Covenant on Civil and Political Rights—Human Rights Committee—Communications No. 947/2000—Decision. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

**28 ADJOURNMENT**

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

Debate ensued.

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*Document:* Senator Bourne, by leave, tabled the following document:

Foreign affairs—Iraq—Sanctions—Copy of letter to the Prime Minister (Mr Howard) from 41 eminent Australians requesting the lifting of sanctions against Iraq, dated 16 January 2001.

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Debate continued.

The Senate adjourned at 7.25 pm till Wednesday, 4 April 2001 at 9.30 am.

**29 ATTENDANCE**

Present, all senators except Senators Harradine, Harris\* and McKiernan\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate