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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

2 DEATH OF FORMER MEMBER REGINALD GILLARD

The President informed the Senate of the death, on 16 August 2001, of Reginald Gillard, a member of the House of Representatives for the division of Macquarie from 1975 to 1980.

3 ALCOHOL EDUCATION AND REHABILITATION ACCOUNT BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Industry, Science and Resources (Senator Minchin)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted.

4 QUESTIONS

Questions without notice were answered.

5 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

The Leader of the Opposition in the Senate (Senator Faulkner), pursuant to standing order 74, asked the Minister representing the Prime Minister (Senator Hill) for an explanation of answers not being provided to questions on notice nos 2587 to 2590 (notice given 24 July 2000) relating to the administration of Kirribilli House and the Lodge.

Senator Hill indicated that an explanation would be provided.

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

Debate ensued.

Question put and passed.

6 MINISTER FOR FAMILY AND COMMUNITY SERVICES—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

7 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Kemp, from 4 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senator Murray, from 900 petitioners, requesting that the Senate reject the proposed changes to the Safety, Rehabilitation and Compensation Act and the Occupational Health and Safety Act.

8 NOTICES

Notices of motion:

The Chair of the Legal and Constitutional References Committee (Senator McKiernan): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000 be extended to 30 November 2001.

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 23 August 2001, from 3.45 pm till 6.45 pm, to take evidence for the committee's inquiry into prudential supervision and consumer protection for superannuation, banking and financial services.

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

(a) notes:

- (i) the passing on 9 August 2001, of one of the 'painting men' from the community of Papunya, Mr Turkey Tolson Tjupurrula,
- (ii) that he painted from the mid-1970s until his death, creating a vast body of work which is hung in all the major public galleries in Australia as well as America and Japan, and
- (iii) that his work brought him and his community national and international acclaim, and constitutes an invaluable part of the nation's cultural heritage; and

(b) expresses its sadness at the passing of one of our most respected and revered visual artists and cultural custodians.

Senator O'Brien: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Transport and Regional Services by 5 pm on 22 August 2001, the following documents:

- (a) a minute (held in file number K97/0097) concerning Black Spot Project reference number N00752, dated 12 December 1997, from the Federal Office of Road Safety and signed by Mr Anthony Ockwell to the then Minister for Transport and Regional Development, Mr Vaile;
- (b) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 24 February 1998, from the Federal Office of Road Safety to the then Minister for Transport and Regional Development;
- (c) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 26 February 1998, from the Federal Office of Road Safety to the then Minister for Transport and Regional Development; and
- (d) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 5 March 1998, from the Federal Office of Road Safety to the then Minister for Transport and Regional Development.

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

- (a) congratulates the people of the Northern Territory for their rejection of mandatory sentencing policies; and

(b) calls for the removal of mandatory sentencing for property crimes in Australia.

Intention to withdraw: Senator Allison, pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in her name for 22 August 2001 for the disallowance of the Sanctions Amendment Principles 2001 (No. 1), made under subsection 96-1(1) of the *Aged Care Act 1997*.

9 INTELLIGENCE SERVICES—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Calvert, by leave and on behalf of the Joint Select Committee on the Intelligence Services, moved—That the Joint Select Committee on the Intelligence Services be authorised to hold a public meeting during the sitting of the Senate today, from 6 pm.

Question put and passed.

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

Senator Calvert, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee's inquiry into the administration of AusSAR in relation to the search for the *Margaret J*.

Question put and passed.

11 PARLIAMENTARY ENTITLEMENTS—ACCOUNTABILITY PROCESSES

Senator Murray amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate calls on the Government to put in place the necessary measures with immediate effect to require all retired members of Parliament to be subject to the same reporting and accountability processes with respect to their parliamentary entitlements as serving members of Parliament.

Question put and passed.

12 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on 20 August 2001, from 6 pm, to take evidence for the committee's inquiry into the methods of appointment to the Australian Broadcasting Corporation's board.

Question put and passed.

**13 CORPORATIONS AND SECURITIES—JOINT STATUTORY COMMITTEE—REPORT—
FINANCIAL SERVICES REFORM BILL 2001**

The Deputy President (Senator West) tabled the following report and documents received on 16 August 2001:

Financial Services Reform Bill 2001, dated August 2001, *Hansard* record of the committee's proceedings [5 vols] and submissions [97].

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

14 AUDITOR-GENERAL—AUDIT REPORT NO. 9 OF 2001-2002

The Deputy President (Senator West) tabled the following document received on 16 August 2001:

Auditor-General—Performance audit—Learning for skills and knowledge: Customer service officers—Centrelink (Report No. 9 of 2001-2002).

15 HUMAN RIGHTS REGISTER—DOCUMENT

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

Human rights register—Letter to the President of the Senate from the Minister for Immigration and Multicultural Affairs (Mr Ruddock) responding to the resolution of the Senate of 26 June 2001, dated 9 August 2001.

**16 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—
DOCUMENTS—HEALTH SERVICES ON NORFOLK ISLAND**

Senator Calvert, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot), tabled the following documents:

In the pink or in the red? Health services on Norfolk Island—Minutes of proceedings.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—ESTIMATES 2001-02**

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled additional information received by the committee (Estimates 2001-02—vol. 1).

**18 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—FIRST
REPORT—PRUDENTIAL SUPERVISION AND CONSUMER PROTECTION FOR
SUPERANNUATION, BANKING AND FINANCIAL SERVICES**

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson) tabled the following report and documents:

Superannuation and Financial Services—Select Committee—Prudential supervision and consumer protection for superannuation, banking and financial services: First report, dated August 2001, *Hansard* record of the committee's proceedings [4 vols] and submissions [nos 96 to 237].

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

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

Debate ensued.

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

19 TREATIES—JOINT STANDING COMMITTEE—41ST REPORT

Senator Ludwig, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

41st report—Six treaties tabled on 23 May 2001, dated August 2001, *Hansard* record of the committee's proceedings [2 vols] and minutes of proceedings.

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

Question put and passed.

20 DOCUMENTS

The following documents were tabled by the Clerk:

Broadcasting Services Act—

Determination under clause 37EA of Schedule 4 to the *Broadcasting Services Act 1992* (No. 1) 2001.

Determination under clause 37EA of Schedule 4 to the *Broadcasting Services Act 1992* (No. 2) 2001.

Christmas Island Act—Utilities and Services Ordinance—Revocation of Electricity Fees Determination No. 1 of 1999.

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

Directive—Part—

105, dated 19, 20 [3], 23 [13], 26 [10] and 27 [7] July; and 1, 2, 6 [4], 7, 8 [2], 9 and 14 August 2001.

106, dated 26 [3] and 27 July; and 6 [3] and 8 August 2001.

107, dated 18 July; and 2 and 6 August 2001.

Instruments Nos CASA 302/01, CASA 311/01, CASA 321/01 and CASA 323/01.

Class Rulings CR 2001/34 and CR 2001/35.

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Revocation of Electricity Fees Determination No. 1 of 2000.

Customs Act—

CEO Instruments of Approval Nos 5-8 of 2001.

Regulations—Statutory Rules 2001 No. 211.

Dairy Produce Act—

Dairy Structural Adjustment Program Scheme Amendment 2000 (No. 8).

Supplementary Dairy Assistance Scheme 2001.

Defence Act—Determinations under section 58B—Defence Determinations 2001/21 and 2001/22.

Environment Protection and Biodiversity Conservation Act—Instrument under section—

178 amending list of threatened species, dated 14 July 2001.

183 amending list of key threatening processes, dated 24 July 2001.

Fisheries Management Act—Australian Fisheries Management Authority Temporary Order No. 2 of 2001.

Interstate Road Transport Act—Determination RTR 2001/1—Determination of B-Double Routes.

Interstate Road Transport Charge Act—Regulations—Statutory Rules 2001 No. 212.

Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination No. 3 of 2001.

Parliamentary Service Act—Determinations Nos 4 and 6 of 2001.

Product Ruling—

Addendums—PR 2000/54, PR 2000/61 and PR 2000/63.

PR 2001/125-PR 2001/127.

Road Transport Charges (Australian Capital Territory) Act—Regulations—Statutory Rules 2001 No. 213.

Social Security (International Agreements) Act—Regulations—Statutory Rules 2001 No. 215.

Superannuation Guarantee (Administration) Act—Regulations—Statutory Rules 2001 Nos 210 and 214.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 10/01-14/01.

Taxation Determinations TD 2001/18-TD 2001/20.

Veterans' Entitlements Act—

Veterans' Entitlements (Means Test Treatment of Private Companies — Excluded Companies) Declaration 2001.

Veterans' Entitlements (Means Test Treatment of Private Trusts — Excluded Trusts) Declaration 2001.

21 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001—Act, except for items 1, 2 and 3 of Schedule 4—10 August 2001 (*Gazette* No. GN 31, 8 August 2001)

Migration Legislation Amendment (Immigration Detainees) Act 2001—Act, except for item 5 of Schedule 1—27 July 2001 (*Gazette* No. S 307, 27 July 2001).

22 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2001—Statements of compliance—

Civil Aviation Safety Authority (CASA).

Department of Communications, Information Technology and the Arts.

International Air Services Commission (IASC).

23 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP

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

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), by leave, moved—That Senator Murray replace Senator Greig on the Legal and Constitutional References Committee for the committee's inquiry into the Trade Practices Act and misuse of market power.

Question put and passed.

24 FINANCIAL SECTOR (COLLECTION OF DATA) BILL 2001

FINANCIAL SECTOR (COLLECTION OF DATA—CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2001

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

Message no. 772, dated 20 August 2001—A Bill for an Act to provide for the collection of information from bodies in the financial sector, and for related purposes.

Message no. 773, dated 20 August 2001—A Bill for an Act to repeal and amend various Acts, and to deal with transitional matters, in connection with the enactment of the *Financial Sector (Collection of Data) Act 2001*, and for related purposes.

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) 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 Ian Macdonald moved—That these bills be now read a second time.

Explanatory memoranda: Senator Ian Macdonald tabled revised explanatory memoranda [2] relating to the bills.

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

25 TAXATION LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2001

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

Message no. 775, dated 20 August 2001—A Bill for an Act to amend the law relating to taxation incentives for research and development, and for related purposes.

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ian Macdonald moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ian Macdonald tabled a revised explanatory memorandum relating to the bill.

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

26 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

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

15 August 2001—Message No. 32—*Superannuation Contributions Taxes and Termination Payments Tax Legislation Amendment Act 2001* (Act No. 96, 2001).

27 ALCOHOL EDUCATION AND REHABILITATION ACCOUNT BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Industry, Science and Resources (Senator Minchin)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) consideration of the bill in committee of the whole was made an order of the day for a later hour.

28 SPACE ACTIVITIES AMENDMENT (BILATERAL AGREEMENT) 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, debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Industry, Science and Resources (Senator Minchin) the report from the committee was adopted.

Senator Minchin moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

29 VETERANS' AFFAIRS LEGISLATION AMENDMENT (2001 BUDGET MEASURES) BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Harris moved the following amendments together by leave:

Schedule 1, page 3 (after line 5), before item 1, insert:

1A Subsection 5C(1)

Insert:

New Zealand veteran means a person who rendered continuous full-time service as a member of:

- (a) the naval, military or air forces; or
 - (b) the nursing or auxiliary services of the naval, military or air forces; or
 - (c) the women's branch of the naval, military or air forces;
- of New Zealand during a period of hostilities.

Schedule 1, item 2, page 3 (line 24), omit "**Certain veterans and mariners**", substitute "**New Zealand veterans**".

Schedule 1, item 2, page 3 (line 26), omit "Commonwealth veteran, allied veteran or allied mariner", substitute "New Zealand veteran".

Schedule 1, item 2, page 4 (lines 1 to 3), omit "or mariner" (wherever occurring).

Schedule 1, item 2, page 4 (lines 4 and 5), omit Note 1, substitute:

Note 1: For the meaning of *New Zealand veteran*, see subsection 5C(1).

Schedule 1, item 2, page 4 (lines 6 to 11), omit "or mariner" (wherever occurring).

Schedule 1, item 2, page 4 (lines 12 and 13), omit "Commonwealth veteran, allied veteran or allied mariner", substitute "New Zealand veteran".

Schedule 1, item 2, page 4 (line 18) to page 5 (line 4), omit “Commonwealth veteran, allied veteran or allied mariner” (wherever occurring), substitute “New Zealand veteran”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

30 ADJOURNMENT

The Special Minister of State (Senator Abetz) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.37 pm till Tuesday, 21 August 2001 at 2 pm.

31 ATTENDANCE

Present, all senators except Senators Crowley* and Denman (* on leave).

HARRY EVANS
Clerk of the Senate