

1998-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 192

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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:

Advance to the Finance Minister— Statements and supporting applications for issues—  
January 2001.

March 2001.

April 2001.

Australia-India Council—Report for 1999-2000.

Finance—Departmental items—Adjustments and borrowings—Statements and  
supporting applications for issues—March 2001.

**3 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT  
(WILDLIFE PROTECTION) BILL 2001**

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

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*In the committee*

Consideration resumed of the bill, as amended.

Senator Bartlett moved the following amendments together by leave:

No. 1—Schedule 1, item 11, page 61 (line 11), at the end of paragraph (d), add:  
; or (v) the escape of a live plant.

No. 2—Schedule 1, item 11, page 61 (after line 19), after subsection (4), insert:

(4A) For the purposes of subsection (3), a person is taken to have allowed a  
plant to escape if:

(a) the plant has grown or propagated in the wild; and

(b) either:

(i) the person allowed the plant to escape; or

(ii) the person failed to take all reasonable measures to prevent  
the plant from growing or propagating in the wild.

No. 3—Schedule 1, item 11, page 61 (after line 23), at the end of section 303GF, add:

(6) If a person is convicted of an offence under this section, the Minister must:

(a) cancel the person's permit under section 303GI; and

(b) not issue any permit under this Part to that person for a period of  
10 years after the date on which the person was convicted of the  
offence.

No. 4—Schedule 1, item 11, page 66 (line 16), omit "and the person is reckless as to  
that fact;"

No. 5—Schedule 1, item 11, page 66 (lines 31 to 34), omit subsection (5).

No. 6—Schedule 1, item 11, page 67 (lines 6 and 7), omit “, and the person is reckless as to that fact”.

No. 7—Schedule 1, item 11, page 67 (lines 15 to 18), omit subsection (7).

No. 8—Schedule 1, item 11, page 69 (after line 15), after subsection (3), insert:

(3A) A person is guilty of an offence if:

- (a) the person exports or imports a live animal in a manner that subjects the animal to cruel treatment; and
- (b) the animal is a CITES specimen.

Penalty: 500 penalty units.

(3B) A person is guilty of an offence if:

- (a) the person exports a live animal in a manner that subjects the animal to cruel treatment; and
- (b) the animal is a regulated native specimen.

Penalty: 500 penalty units.

(3C) A person is guilty of an offence if the person imports a live animal in a manner that subjects the animal to cruel treatment.

Penalty: 500 penalty units.

(3D) Strict liability applies to paragraphs (1)(a) and (b), (2)(a) and (b) and subsection (3).

Note: For strict liability, see section 6.1 of the Criminal Code.

No. 9—Schedule 1, page 87 (after line 22), after item 32, insert:

**32A Paragraph 489(1)(a)**

Omit “or 13”, substitute “, 13 or 13A”.

**32B Paragraph 489(2A)(a)**

Omit “or 13”, substitute “, 13 or 13A”.

Debate ensued.

The question was divided—

Question—That amendments nos 1 and 2 be agreed to—put and passed.

Question—That amendments nos 3 to 8 be agreed to—put and negatived.

Question—That amendment no. 9 be agreed to—put and passed.

Senator Bartlett moved the following amendments together by leave:

Schedule 1, page 87 (after line 22), after item 32, insert:

**32C After Division 2A of Part 19**

Insert:

**Division 2B—Animal Welfare Advisory Council**

**505C Establishment**

- (1) The Animal Welfare Advisory Council is established.
- (2) The Minister is to determine in writing the composition of the Council, including the qualifications of its members.

- (3) A determination under subsection (2) must be in accordance with the regulations.
- (4) The Minister is to appoint members of the Council on a part-time basis, and must appoint an independent member to chair the Council.
- (5) The Minister must ensure that the Council includes at least one member from each of the following organisations:
  - (a) the Royal Society for the Prevention of Cruelty to Animals (RSPCA);
  - (b) TRAFFIC Oceania.
- (6) In this section:

*independent member* has the meaning given by the regulations.

#### **505D Functions of the Council**

The functions of the Council are:

- (a) to advise the Minister, at his or her request or at the Council's own initiative, in relation to:
  - (i) the operation of this Act or the regulations, as they relate to animal welfare; and
  - (ii) applications for permits under Part 13 or 13A; and
  - (iii) amendments to the lists established under Part 13A; and
- (b) to perform such other functions as are prescribed by the regulations.

Schedule 1, page 87 (after line 22), after item 32, insert:

#### **32D At the end of section 506**

Add:

; (d) the Animal Welfare Advisory Council.

#### **32E At the end of section 506**

Add:

- (2) In this Division, a reference to a Committee includes a reference to the Animal Welfare Advisory Council.

Debate ensued.

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

Senator Brown moved the following amendments together by leave:

Schedule 1, page 110 (after line 2), before item 83, insert:

#### **82A Section 11**

Omit "Regional Forest Agreements or".

Schedule 1, page 112 (after line 28) after item 83, insert:

#### **83AA Division 4 of Part 4**

Repeal the Division.

Schedule 1, page 113 (after line 27), after item 85, insert:

#### **85AA Section 528 (definition of forestry operations)**

Repeal the definition.

**85B Section 528 (definition of RFA forestry operations)**

Repeal the definition.

**85C Section 528 (definition of RFA region)**

Repeal the definition.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for the Environment and Heritage (Senator Hill) the report from the committee was adopted and the bill read a third time.

**4 EXCISE TARIFF AMENDMENT BILL (NO. 2) 2001**  
**CUSTOMS TARIFF AMENDMENT BILL (NO. 3) 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.

Question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.

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*In the committee*

Bills, taken together and as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Assistant Treasurer (Senator Kemp) the report from the committee was adopted and the bills read a third time.

**5 CUSTOMS LEGISLATION AMENDMENT AND REPEAL (INTERNATIONAL TRADE MODERNISATION) BILL 2001**  
**IMPORT PROCESSING CHARGES BILL 2000**  
**CUSTOMS DEPOT LICENSING CHARGES AMENDMENT BILL 2000**

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

Debate resumed.

*Proposed reference to committee:* Senator Bolkus moved the following amendment in respect of the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001:

At the end of the motion, add “but the Senate:

- (a) condemns the Government for:
  - (i) introducing important legislation without conducting adequate consultation with industry, and
  - (ii) placing yet another burden on small business in the form of the dual goods and services tax and customs compliance reporting dates and failing to find a solution to this problem before the Parliament considers the legislation; and
- (b) resolves that the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by the last sitting day in December 2001:
  - (i) the processes involved in, and the consequences of, the outsourcing of the Australian Customs Service’s (ACS) information technology,
  - (ii) the benefits and problems associated with the current and proposed ACS communications systems, including (but not limited to) Tradegate and the Customs Connect facility,
  - (iii) the needs and capabilities of all sections of industry in respect of ACS information technology and communications systems,
  - (iv) the way in which the ACS has conducted consultation with industry in relation to information technology and communications systems, and
  - (v) issues associated with the involvement of the ACS in e-commerce”.

Debate ensued.

On the motion of the Minister for Family and Community Services (Senator Vanstone) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

**6 FAMILY AND COMMUNITY SERVICES LEGISLATION (SIMPLIFICATION AND OTHER MEASURES) BILL 2001**

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

Message no. 725, dated 19 June 2001—A Bill for an Act to amend the social security law and the family assistance law, and for other purposes.

The Minister for Family and Community Services (Senator Vanstone) 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 Vanstone moved—That this bill be now read a second time.

Debate ensued.

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, debated.

Senator Bartlett moved the following request for an amendment:

That the House of Representatives be requested to make the following amendment:

Schedule 2, page 36 (after line 9), before item 2, insert:

**1A After paragraph 8(8)(p)**

Insert:

(pa) an amount paid by the Republic of Chile under the laws of that Republic by way of compensation to a victim of the military dictatorship which ruled during the period 1973 to 1990;

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*At 12.45 pm:* The Acting Deputy President (Senator Calvert) resumed the chair and the Temporary Chair of Committees (Senator McKiernan) reported progress.

**7 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**8 QUESTIONS**

Questions without notice were answered.

**9 MINISTER FOR FOREIGN AFFAIRS—ANSWERS TO QUESTIONS**

Senator Cook moved—That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Hill) to questions without notice asked by Senator Collins and the Leader of the Opposition in the Senate (Senator Faulkner) today relating to remarks attributed to the Minister for Foreign Affairs (Mr Downer).

Debate ensued.

Question put and passed.



**10 FINANCE—BANK FEES—ANSWER TO QUESTION**

Senator Ridgeway moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp) to a question without notice asked by Senator Ridgeway today relating to bank fees.

Question put and passed.

**11 PETITIONS**

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

Senator Forshaw, from 301 petitioners, requesting that the Senate take action to ensure that Khin Maung Tunn is provided with protection as a political refugee in Australia and allowed to reside in Australia permanently.

Senator Murray, 2 petitions similar in wording, from 165 and 117 petitioners, requesting that the Senate reject the proposed changes to the Safety, Rehabilitation and Compensation Act and the Occupational Health and Safety Act.

**12 NOTICES**

Senator O'Brien: To move on 25 June 2001—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 August 2001:

- (a) the role of Australian Search and Rescue (AusSAR) in the search for the fishing boat the *Margaret J* and its crew; and
- (b) all communications between AusSAR and the Tasmanian police regarding the role of the Tasmanian police in the search for the missing boat and other related matters.

The Chair of the Employment, Workplace Relations, Small Business and Education References Committee (Senator Collins): To move on the next day of sitting—That the time for the presentation of reports of the Employment, Workplace Relations, Small Business and Education References Committee be extended as follows:

- (a) education of gifted and talented children—to 27 September 2001; and
- (b) higher education—to 20 September 2001.

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney): To move on the next day of sitting—That so much of standing order 36 be suspended as would prevent the Scrutiny of Bills Committee holding a private deliberative meeting on 27 June 2001, from 8 am to 9.30 am, with members of the Scrutiny of Legislation Committee of the Queensland Parliament in attendance.

Senator Allison: To move on the next day of sitting—That the Sanctions Amendment Principles 2001 (No. 1), made under subsection 96-1(1) of the *Aged Care Act 1997*, be disallowed.

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

- (a) expresses its concern about the decline in investor confidence flowing from:
  - (i) recent corporate collapses,
  - (ii) public questions about the independence of auditors and brokers, and

- (iii) concerns about the competence and performance of the Australian Securities and Investments Commission (ASIC) and the Australian Prudential Regulation Authority (APRA); and
- (b) condemns the Minister for Financial Services and Regulation for his mishandled oversight of ASIC and APRA.

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the Select Committee on Superannuation and Financial Services be authorised to hold a public meeting during the sitting of the Senate on 25 June 2001, from 8 pm to 10.30 pm, to take evidence for the committee's inquiry into prudential supervision and consumer protection for superannuation, banking and financial services.

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

**Establishment of a select committee**

- (1) That a select committee, to be known as the Select Committee on the Impacts of the New Tax System be established to inquire into and report, by 31 December 2001, on the social and economic impacts of the new tax system (NTS) and, in particular, the introduction of the goods and services tax (GST), with reference to the claims, estimates and projections that underpinned the Government's proposals for the NTS, particularly those contained in *Tax reform: not a new tax, a new tax system*.

**Matters to be explored by the committee**

- (2) That, in conducting its inquiry, the committee examine the following matters:
  - (a) the effects of the introduction of the GST (and associated compensation package) on disposable income and household spending power for a range of income groups;
  - (b) the effectiveness of the NTS in easing the poverty traps facing people on low incomes, and in reforming and streamlining tax and income support for families with children;
  - (c) the effects of the NTS on tax avoidance and evasion, including an examination of the effects on the cash economy;
  - (d) the effects of the NTS on small business;
  - (e) the effects of the NTS on taxation compliance costs;
  - (f) the effects of the NTS on the non-profit sector, including the total amounts of money contributed by the sector, administrative costs, impacts on the viability of the organisations, and the consequent effects on the well-being of the community;
  - (g) the effects of the NTS on:
    - (i) national Gross Domestic Product,
    - (ii) national export performance and national debt,
    - (iii) the national Consumer Price Index, and
    - (iv) the distribution of wealth in the Australian community;
  - (h) the levels of revenue generated or foregone due to the NTS and subsequent related policy announcements by the Government;
  - (i) the effects of the NTS on future federal budget revenues, expenditures and surpluses; and

- (j) options for amending the legislation which underpins the NTS to improve its fairness, simplicity or efficiency.

**Composition of the committee**

- (3) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Democrats.
- (4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (5) That:
  - (a) senators may be appointed to the committee as substitutes for members of the committee in respect of particular matters before the committee;
  - (b) on the nominations of the Australian Greens or independent senators, participating members may be appointed to the committee; and
  - (c) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.
- (6) That the committee shall elect as its chair a member nominated by the Leader of the Opposition in the Senate.
- (7) That the committee shall elect as its deputy chair, immediately after the election of the chair, a member nominated by the Leader of the Government in the Senate.
- (8) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

**Powers and administration of the committee**

- (9) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) That the quorum of the committee shall be a majority of the members of the committee.
- (11) That the committee set 28 July 2001 as the date for receipt of submissions, but that the committee be empowered to receive and consider submissions at any later time.
- (12) That the committee hold hearings in each state and territory as required.
- (13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (14) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it and a daily Hansard be published of such proceedings as take place in public.

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

- (a) notes that:

- (i) 20 June 2001 is the United Nations World Refugee Day, and

- (ii) the United Nations High Commissioner for Refugees believes that, 'Detention [of asylum seekers] is only acceptable if it is brief, absolutely necessary, and instituted after other options have been implemented'; and
- (b) calls for an end to mandatory, non-reviewable detention of asylum seekers in Australia, with adequately funded community release programs.

Senator Brown: To move on the next day of sitting—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 25 September 2001:

The development and implementation of options for methods of appointment to the board of the Australian Broadcasting Corporation (ABC) that would enhance public confidence in the independence and representativeness of the ABC as the national broadcaster.

### 13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2001

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

#### SELECTION OF BILLS COMMITTEE REPORT NO. 8 OF 2001

1. The committee met on 19 June 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
Bankruptcy Legislation Amendment Bill 2001	Immediately	Legal and Constitutional	7 August 2001
Bankruptcy (Estate Charges) Amendment Bill 2001	Immediately	Economics	7 August 2001
Patents Amendment Bill 2001	Immediately	Economics	7 August 2001
Space Activities Amendment (Bilateral Agreement) Bill 2001	Immediately	Employment, Workplace Relations, Small Business and Education	30 August 2001
Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2001			

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

Appropriation (HIH Assistance) Bill 2001  
 Corporations (Fees) Bill 2001  
 Corporations (Futures Organisations Levies) Bill 2001  
 Corporations (National Guarantee Fund Levies) Bill 2001  
 Corporations (Securities Exchanges Levies) Bill 2001  
 Corporations (Repeals, Consequential and Transitional) Bill 2001  
 Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Bill 2001  
 Excise Tariff Amendment Bill (No. 2) 2001

Customs Tariff Amendment Bill (No. 3) 2001  
 Export Market Development Grants Amendment Bill 2001  
 Family and Community Services Legislation (Simplification and Other Measures) Bill 2001  
 Governor-General Legislation Amendment Bill 2001  
 Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Bill 2001  
 Higher Education Funding Amendment Bill 2001  
 Indigenous Education (Targeted Assistance) Amendment Bill 2001  
 Migration Legislation Amendment (Application of Criminal Code) Bill 2001  
 Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Bill 2001  
 New Business Tax System (Simplified Tax System) Bill 2000  
 New Business Tax System (Capital Allowances) Bill 2001  
 New Business Tax System (Capital Allowances—Transitional and Consequential) Bill 2001  
 Passenger Movement Charge Amendment Bill 2001  
 Workplace Relations (Registered Organisations) (Consequential Provisions) Bill 2001

***The committee recommends accordingly.***

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

*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  
 Migration Legislation Amendment (Immigration Detainees) Bill 2001  
 Taxation Laws Amendment Bill (No. 3) 2001  
 Trade Marks and Other Legislation Amendment Bill 2001  
 Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001

*Bills deferred from meeting of 19 June 2001*

Financial Services Reform Bill 2001  
 Financial Services Reform (Consequential Provisions) Bill 2001  
 Corporations (Fees) Amendment Bill 2001  
 Corporations (National Guarantee Fund Levies) Amendment Bill 2001  
 Corporations (Compensation Arrangements Levies) Bill 2001  
 Reconciliation and Aboriginal and Torres Strait Islander Affairs Legislation Amendment (Application of Criminal Code) Bill 2001  
 States Grants (Primary and Secondary Education Assistance) Amendment Bill 2001  
 Taxation Laws Amendment Bill (No. 2) 2001  
 Vocational Education and Training Funding Amendment Bill 2001

Paul Calvert  
 Chair  
 20 June 2001.

Senator Calvert moved—That the report be adopted.  
Question put and passed.

**14 AUSTRALIAN BROADCASTING AUTHORITY**

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

(a) notes:

- (i) the advocacy comments by Professor Flint, head of the Australian Broadcasting Authority (ABA), for the abolition of cross-media ownership rules in Australia,
- (ii) that Professor Flint did not accurately represent ABA-commissioned research when he said that media proprietors do not influence media content, and
- (iii) the importance of cross-media ownership rules in preventing further concentration of media control in Australia; and

(b) calls for Professor Flint to correct the public record.

Question put and passed.

**15 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE**

Senator Murray amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than the tenth day of the spring and autumn sittings, a letter of advice that a list of contracts in accordance with paragraph (2) has been placed on the Internet, with access to the list through the department's or agency's home page.
- (2) The list of contracts referred to in paragraph (1) indicate:
  - (a) each contract entered into by the agency which has not been fully performed or which has been entered into during the previous 12 months, and which provides for a consideration to the value of \$100 000 or more;
  - (b) the contractor and the subject matter of each such contract;
  - (c) whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether any provisions of the contract are regarded by the parties as confidential, and a statement of the reasons for confidentiality; and
  - (d) an estimate of the cost of complying with this order.
- (3) In respect of contracts identified as containing provisions of the kind referred to in paragraph (2)(c), the Auditor-General be requested to provide to the Senate, within 6 months after each day mentioned in paragraph (1), a report indicating that the Auditor-General has examined a number of such contracts selected by the Auditor-General, and indicating whether any inappropriate use of such provisions was detected in that examination.

- (4) The Finance and Public Administration References Committee consider and report on the first year of operation of this order.
- (5) This order has effect on and after 1 July 2001.
- (6) In this order:
  - “**agency**” means an agency within the meaning of the *Financial Management and Accountability Act 1997*;
  - “**autumn sittings**” means the period of sittings of the Senate first commencing on a day after 1 January in any year; and
  - “**spring sittings**” means the period of sittings of the Senate first commencing on a day after 31 July in any year.

Question put and passed.

**16 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Calvert, pursuant to notice of motion not objected to as a formal motion, moved—That the Parliamentary Standing Committee on Public Works be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on 21 June 2001, from 10.30 am to 12 noon.

Question put and passed.

**17 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 28 June 2001.

Question put and passed.

**18 URGENCY MOTION**

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

The emerging crisis in the provision of aged care and the failure of the Minister to properly provide for the needs of the elderly.

The proposal was supported by 4 senators.

Senator Evans moved the motion.

Debate ensued.

Question put and negatived.

**19 SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND ALERT DIGEST  
NO. 7 OF 2001**

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

7th report of 2001, dated 20 June 2001.

Alert Digest No. 7 of 2001, dated 20 June 2001.

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

**20 DOCUMENTS**

The following documents were tabled by the Clerk:

Pig Industry Act—Declaration of industry services body, dated 18 June 2001.

Product Rulings PR 2001/87 and PR 2001/88.

**21 COMMITTEES—CHANGES IN MEMBERSHIP**

The Acting Deputy President (Senator George Campbell) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics References Committee—

Substitute member: Senator Murray to replace Senator Ridgeway for the committee's inquiry on mass marketed tax effective schemes and investor protection

Finance and Public Administration References Committee—

Participating member: Senator Lundy.

Question put and passed.

**22 GOVERNOR-GENERAL LEGISLATION AMENDMENT BILL 2001  
DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE)  
BILL 2001**

**INNOVATION AND EDUCATION LEGISLATION AMENDMENT BILL 2001**

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

Message no. 724, dated 19 June 2001—A Bill for an Act to amend legislation in respect of the Governor-General, and for related purposes.

Message no. 726, dated 20 June 2001—A Bill for an Act to amend the *Dairy Produce Act 1986*, and for related purposes.

Message no. 727, dated 20 June 2001—A Bill for an Act to amend legislation about funding of primary, secondary and higher education and of research, and for related purposes.



The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) 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 Boswell moved—That these bills be now read a second time.

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

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

Question put and passed.

## 23 **TRADE PRACTICES AMENDMENT BILL (NO. 1) 2000**

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

Message no. 723, dated 19 June 2001—Trade Practices Amendment Bill (No. 1) 2000.

## 24 **LEGISLATION COMMITTEES—REPORTS—ESTIMATES 2001-02**

Pursuant to order, Senator McGauran, at the request of the chairs of the respective committees, tabled the following reports, dated June 2001, and documents:

Estimates 2001-02—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Economics Legislation Committee—Report and *Hansard* record of proceedings [5 vols].

Employment, Workplace Relations, Small Business and Education Legislation Committee—Report, *Hansard* record of proceedings [4 vols] and documents presented to the committee.

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Finance and Public Administration Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Legal and Constitutional Legislation Committee—Report and *Hansard* record of proceedings [6 vols].

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

## 25 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE) BILL 2001**

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

Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001, dated June 2001, *Hansard* record of the committee's proceedings [2 vols], documents presented to the committee and submissions [31].

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

**26 FAMILY AND COMMUNITY SERVICES LEGISLATION (SIMPLIFICATION AND OTHER MEASURES) BILL 2001**

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

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*In the committee*

Consideration resumed of the bill—and of the request for an amendment moved by Senator Bartlett (see entry no. 6).

Debate resumed.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Family and Community Services (Senator Vanstone) the report from the committee was adopted and the bill read a third time.

**27 CUSTOMS LEGISLATION AMENDMENT AND REPEAL (INTERNATIONAL TRADE MODERNISATION) BILL 2001**

**IMPORT PROCESSING CHARGES BILL 2000**

**CUSTOMS DEPOT LICENSING CHARGES AMENDMENT BILL 2000**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That these bills be now read a second time—and on the amendment moved by Senator Bolkus in respect of the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001 (see entry no. 5).

Debate resumed.

Senator Bolkus, by leave, withdrew the amendment.

Question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.

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*In the committee*

**CUSTOMS LEGISLATION AMENDMENT AND REPEAL (INTERNATIONAL TRADE MODERNISATION) BILL 2001—**

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*Explanatory memorandum:* The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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Bill, taken as a whole by leave, debated.

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

Schedule 1, item 4, page 6 (line 8), at the end of subsection (2A), add “, other than goods or classes of goods prescribed by the regulations for the purposes of this subsection”.

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

Schedule 1, item 13, page 16 (after line 23), after section 214AC, insert:

**214ACA Monitoring officer to notify occupier of premises of the occupier’s rights and obligations**

Before exercising monitoring powers in respect of premises, a monitoring officer must give to the occupier of the premises a written notice setting out the occupier’s rights and obligations under this Subdivision.

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

Schedule 1, item 13, page 20 (line 30), at the end of subsection (2), add “if the occupier of the premises, or a representative previously nominated to Customs by the occupier, is unavailable to do so or absent from the premises”.

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

Schedule 1, item 20, page 25 (lines 21 and 22), omit subsection (6D).

Schedule 1, item 21, page 27 (lines 10 and 11), omit subsection (8).

Schedule 2, item 5, page 29 (lines 6 and 7), omit subsection 243SA(2).

Schedule 2, item 5, page 29 (lines 14 and 15), omit subsection 243SB(2).

Schedule 3, item 1, page 41 (lines 20 and 21), omit subsection 126F(4).

Schedule 3, item 118, page 122 (line 11), omit subsection (3).

Senator Bolkus moved the following amendments together by leave:

Schedule 1, item 11, page 13 (lines 9 and 10), omit subsection (4).

Schedule 2, item 4, page 28 (line 21), omit “**strict liability**”.

Schedule 2, item 5, page 30 (line 28), omit subsection (2).

Schedule 2, item 5, page 32 (line 24), omit subsection (2).

Schedule 2, item 5, page 33 (line 17), omit subsection (2).

Schedule 3, item 62, page 90 (line 22), omit subsection (4).

Schedule 3, item 62, page 91 (line 7), omit subsection (3).

Schedule 3, item 62, page 91 (line 18), omit subsection 115(2).

Schedule 3, item 62, page 93 (lines 30 and 31), omit subsection (5).

Schedule 3, item 62, page 94 (line 7), omit subsection 117A(1A).

Schedule 3, item 62, page 96 (line 3), omit subsection 119(4).

Schedule 3, item 97, page 104 (lines 20 and 21), omit subsection (4).

Schedule 3, item 97A, page 105 (line 10), omit subsection (5).

Schedule 3, item 118, page 114 (line 15), omit subsection (10).

Schedule 3, item 118, page 115 (line 10), omit subsection (8).

Schedule 3, item 118, page 116 (line 1), omit subsection (7).

Schedule 3, item 118, page 117 (line 34), omit subsection (11).

Schedule 3, item 118, page 120 (line 15), omit subsection (10).

Debate ensued.

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

**28 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

Australia-India Council—Report for 1999-2000. Motion to take note of the document moved by Senator Sandy Macdonald, debated and agreed to.

**29 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.42 pm till Thursday, 21 June 2001 at 9.30 am.

**30 ATTENDANCE**

Present, all senators except Senators Brandis, Lees, Lundy\*, Murphy, Payne and Troeth (\* on leave).

**HARRY EVANS**  
Clerk of the Senate