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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 DOCUMENTS

The following government documents were tabled:

Agriculture and Resource Management Council of Australia and New Zealand—Record and resolutions—

19th meeting, Wellington, 9 March 2001.

20th (special) meeting, Melbourne, 9 May 2001.

Australasian Police Ministers' Council—Administration and activities of the National Common Police Services—Report for 1999-2000.

Australian River Co. Limited (formerly ANL Limited)—Report for 1 December 1999 to 30 November 2000.

Horticultural Research and Development Corporation—Report for the period 1 July 2000-31 January 2001 (Final report).

Indigenous Land Corporation—National Indigenous land strategy 2001-2006.

National Environment Protection Council—Review of the National Environment Protection Council Acts (Commonwealth, State and Territory)—Report by Donald F McMichael and response.

Treaties—

Bilateral—

Text, together with national interest analysis—

Agreement between Australia and Spain on Social Security.

Agreement between Australia and the Argentine Republic concerning Cooperation in Peaceful Uses of Nuclear Energy.

Agreement on Social Security between the Government of Australia and the Government of Canada, done at Ottawa on 26 July 2001.

Exchange of Notes Constituting an Agreement between the Government of Australia and the Government of the United States of America to amend the Agreement between the Government of Australia and the Government of the United States of America concerning Cooperation in Defence Logistic Support done at Sydney on 4 November 1989.

Protocol to the Agreement between Australia and the Republic of Austria on Social Security, done at Vienna on 26 June 2001.

Text, together with national interest analysis and regulation impact statement—

Agreement between the Government of Australia and the Government of the Kingdom of the Netherlands on Social Security, done at The Hague on 2 July 2001.

*Multilateral—*Text, together with national interest analysis—Amendments to the Convention on Conservation of Nature in the South Pacific adopted by consensus at the Fifth Meeting of the Contracting Parties held in Guam on 9 October 2000.

3 QUESTIONS

Questions without notice were answered.

4 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator O'Brien, pursuant to standing order 74, asked the Minister representing the Minister for Transport and Regional Services (Senator Ian Macdonald) for an explanation of an answer not being provided to question on notice no. 3531 (notice given 22 March 2001) relating to Commonwealth funding for roads.

Senator Ian Macdonald indicated that an answer would be provided.

Senator O'Brien moved—That the Senate take note of the minister's response.

Debate ensued.

Question put and passed.

5 AUDITOR-GENERAL—COMMONWEALTH ESTATE PROPERTY SALES—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to a report of the Auditor-General on Commonwealth estate property sales.

Debate ensued.

Question put and passed.

Document: The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) tabled the following document:

Auditor-General—Copy of figure 1, Auditor-General report no. 29 of 1995-96, *Management of the commercial estate: Australian estate management*.

6 EMPLOYMENT—HOMELESSNESS—ANSWER TO QUESTION

Senator Bartlett 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 Bartlett today relating to homelessness and employment assistance.

Question put and passed.

7 PETITION

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

From 1 577 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

8 NOTICE

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 23 August 2001.

9 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 717 standing in the name of Senator Lees for today, relating to the introduction of the Australian Bill of Rights Bill 2000, postponed till 28 August 2001.

General business notice of motion no. 852 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner) for today, relating to the financial interests of the Minister for the Arts and the Centenary of Federation (Mr McGauran), postponed till 3 December 2001.

10 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 government business orders of the day relating to the following bills may be taken together for their remaining stages:

Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000,
and

Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000.

Question put and passed.

11 SCRUTINY OF BILLS—STANDING COMMITTEE—LEAVE TO MEET WITH OTHERS IN ATTENDANCE

Senator O'Brien, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney) and pursuant to notice of motion not objected to as a formal motion, moved—That so much of standing order 36 be suspended as would prevent the Scrutiny of Bills Committee holding a private deliberative meeting on 8 August 2001, from 8 am to 10 am, with students from the University of Alabama in attendance.

Question put and passed.

12 ABORIGINES—NAIDOC WEEK 2001

Senator Bartlett, at the request of Senator Ridgeway and pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recognises NAIDOC Week from 8 to 15 July 2001, and National Aborigines Day on 13 July 2001, as events of national importance to all Australians, which celebrate the survival of Aboriginal and Torres Strait Islander cultures and the contribution they make to the national identity;
- (b) recognises and congratulates the recipients of National NAIDOC Awards for the outstanding contributions they have made to their communities and the nation:
 - (i) Mr Kutcha Edwards, NAIDOC Person of the Year,
 - (ii) Ms Alice 'Mummy Mick' Clark, NAIDOC Female Elder of the Year,
 - (iii) Mr Cec Fisher, NAIDOC Male Elder of the Year,
 - (iv) Mr Warren Lawton, NAIDOC Sportsperson of the Year,
 - (v) Dr Cheryl Kickett-Tucker, NAIDOC Scholar of the Year,

- (vi) Ms Vanessa Elliot, NAIDOC Youth of the Year, and
- (vii) Mr Todd Phillips, NAIDOC Aboriginal Trainee of the Year;
- (c) notes that the theme for NAIDOC Week 2001 was reconciliation and a treaty, in keeping with the tradition that National Aboriginal and Islander Day of Celebration is an opportunity to bring to the attention of governments and all Australians the issues that are of concern to them; and
- (d) reaffirms its commitment to the goal of true and lasting national reconciliation between Indigenous and non-Indigenous Australians.

Question put and passed.

13 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Calvert, at the request of the Chair of the Economics Legislation Committee (Senator Gibson) 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 Economics Legislation Committee on the provisions of the Patents Amendment Bill 2001 be extended to 9 August 2001.

Question put and passed.

14 STATE ELECTIONS (ONE VOTE, ONE VALUE) BILL 2001

Senator Murray, 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 implement Article 25 of the International Covenant on Civil and Political Rights so that elections for State legislatures shall be by equal suffrage.

Question put and passed.

Senator Murray 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 Murray 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.

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

Senator Calvert, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) 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 27 September 2001.

Question put and passed.

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

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane) and pursuant to notice of motion not objected to as a formal motion, moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 9 August 2001, from 4 pm, to take evidence for the committee's inquiry into the Maritime Legislation Amendment Bill 2000.

Question put and passed.

17 AUDITOR-GENERAL—AUDIT REPORT NO. 5 OF 2001-2002—DOCUMENT

The Deputy President (Senator West) tabled the following document produced in response to the resolution of the Senate of 2 November 2000 (*see entry no. 9, 2 November 2000*):

Auditor-General—Performance audit—Parliamentarians' entitlements: 1999-2000 (Report No. 5 of 2001-2002).

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—That the Senate take note of the document.

Debate ensued.

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

18 ESTIMATES OF PROPOSED EXPENDITURE FOR 2001-02—PORTFOLIO BUDGET STATEMENTS—PORTFOLIO AND EXECUTIVE DEPARTMENTS—DOCUMENT

The Parliamentary Secretary to Cabinet (Senator Heffernan) tabled the following document:

Estimates of proposed expenditure for 2001-02—Portfolio budget statements—Portfolio and executive departments—Employment, Workplace Relations and Small Business portfolio—Corrigendum.

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

Debate adjourned till the next day of sitting, Senator Denman in continuation.

19 NOTICES OF MOTION

Senator Brown, by leave, gave notices of motion as follows:

No. 1—To move on the next day of sitting—That the Senate—

- (a) considers that the Government's endorsement of the 2020 Vision for plantations has contributed to unrealistic expectations for plantation investments; and
- (b) rejects the statement in the Centre for International Economics' final report underpinning the 2020 Vision that 'because of the healthy long term price outlook finding markets for wood before planting should not be a priority'.

No. 2—To move on 9 August 2001—That the Senate calls on the Australian Government to request that the United Nations set up an international war crimes tribunal to bring justice to those responsible for the crimes against humanity committed during the 1975 to 1999 Indonesian occupation of East Timor.

20 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2000-01 AND ADDITIONAL ESTIMATES 2000-01

Senator McGauran, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Estimates 2000-01—vol. 3 and Additional Estimates 2000-01—vols 1-3).

21 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—BANKRUPTCY BILLS

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:

Bankruptcy Legislation Amendment Bill 2001 and Bankruptcy (Estate Charges) Amendment Bill 2001, dated August 2001, *Hansard* record of the committee's proceedings and submissions [5].

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

22 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 9 of 2001.

Corporations Act 1989—Accounting Standard—

AASB 1027—Earnings per share.

AASB 1028—Employee benefits.

AASB 1041—Revaluation of non-current assets.

Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Direction No. NPFD 55.

Migration Act—Direction under section 499—Direction No. 20.

National Health Act—Determinations under Schedule 1—PHI 13/2001-PHI 15/2001.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 10 July 2001.

**23 SUPERANNUATION CONTRIBUTIONS TAXES AND TERMINATION PAYMENTS TAX LEGISLATION AMENDMENT BILL 2001
SPACE ACTIVITIES AMENDMENT (BILATERAL AGREEMENT) BILL 2001**

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

Message no. 761, dated 6 August 2001—A Bill for an Act to amend the law relating to superannuation contributions taxes and termination payments tax, and for related purposes.

Message no. 764, dated 7 August 2001—A Bill for an Act to amend the *Space Activities Act 1998*, and for related purposes.

The Parliamentary Secretary to Cabinet (Senator Heffernan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

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

Question put and passed.

**24 THERAPEUTIC GOODS AMENDMENT (MEDICAL DEVICES) BILL 2001
THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2001**

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

Message no. 762, dated 7 August 2001—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Message no. 763, dated 7 August 2001—A Bill for an Act to amend the *Therapeutic Goods (Charges) Act 1989*, and for related purposes.

The Parliamentary Secretary to Cabinet (Senator Heffernan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

25 PRIVILEGES—STANDING COMMITTEE—REFERENCE

The Minister for the Environment and Heritage (Senator Hill), at the request of Senator Tambling and pursuant to notice, moved—That the following matters be referred to the Committee of Privileges:

- (a) whether any person or body purported to direct Senator Tambling as to how he should exercise a vote in the Senate;
- (b) whether a penalty was imposed on Senator Tambling in consequence of his vote in the Senate; and
- (c) whether contempts of the Senate were committed in that regard.

Debate ensued.

Question put and passed.

26 WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2000

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Bill debated.

Question—That the bill be agreed to—divided in respect of Schedule 1, item 6.

Schedule 1, item 6 debated.

Question—That Schedule 1, item 6 stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 8.

Schedule 1, item 8 debated.

Question—That Schedule 1, item 8 stand as printed—put and negatived.

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

Schedule 1, item 9, page 5 (line 11), after “remuneration”, insert “or duties”.

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

Schedule 1, page 5 (after line 13), after item 9, insert:

9A Subsection 170CE(1)

Omit “subsection (5)”, substitute “subsections (5) and (5A)”.

Schedule 1, page 5 (after line 20), after item 10, insert:

10A After subsection 170CE(5)

Insert:

- (5A) An application under subsection (1) must not be made on the ground referred to in paragraph (1)(a), or on grounds that include that ground, unless the employee concerned had completed the qualifying period of employment with the employer at the earlier of the following times:
- (a) the time when the employer gave the employee the notice of termination;
 - (b) the time when the employer terminated the employee’s employment.
- (5B) For the purposes of subsection (5A), the *qualifying period of employment* is:
- (a) 3 months; or

- (b) a shorter period, or no period, determined by written agreement between the employee and employer before the commencement of the employment; or
- (c) a longer period determined by written agreement between the employee and employer before the commencement of the employment, being a reasonable period having regard to the nature and circumstances of the employment.

Schedule 1, page 20 (after line 10), after item 42, insert:

42A Application of items 9A and 10A

The amendments of the *Workplace Relations Act 1996* made by items 9A and 10A apply only in relation to applications under section 170CE of that Act where the employment to which the application relates commenced on or after the date on which those items commence.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 10.

Schedule 1, item 10 debated.

Question—That Schedule 1, item 10 stand as printed—put and negatived.

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

27 GOVERNMENT DOCUMENTS—CONSIDERATION

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

National Environment Protection Council—Review of the National Environment Protection Council Acts (Commonwealth, State and Territory)—Report by Donald F McMichael and response. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Agriculture and Resource Management Council of Australia and New Zealand—Record and resolutions—19th meeting, Wellington, 9 March 2001. Motion to take note of document moved by Senator Bartlett and agreed to.

Indigenous Land Corporation—National Indigenous land strategy 2001-2006. Motion to take note of document moved by Senator Harris. Debate adjourned till Thursday at general business, Senator Harris in continuation.

Agreement between Australia and the Argentine Republic concerning Cooperation in Peaceful Uses of Nuclear Energy. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Amendments to the Convention on Conservation of Nature in the South Pacific adopted by consensus at the Fifth Meeting of the Contracting Parties held in Guam on 9 October 2000. Motion to take note of document moved by Senator Harris. Debate adjourned till Thursday at general business, Senator Harris in continuation.

28 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.33 pm till Wednesday, 8 August 2001 at 9.30 am.

29 ATTENDANCE

Present, all senators except Senators Crane, Eggleston and Evans.

HARRY EVANS
Clerk of the Senate