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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:

Australian Maritime College—Report for 2000.

Commonwealth Authorities and Companies Act—Notice under section 45—Transfer of assets [Australian Submarine Corporation Pty Limited].

National Health Act—Private health insurance premium increases—Report for the quarter commencing 1 January 2001.

National Residue Survey—Report for 1999-2000.

Regional forest agreement for south-west forest region of Western Australia—Report for 1999-2000.

Treaties—

Bilateral—

Text, together with national interest analysis—Agreement on Social Security between the Government of Australia and the Government of New Zealand, done at Canberra on 28 March 2001.

Text, together with national interest analysis and regulation impact statement—Films Co-Production Agreement between the Government of Australia and the Government of the Federal Republic of Germany, done at Canberra on 17 January 2001.

*Multilateral—*Text, together with national interest analysis—

Agreement on the Conservation of Albatrosses and Petrels.

International Labour Organization (ILO)—Denunciation of convention—No. 15: Convention fixing the Minimum Age for the Admission of Young Persons to Employment as Trimmers or Stokers, done at Geneva on 11 November 1921 and No. 21: Convention concerning the Simplification of the Inspection of Emigrants on Board Ship, done at Geneva on 5 June 1926.

International Labour Organization (ILO)—Withdrawal of instruments of ratification of conventions—No. 57: Convention concerning Hours of Work on Board Ship and Manning, done at Geneva on 24 October 1936, No. 76: Convention concerning Wages, Hours of Work on Board Ship and Manning, done at Seattle on 29 June 1946, No. 93: Convention concerning Wages, Hours of Work on Board Ship and Manning (Revised 1949), done at Geneva on 18 June 1949 and No. 109: Convention concerning Wages, Hours of Work on Board Ship and Manning (Revised 1958), done at Geneva on 14 May 1958.

Protocol, done at London on 2 May 1996, to amend the Convention on Limitation of Liability for Maritime Claims of 19 November 1976.

3 AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL 2001

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

In the committee

Consideration resumed of the bill, as amended.

On the motion of Senator Forshaw the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 80, page 17 (after line 22), after subsection (4), insert:

- (4A) As soon as practicable after complying with subsection (4), the Authority must publish in a newspaper circulating in each State or Territory and in New Zealand a copy of the notice mentioned in paragraph (4)(b), together with information about where a copy of the draft may be obtained.

Schedule 1, item 81, page 21 (line 2), at the end of paragraph (c), add “and in a newspaper circulating in each State or Territory and in New Zealand”.

Schedule 1, item 81, page 22 (line 35), at the end of paragraph (4)(b), add “and in a newspaper circulating in each State or Territory and in New Zealand, together with information about where a copy of the draft or draft as amended may be obtained or inspected”.

Schedule 1, item 81, page 23 (lines 28 and 29), omit subsection (2), substitute:

- (2) The Authority must publish a copy of a declaration under subsection (1):
 - (a) on the Internet; and
 - (b) in a newspaper circulating in each State or Territory and in New Zealand.

Schedule 1, item 81, page 23 (after line 29), after subsection (2), insert:

- (2A) The Authority must take all reasonable steps to distribute copies of the declaration to the print and electronic media in Australia and New Zealand for the purpose of seeking media publicity about the urgent application or proposal.

Schedule 1, item 81, page 24 (after line 25), at the end of section 25, add:

- (4) As soon as practicable after complying with subsection (3), the Authority must publish in a newspaper circulating in each State or Territory and in New Zealand a copy of the notice mentioned in paragraph (3)(b), together with information about where a copy of the draft may be obtained.

Schedule 1, item 81, page 25 (line 16), at the end of paragraph (b), add “and in a newspaper circulating in each State or Territory and in New Zealand, together with information about where a copy of the draft or draft as amended may be obtained or inspected”.

Schedule 1, item 81, page 29 (line 29), at the end of paragraph (2)(c), add “and in a newspaper circulating in each State or Territory and in New Zealand”.

Schedule 1, item 81, page 30 (line 5), at the end of paragraph (4)(b), add “and in a newspaper circulating in each State or Territory and in New Zealand, together with information about where the text of the revocation or amendment may be obtained or inspected”.

Schedule 1, item 81, page 31 (lines 3 and 4), omit subsection (2), substitute:

- (2) The Authority must publish a notice setting out a decision under paragraph (1)(b):
 - (a) on the Internet; and
 - (b) in a newspaper circulating in each State or Territory and in New Zealand.

Senator Forshaw moved the following amendments together by leave:

Schedule 1, item 81, page 18 (line 10), omit “may”, substitute “must”.

Schedule 1, item 81, page 19 (line 21), omit “may”, substitute “must”.

Schedule 1, item 81, page 20 (line 29), omit “may”, substitute “must”.

Schedule 1, item 81, page 21 (lines 11 to 16), omit paragraph (1)(b), substitute:

- (b) the Council informs the Authority that the Council does not intend to request the Authority to review the draft;

Schedule 1, item 81, page 22 (lines 20 to 24), omit paragraph (3)(b), substitute:

- (b) the Council informs the Authority that the Council does not intend to amend or reject the draft;

Schedule 1, item 81, page 21 (line 31) to page 22 (line 5), omit paragraph (2)(b), substitute:

- (b) the Council informs the Authority that the Council does not intend to request the Authority to review the draft;

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

Allison	Collins	Greig	O'Brien
Bartlett	Cook	Hogg	Ray
Bishop	Cooney	Hutchins	Ridgeway
Bolkus	Crossin	Lees	Schacht
Bourne	Crowley	Ludwig	Stott Despoja
Brown	Denman (Teller)	McKiernan	West
Buckland	Evans	McLucas	Woodley
Campbell, George	Faulkner	Murphy	
Carr	Forshaw	Murray	

NOES, 31

Senators—

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

Question agreed to.

Senator Brown moved the following amendment:

Schedule 1, page 34 (after line 19), after item 113, insert:

113A After Part 3

Insert:

Part 3A—The Council

39A The Council

- (1) The Minister representing each State and Territory on the Council must be the Minister who has primary responsibility for the health portfolio in that jurisdiction (the *lead Minister*).
- (2) No other Minister may substitute for the lead Minister on the Council.

Debate ensued.

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

Bill, as amended, further debated.

Senator Greig moved the following amendment:

Schedule 1, item 118, page 35 (lines 16 to 22), omit the item, substitute:

118 Paragraphs 40(1)(aa), (b), (ba), (c), (d) and (e)

Repeal the paragraphs, substitute:

- (b) the Chief Executive Officer; and
- (c) 2 members nominated by the New Zealand lead Minister on the Council; and
- (d) a member nominated by consumer organisations; and
- (e) a member nominated by the National Health and Medical Research Council; and
- (f) 4 members nominated by scientific and public health organisations; and
- (g) 2 members nominated by food industry organisations.

Senator Forshaw moved the following amendment to Senator Greig's proposed amendment:

At the end of paragraph 40(1)(g), add "or public bodies".

Debate ensued.

Question—That Senator Forshaw’s amendment to Senator Greig’s proposed amendment be agreed to—put and passed.

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) moved the following amendments to Senator Greig’s proposed amendment together by leave:

Paragraph 40(1)(c), omit “2”, substitute “3”.

Paragraph 40(1)(f), omit “4”, substitute “3”.

Debate ensued.

Question—That Senator Tambling’s amendments to Senator Greig’s proposed amendment be agreed to—put.

The committee divided—

AYES, 29

Senators—

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

NOES, 34

Senators—

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

Question negatived.

Senator Brown moved the following amendment to Senator Greig’s proposed amendment:

Omit paragraph 40(1)(d), substitute:

(d) 2 members who have backgrounds in consumer rights; and

Debate ensued.

Question—That Senator Brown’s amendment to Senator Greig’s proposed amendment be agreed to—put and negatived.

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

Senator Greig moved the following amendment:

Schedule 1, item 119, page 35 (line 23) to page 36 (line 2), omit the item, substitute:

119 Subsection 40(2)

Repeal the subsection, substitute:

- (1A) A member mentioned in paragraph (1)(a), (c), (d), (e), (f) or (g) is to be appointed by the Minister in accordance with a code of practice determined under section 40A.
- (1B) The Minister may appoint a person as a member mentioned in paragraph (1)(a), (d), (e), (f) or (g) only if the Council has agreed to the appointment.
- (2) Before appointing a person as a member mentioned in paragraph (1)(c), the Minister must consult with the Council.

Debate ensued.

Senator Forshaw moved the following amendment to Senator Greig's proposed amendment:

Omit subsection 40(1A).

Question—That Senator Forshaw's amendment to Senator Greig's proposed amendment be agreed to—put and passed.

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

Senator Greig moved the following amendment:

Schedule 1, item 120, page 36 (liens 3 to 18), omit the item, substitute:

120 Subsections 40(3) and (4)

Repeal the subsections, substitute:

- (3) The Minister may appoint a person as a member mentioned in paragraph (1)(a), (c) or (f) only if:
 - (a) the Minister is satisfied that the person is suitably qualified for appointment because of expertise in one or more of the following fields:
 - (i) public health;
 - (ii) consumer affairs;
 - (iii) food science;
 - (iv) food allergy;
 - (v) human nutrition;
 - (vi) medical science;
 - (vii) microbiology;
 - (viii) government;
 - (ix) food regulation; and
 - (b) the person has been nominated by a professional association prescribed by the regulations for the purposes of each subparagraph in paragraph (a).
- (4) The Minister may appoint a person as a member mentioned in paragraph (1)(g) only if:
 - (a) the Minister is satisfied that the person is suitably qualified for appointment because of expertise in one or more of the following fields:

- (i) the food industry;
- (ii) food processing or retailing;
- (iii) primary food production;
- (iv) small business;
- (v) international trade; and
- (b) the person has been nominated by a professional association prescribed by the regulations for the purposes of each subparagraph in paragraph (a).

120A Transitional—making of regulations for the nomination of Board members

- (1) A power conferred by paragraph 40(3)(b) or 40(4)(b) of the *Australia New Zealand Food Authority Act 1991* to make regulations in relation to the nomination of persons for selection as members of the Board may be exercised before the commencement of those provisions as if those provisions had come into operation.
- (2) Subitem (1) has effect despite anything in the *Acts Interpretation Act 1901*.

Senator Forshaw moved the following amendments to Senator Greig's proposed amendment together by leave:

Omit subparagraphs 40(3)(a)(viii) and (ix), substitute:

- (viii) food safety;
- (ix) biotechnology;
- (x) veterinary science; and

Paragraph 40(3)(b), after "association", insert "or public body".

At the end of paragraph 40(4)(a), add:

- (vi) government;
- (vii) food regulation; and

Paragraph 40(4)(b), after "association", insert "or public body".

Question—That Senator Forshaw's amendments to Senator Greig's proposed amendment be agreed to—put and passed.

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

On the motion of Senator Greig the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 1 (after line 11), after paragraph (a), insert:

- (aa) item 120A of Part 1 of Schedule 1;

Clause 2, page 2 (line 1), after "Schedule 1", insert "(other than item 120A)".

Senator Brown moved the following amendment:

Item 120, omit subsection 40(4).

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

Bill, as amended, further debated.

Senator Greig moved the following amendment:

Schedule 1, page 36 (after line 28), after item 124, insert:

124A After section 40

Insert:

40A Procedures for appointment of Board members

- (1) The Minister must by writing determine a code of practice for appointments to the Board that:
 - (a) sets out general principles on which appointments are to be made, including, but not limited to:
 - (i) merit; and
 - (ii) independent scrutiny of appointments; and
 - (iii) probity; and
 - (iv) openness and transparency; and
 - (b) sets out how these principles are to be applied to the selection of persons nominated in accordance with section 40 as members.
- (2) The code of practice must include a requirement for any person appointed to make a declaration if he or she is a member of a political party.
- (3) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
- (4) Not later than every third anniversary after a code of practice has been determined, the Minister must review the code.
- (5) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (6) A code of practice determined under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

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

On the motion of Senator Forshaw the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 126, page 37 (lines 1 and 2), omit the item, substitute:

126 Subsection 41(2)

Repeal the subsection, substitute:

- (2) A member holds office for a period of 4 years.

Schedule 1, page 37 (after line 4), after item 127, insert:

127A At the end of subsection 41(4)

Add “for a second term but must not be reappointed for a third or subsequent term”.

On the motion of Senator Forshaw the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 128, page 37 (after line 28), at the end of the item, add:

- (8) The Minister must not appoint a person as the Chairperson if, at any time during the period of 2 years immediately before the proposed period of appointment, the person was employed by, or had a pecuniary interest in, a body corporate whose primary commercial activity relates directly to the production or manufacture of food.

- (9) The Minister must not appoint a person as a Chairperson if the person has a pecuniary interest in a body corporate whose primary commercial activity relates directly to the production or manufacture of food.

Schedule 1, page 39 (after line 6), after item 141, insert:

141A At the end of section 50

Add:

- (5) The Board must establish and maintain a system for the declaration and registration of material personal interests of its members.
- (6) The entries recorded in the register of members' interests must be published by the Board on the Internet.

Schedule 1, page 39 (after line 16), after item 146, insert:

146A At the end of section 52A

Add:

- (3) The Minister must not appoint a person as the Chief Executive Officer if, at any time immediately before the proposed period of appointment, the person was employed by a body corporate whose primary commercial activity relates directly to the production or manufacture of food.
- (4) The Minister must not appoint a person as the Chief Executive Officer if the person has a pecuniary interest in a body corporate whose primary commercial activity relates directly to the production or manufacture of food.

On the motion of Senator Greig the following amendment was debated and agreed to:

Schedule 1, item 140, page 39 (line 4), after "interest", insert " , including an interest in relation to academic or research associations of the member,".

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

Senator Tambling moved—That the report from the committee be adopted.

Proposed order for production of document: Senator Brown moved the following amendment:

At the end of the motion, add "but that further consideration of the bill be postponed till the day after the day on which the Minister representing the Minister for Health and Aged Care tables in the Senate a statement informing the Senate that complementary legislation has been introduced in the Parliament of New Zealand".

Debate ensued.

Question—That the amendment be agreed to—put and negatived. Senator Brown, pursuant to standing order 100, recorded his vote for the ayes.

Main question put and passed.

On the motion of Senator Tambling the bill was read a third time.

4 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 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 this bill be now read a second time.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator McLucas was speaking.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

United Nations—Convention on the Elimination of Discrimination Against Women—Petitioning documents encouraging the Australian Government to sign and ratify the Optional Protocol to the Convention on the Elimination of Discrimination Against Women (CEDAW).

Further 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 BUDGET 2001-02—ANSWERS TO QUESTIONS

Senator Cook moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2001-02 Budget.

Debate ensued.

Question put and passed.

8 PETITIONS

The following 2 petitions, lodged with the Clerk by Senator Lundy, were received:

Two petitions, similar in wording, from 21 and 1 979 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

9 NOTICES

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Superannuation and Financial Services on issues arising from the committee's report on the Taxation Laws Amendment (Superannuation Contributions) Bill 2000 be extended to 21 June 2001.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg): To move on the next day of sitting—That the time for the presentation of the following reports of the Foreign Affairs, Defence and Trade References Committee be extended to 28 June 2001:

- (a) second report on the examination of developments in contemporary Japan and the implications for Australia; and
- (b) the disposal of Defence properties.

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 27 June 2001.

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, on Thursday, 24 May 2001, consideration of general business and committee reports, government responses and Auditor-General's reports not proceed until after completion of consideration of the government business order of the day relating to the Compensation (Japanese Internment) Bill 2001 and three related bills.

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

- (a) condemns the Government for its failure to create a sensible, workable datacasting regime, which has resulted in the cancellation of its proposed auction of datacasting spectrum;
- (b) condemns the Government for its unworkable datacasting regime, which is preventing Australians from reaping the economic and technological benefits of datacasting and the advantages of a new, innovative consumer service; and
- (c) calls on the Government to create a viable policy framework for the datacasting industry to replace the restrictive and unworkable existing regime.

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

- (a) notes:
 - (i) that 28 May 2001 is the 40th anniversary of the formation of Amnesty International, and
 - (ii) the large membership and total cross-party support for the Australian Parliamentary Group of Amnesty International;
- (b) congratulates Amnesty International on its continuing, vital work on behalf of political prisoners around the world; and
- (c) notes, with regret, that the work of Amnesty International remains indispensable because of continuing, worldwide human rights abuses, including torture and summary execution of political prisoners.

The Minister for the Environment and Heritage (Senator Hill): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for other purposes. ***Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Bill 2001***.

Senator Woodley: To move on the next day of sitting—That, upon its introduction into the House of Representatives, the provisions of the Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001 be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 18 June 2001, with particular reference to the adequacy of the guidelines for distribution of dairy adjustment funds to meet the particular needs of dairy farm lessors and other dairy farmers.

Senator Carr: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Employment, Workplace Relations and Small Business, no later than immediately after motions to take note of answers on 18 June 2001, the following documents:

- (a) Department of Employment, Workplace Relations and Small Business, File No: WR99/6889 entitled Meat Processing Industry—G & K O'Connor Pty Ltd—Industries Issues—Workplace Reform Group—1999—Part One; Folios 1, 2, 3-14, 15-16, 17-32, 33-36, 37, 38-41, 42-45, 46-48, 49-50, 51-52, 53-54, 55-63, 64-68, 69-76, 77, 78, 79, 80, 81-94, 95, 96-99, 100, 101-102, 103, 104-105, 106, 107-108, 109, 110, 111-114, 115-127, 128, 129-132, 133-142, 143, 144-184, 185-193, 194, 195-199, 200-203, 204, 205-211, 212-214, 215-229, 230-231, 232-237, 238, 239-242, 243;
- (b) Department of Employment, Workplace Relations and Small Business, File No: WR99/13790 entitled Meat Processing Industry—G & K O'Connor Pty Ltd—Industries Issues—Workplace Reform Group—1999—Part Two; Folios 1, 2-6, 7, 8-10, 11-44, 45, 46-47, 48-64, 65, 66-68, 69-76, 77-79, 80, 81, 82-84, 85, 86-89, 90, 91-105, 106, 107-109, 110, 111, 112, 113-119, 120-121, 122, 123-125;
- (c) Department of Employment, Workplace Relations and Small Business, File No: WR00/877 entitled G & K O'Connor Meat Processing Plant—Federal Court Action against Office of Employment Advocate (OEA) AWA—No Disadvantage Test—1999-2000; Folios 1, 2-18, 19, 20-36, 37, 38-39, 40-49, 50, 51-81, 82-83, 84, 85-86, 87-106, 107-108, 109-112, 113, 114, 115-118, 119-129, 130-143, 144-145;
- (d) Department of Employment, Workplace Relations and Small Business, File No: WR00/873 entitled G & K O'Connor Meat Processing Plant—Dispute—AWA Industrial Action—S 127—1999-2000—Part One; Folios 1, 2, 3-43, 44-46, 47, 48-77, 78-80, 81-82, 83, 84, 85-90, 91, 92-93, 94-101, 102, 103-106, 107-108, 109-113, 114-118, 119-123, 124-157, 158;
- (e) Department of Employment, Workplace Relations and Small Business, File No: WR00/875 entitled G & K O'Connor Meat Processing Plant—Dispute—AWA Industrial Action—S 127—1999-2000—Part Two; Folios 1, 2-30, 31, 32-65, 66-94, 95-104, 105-106, 107, 108-112, 113-116, 117-125, 126-127, 128; and
- (f) Department of Employment, Workplace Relations and Small Business, Manila Folder—M Manthroe and O'Connor—Files, notes of conversation—AMIEU issues in dispute: Folios 1-21.

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

- (a) recognises that women's rights are an urgent issue facing the international community and that the violation of women's human rights includes the rape of women in war, so-called 'honour' killings, bride burnings, the stoning of women and female genital mutilation;
- (b) acknowledges that governments have an international obligation to protect women's human rights, but that when governments abrogate their duty, acknowledges that women should have access as individuals or groups to the United Nations (UN) system to step in to protect their rights, through the UN committee system;
- (c) notes that:
 - (i) the Australian Government has so far refused to support the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and
 - (ii) the Australian Government's inaction on the Optional Protocol is contrary to international opinion, with 67 countries already signing and a further 21 countries ratifying the Convention; and
- (d) calls on the Australian Government to sign and ratify the Optional Protocol to CEDAW and every member of parliament to show their commitment to women's human rights in a concrete and effective manner by supporting the ratification of the Optional Protocol.

Senator Brown: To move on the next day of sitting—That the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000 be referred to the Legal and Constitutional References Committee for inquiry and report by 7 August 2001.

Senator Crossin, also on behalf of Senator Ridgeway: To move on the next day of sitting—That the Senate—

- (a) notes:
 - (i) that 27 May to 3 June 2001 is National Reconciliation Week - Keeping the Flame Alive, and
 - (ii) that 26 May 2001 marks the third anniversary of National Sorry Day and commemorates the Stolen Generations and Journey of Healing;
- (b) affirms the right of all traditional Aboriginal land owners, including the traditional Aboriginal land owners of Uluru, to make decisions affecting access to their land; and
- (c) calls on the Federal Government to:
 - (i) respond to the recommendations of the report of the Legal and Constitutional References Committee, 'Healing: A legacy of generations', and
 - (ii) demonstrate its commitment to the reconciliation process by making an apology to Australia's Indigenous people and by responding appropriately to the recommendations of the final report of the Council for Aboriginal Reconciliation, tabled in December 2000.

The Minister for the Environment and Heritage (Senator Hill): 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:

Compensation (Japanese Internment) Bill 2001
 Family and Community Services Legislation Amendment (One-off Payment to the Aged) Bill 2001
 Family and Community Services and Veterans' Affairs Legislation Amendment (Further Assistance for Older Australians) Bill 2001
 Taxation Laws Amendment (Changes for Senior Australians) Bill 2001.

Documents: Senator Hill tabled the following documents:

Consideration of legislation—Statements of reasons [4] for introduction and passage of certain bills in the 2001 budget sittings.

10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2001

Senator Mason, at the request of the Chairman of the Selection of Bills Committee (Senator Calvert), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 OF 2001

1. The committee met on 22 May 2001.
2. The committee resolved to recommend—
 - (a) That the provisions of the following bills be *referred* to committees as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Broadcasting Legislation Amendment Bill (No. 2) 2001	Immediately	Environment, Communications, Information Technology and the Arts	19 June 2001
Innovation and Education Legislation Amendment Bill 2001	Immediately	Employment, Workplace Relations, Small Business and Education	27 June 2001

- (b) That the following bills *not* be referred to committees:
 - ABC Amendment (Online and Multichannelling Services) Bill 2001
 - Agricultural and Veterinary Chemicals Legislation Amendment Bill 2001
 - Award of Victoria Cross for Australia Bill 2001
 - Corporations Bill 2001
 - Australian Securities and Investments Commission Bill 2001
 - Great Barrier Reef Marine Park Amendment Bill 2001
 - Health Legislation Amendment Bill (No. 2) 2001
 - Human Rights (Mandatory Sentencing for Property Offences) Bill 2000
 - International Maritime Conventions Legislation Amendment Bill 2001
 - Reconciliation Bill 2001

The committee recommends accordingly.

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

Bill deferred from meeting of 6 February 2001

New Business Tax System (Simplified Tax System) Bill 2000

Bills deferred from meeting of 22 May 2001

Aviation Legislation Amendment Bill (No. 2) 2001

Finance and Administration Legislation Amendment (Application of Criminal Code) Bill (No. 1) 2001

Financial Sector (Collection of Data) Bill 2001

Financial Sector (Collection of Data—Consequential and Transitional Provisions) Bill 2001

Financial Services Reform Bill 2001

Migration Legislation Amendment (Application of Criminal Code) Bill 2001

Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Bill 2001

Migration Legislation Amendment (Immigration Detainees) Bill 2001

Taxation Laws Amendment (No. 3) 2001

Trade Marks and Other Legislation Amendment Bill 2001

Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001

Paul Calvert

Chair

23 May 2001.

Senator Mason moved—That the report be adopted.

The Minister for the Environment and Heritage (Senator Hill) moved the following amendment:

At the end of the motion, add “but, in respect of the reporting date for the Innovation and Education Legislation Amendment Bill 2001, omit ‘27 June 2001’, substitute ‘20 June 2001’”.

Debate ensued.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), by leave, amended the amendment by omitting “20 June 2001” and substituting “25 June 2001”.

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

Main question, as amended, put and passed.

11 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 906 standing in the name of Senator Allison for today, relating to the proposed closure of Telstra Regional Directory Call Centres, postponed till 24 May 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 18 June 2001.

Business of the Senate notice of motion no. 1 standing in the name of Senator Collins for the next day of sitting, relating to the disallowance of the Workplace Relations Amendment Regulations 2000 (No. 3), postponed till 21 June 2001.

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

The Chair of the Employment, Workplace Relations, Small Business and Education Legislation Committee (Senator Tierney), pursuant to notice of motion not objected to as a formal motion, 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 24 May 2001, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Workplace Relations Amendment (Transmission of Business) Bill 2001 and the provisions of the Workplace Relations (Registered Organisations) Bill 2001.

Question put and passed.

**13 CORPORATIONS AND SECURITIES—JOINT STATUTORY COMMITTEE—EXTENSION OF
TIME TO REPORT**

Senator Calvert, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Securities (Senator Chapman) 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 Parliamentary Joint Committee on Corporations and Securities on the provisions of the Corporate Code of Conduct Bill 2000 be extended to 21 June 2001.

Question put and passed.

14 HIIH INSURANCE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Cook, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister representing the Treasurer, no later than immediately after motions to take note of answers on 24 May 2001, all documents relating to representations made since March 1996 by, or on behalf of, HIIH Insurance Pty Ltd and/or all associated companies, to:

- (a) any minister or parliamentary secretary of the Howard Government; or
- (b) the office of any minister or parliamentary secretary of the Howard Government; or
- (c) any agency of the Commonwealth Government,

in relation to any of the following matters:

- (a) proposed amendments to the *Insurance Act 1973*; or
- (b) proposals relating to the enhancement of prudential regulation of the Australian insurance sector; or
- (c) proposals relating to the enhancement of prudential regulation of the Australian financial industry.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Cook	Harris	Ray
Bartlett	Cooney	Hogg	Schacht
Bishop	Crossin	Hutchins	Sherry
Bourne	Crowley	Ludwig	Stott Despoja
Brown	Evans	Mackay	West
Buckland	Faulkner	McKiernan	Woodley
Campbell, George	Forshaw	McLucas	
Carr	Gibbs	Murphy	
Collins	Greig	O'Brien (Teller)	

NOES, 32

Senators—

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

Question agreed to.

**15 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator Crossin amended her notice of motion by leave 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 Joint Standing Committee on the National Capital and External Territories on the sale of the Christmas Island resort be extended to 9 August 2001.

Question put and passed.

**16 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—EXTENSION OF
TIME TO REPORT**

Senator Calvert, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason) 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 Finance and Public Administration Legislation Committee on the Charter of Political Honesty Bill 2000 and three related bills be extended to 27 September 2001.

Question put and passed.

17 ENVIRONMENT—OTWAY RANGES

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

- (a) notes the destruction of important forests in the Otway Ranges of Victoria;

- (b) supports the repeal of the Environment Protection and Biodiversity Conservation Act because it exempts areas covered by Regional Forest Agreements from its operation; and
- (c) calls on the Government to ensure full protection of water quality and flows, biodiversity and forest ecosystems in the Otway Ranges.

Question put and negatived.

18 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 its initial terms of reference be extended to 27 September 2001.

Question put and passed.

19 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT AND ALERT DIGEST NO. 6 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:

6th report of 2001, dated 23 May 2001.

Alert Digest No. 6 of 2001, dated 23 May 2001.

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

20 LUCAS HEIGHTS REACTOR—SELECT COMMITTEE—REPORT

The Chair of the Select Committee for an inquiry into the contract for a new reactor at Lucas Heights (Senator Forshaw) tabled the following report and documents:

Lucas Heights Reactor—Select Committee—Report—A new research reactor?, dated May 2001, *Hansard* record of the committee's proceedings [8 vols], documents presented to the committee and submissions [178].

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

Senator Forshaw moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

21 AUDITOR-GENERAL—AUDIT REPORT NO. 37 OF 2000-2001—DOCUMENT

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

Auditor-General—Performance audit—The use of audit in compliance management of individual taxpayers: Australian Taxation Office (Report No. 37 of 2000-2001).

22 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Instrument under section 12—Instrument of Direction No. M5/2001.

Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Direction No. NPF 54.

National Health Act—Determinations under Schedule 1—PHI 6/2001 (*renamed PHI 10/2001 by PHI 11/2001*), PHI 9/2001 and PHI 11/2001.

23 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—CHANGES IN MEMBERSHIP

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

The Parliamentary Secretary to Cabinet (Senator Heffernan), by leave, moved—That senators be discharged from and appointed to the Finance and Public Administration References Committee as follows:

Discharged: Senator Greig as a participating member

Substitute member: Senator Greig to replace Senator Ridgeway for the committee's inquiry into the Government's information technology outsourcing initiative.

Question put and passed.

24 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) BILL 2001

Pursuant to order, Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Copyright Amendment (Parallel Importation) Bill 2001, dated May 2001, *Hansard* record of the committee's proceedings [2 vols], documents presented to the committee and submissions [18].

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

25 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—SYDNEY AIRPORT DEMAND MANAGEMENT AMENDMENT BILL 2001

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:

Sydney Airport Demand Management Amendment Bill 2001, dated May 2001, *Hansard* record of the committee's proceedings, documents presented to the committee and submissions [9].

Senator McGauran moved—That the report be printed.

Debate ensued.

Question put and passed.

**26 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—REPORT—INTERACTIVE GAMBLING BILL 2001**

Pursuant to order, Senator McGauran, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following report and documents:

Interactive Gambling Bill 2001, dated May 2001, *Hansard* record of the committee's proceedings, documents presented to the committee and submissions [37].

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

Statements by leave: Senators Lundy and Brown, by leave, made statements relating to the report.

27 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—CUSTOMS BILLS

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

Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000, Import Processing Charges Bill 2000 and the Customs Depot Licensing Charges Amendment Bill 2000, dated May 2001, *Hansard* record of the committee's proceedings [4 vols], documents presented to the committee and submissions [20].

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

28 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to Cabinet (Senator Heffernan) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Sydney Airport Demand Management Amendment Bill 2001).

Debate ensued.

Question put and passed.

29 SYDNEY AIRPORT DEMAND MANAGEMENT AMENDMENT BILL 2001

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.

In the committee

Bill taken as a whole by leave, agreed to.

Bill to be reported without amendment.

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

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

30 **COMPENSATION (JAPANESE INTERNMENT) BILL 2001**

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (ONE-OFF PAYMENT TO THE AGED) BILL 2001

FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER ASSISTANCE FOR OLDER AUSTRALIANS) BILL 2001

TAXATION LAWS AMENDMENT (CHANGES FOR SENIOR AUSTRALIANS) BILL 2001

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

Message no. 695, dated 23 May 2001—A Bill for an Act to provide for compensation payments in respect of certain persons interned by Japanese military forces, and for other purposes.

Message no. 696, dated 23 May 2001—A Bill for an Act to provide a one-off payment to the aged, and for related purposes.

Message no. 697, dated 23 May 2001—A Bill for Act to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*, and for related purposes.

Message no. 698, dated 23 May 2001—A Bill for an Act to amend the law relating to taxation, 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.

Consideration of legislation: Senator Heffernan, by leave, moved—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the bills, allowing them to be considered during this period of sittings.

Question put and passed

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

Explanatory memorandum: Senator Heffernan tabled a revised explanatory memorandum relating to the Family and Community Services and Veterans' Affairs Legislation Amendment (Further Assistance for Older Australians) Bill 2001.

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

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

31 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 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 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 Bartlett moved the following amendment:

Schedule 1, page 7 (after line 15), after item 8, insert:

8A After subsection 38L(3)

Insert:

(3A) The regulations may prescribe measures for the management of the discharge of sewage from vessels in the Marine Park and may create offences, not inconsistent with this Act, relating to the discharge of sewage from vessels.

(3B) Regulations made for the purposes of subsection (3A) may provide a maximum penalty for an offence against the regulations not exceeding the maximum penalty for an offence against subsection (1), but nothing in this subsection enables the regulations to provide penalties of imprisonment.

Debate ensued.

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

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Regional forest agreement for south-west forest region of Western Australia—Report for 1999-2000. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

33 ADJOURNMENT

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

The Senate adjourned at 6.52 pm till Thursday, 24 May 2001 at 9.30 am.

34 **ATTENDANCE**

Present, all senators except Senators Conroy, Harradine, Lightfoot and Troeth.

HARRY EVANS
Clerk of the Senate