

1998-2001

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 209

THURSDAY, 30 AUGUST 2001

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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 PETITIONS

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

Senator Bartlett, from 641 petitioners, requesting that the Senate take action to prohibit the establishment of nuclear irradiation plants in Australia and to prohibit the process of food irradiation in Australia.

Senator McGauran, from 52 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 7 Wool International Amendment Bill 2001.

No. 8 Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2001.

No. 9 Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 10 Health and Aged Care Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 11 Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 12 Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 13 Reconciliation and Aboriginal and Torres Strait Islander Affairs Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 14 Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001.

No. 15 Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 3) 2001.

No. 16 Customs Tariff Amendment Bill (No. 5) 2001.

No. 17 International Maritime Conventions Legislation Amendment Bill 2001.

Question put and passed.

Senator Abetz moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 1023 standing in the name of Senator Cook, relating to the effects of the goods and services tax policies on small business; and

(b) consideration of government documents.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Special Minister of State (Senator Abetz), by leave, moved—That government business orders of the day no. 14 (Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001) and no. 15 (Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 3) 2001) may be taken together for their remaining stages.

Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That business of the Senate notice of motion no. 1 standing in the name of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) for today, relating to the reference of the provisions of a bill to the Legal and Constitutional Legislation Committee, be postponed till a later hour.

Question put and passed.

6 INTERACTIVE GAMBLING AMENDMENT BILL 2001

The Special Minister of State (Senator Abetz), at the request of the Minister for the Environment and Heritage (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved—That the following bill be introduced:

A Bill for an Act to amend the *Interactive Gambling Act 2001*, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Abetz tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

7 AUSTRALIAN NATIONAL FLAG—CENTENARY

The Special Minister of State (Senator Abetz), at the request of the Leader of the Government in the Senate (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recognises and celebrates the centenary of the Australian National Flag which occurs on 3 September 2001;
- (b) honours the ideals for which our national flag stands, including our history, geography and unity as a federated nation;
- (c) notes that this is the world's only national flag ever to fly over one entire continent;
- (d) acknowledges that our flag has been Australia's pre-eminent national symbol in times of adversity and war, peacetime and prosperity;
- (e) recognises that our flag now belongs to the Australian people and has been an integral part of the expression of our national pride; and
- (f) expresses its respect for the Australian National Flag as a symbol of our profound achievements as a federation; our independence and freedom as a people; and our optimism for a common future together.

Question put and passed.

**8 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
INQUIRY—SEARCH FOR THE MARGARET J—PUBLICATION OF DOCUMENTS**

Motion determined as not formal: Senator O'Brien requested that general business notice of motion no. 1024 standing in his name for today, relating to the release by the Rural and Regional Affairs and Transport Legislation Committee of unpublished documents concerning its inquiry into the administration of AusSAR in relation to the search for the *Margaret J*, be taken as formal.

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

Suspension of standing orders: Senator O'Brien, at the request of the Leader of the Opposition in the Senate (Senator Faulkner) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 1024.

Debate ensued.

Question put and passed.

Senator O'Brien, at the request of Senator Faulkner, moved—That general business notice of motion no. 1024 may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator O'Brien moved—That all documents in the possession of the Rural and Regional Affairs and Transport Legislation Committee from the Australian Maritime Safety Authority and its constituent bodies in relation to its inquiry into the administration of AusSAR in relation to the search for the *Margaret J*, not previously published by the committee, be published.

Debate ensued.

Senator Harradine, by leave, moved—That the debate be now adjourned.

Question put.

The Senate divided—

AYES, 28

Senators—

Abetz	Crane	Herron	Minchin
Alston	Eggleston	Kemp	Newman
Boswell	Ellison	Knowles	Tambling
Brandis	Ferris	Lightfoot	Tchen
Calvert	Gibson	Macdonald, Sandy	Tierney
Chapman	Harradine	Mason	Vanstone
Coonan (Teller)	Harris	McGauran	Watson

NOES, 32

Senators—

Allison	Cherry	Gibbs	Murphy
Bartlett	Collins	Greig	Murray
Bishop	Conroy	Hogg	O'Brien
Bolkus	Cook	Hutchins	Ray
Brown	Cooney	Lees	Schacht
Buckland	Crossin	Ludwig (Teller)	Sherry
Campbell, George	Evans	Lundy	Stott Despoja
Carr	Forshaw	McLucas	West

Question negatived.

Debate continued.

Documents: Senator Crane, by leave, tabled the following documents:

Rural and Regional Affairs and Transport Legislation Committee—Search for the *Margaret J*—Copies of letters to—

Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane) from—

Chief Executive Officer, Australian Maritime Safety Authority, dated 29 August 2001.

Clerk of the Senate, dated 3 July 2001.

Crown Counsel, Office of Director of Public Prosecutions, Tasmania, dated 20 August 2001.

First Assistant Secretary, Department of Transport and Regional Services from Deputy General Counsel, Australian Government Solicitor, dated 3 July 2001.

Main question put and passed.

9 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Communications, Information Technology and the Arts (Senator Alston) moved—That government business notice of motion no. 3 standing in the name of the Parliamentary Secretary to Cabinet (Senator Heffernan) for today, relating to the approval of works proposed for the Parliamentary Zone, be postponed till a later hour.

Question put and passed.

10 AUSTRALIAN NATIONAL FLAG

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate notes that 3 September would be an excellent date for this nation to begin the process of finding a new flag with an entirely national motif reflecting Australia's special and independent place in the world.

Question put and negatived. Senator Brown, pursuant to standing order 100, recorded his vote for the ayes.

11 IMMIGRATION—ASYLUM SEEKERS

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

(a) notes:

- (i) repeated concerns expressed by many sections of the community about the conditions in Australia's detention centres and the treatment of some asylum seekers in those centres,
- (ii) plans announced by the Minister for Immigration and Multicultural Affairs (Mr Ruddock) to build three new detention centres, and
- (iii) statements made by the President of the Law Council of Australia that the practice of mandatory detention is questionable in the light of several international conventions and that mandatory detention is excessive and not necessary for all asylum seekers; and

(b) calls on the Australian Government to immediately reconsider its policy of mandatory detention and to save taxpayers' money by scrapping plans to build extra detention centres.

Question put and negatived.

12 DEFENCE—COMPREHENSIVE TEST BAN TREATY

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

- (a) notes the proposed meeting of Australian Prime Minister, Mr Howard, and United States President, Mr Bush, on 10 September 2001;
- (b) recalls its resolutions of 29 June 2000 and 1 March 2001 in regard to missile defence issues;
- (c) notes the substantial international efforts made by successive Australian governments to promote the ratification and entry into force of the Comprehensive Test Ban Treaty (CTBT);

- (d) considers the proliferation of weapons of mass destruction and ballistic missile delivery systems to be a most serious international security issue;
- (e) notes the desire of the United States (US) Government to deploy a National Missile Defence (NMD) system and as a consequence to fundamentally amend or otherwise walk away from the 1972 Anti-Ballistic Missile Treaty (ABMT);
- (f) expresses concern that abandonment of the ABMT and deployment of a NMD system is likely to damage international cooperation to combat the proliferation of nuclear weapons and may fuel a new nuclear arms race in the Asia-Pacific region;
- (g) calls on the Prime Minister to urge President Bush to reconsider both his opposition to US ratification of the CTBT and his intention to deploy a NMD system; and
- (h) reaffirms its view that Australia should not support, or be involved in, NMD research, development or trials.

Question put and passed.

**13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the administration of AusSAR in relation to the search for the *Margaret J* be extended to the last sitting day in March 2002.

Question put and passed.

14 PUBLICATIONS—STANDING COMMITTEE—28TH REPORT

Senator Coonan, at the request of the Chair of the Standing Committee on Publications (Senator Lightfoot), tabled the following report:

PUBLICATIONS COMMITTEE

28TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to Parliament since 9 August 2001, recommends that the following be printed:

Aboriginal Land Commissioner—Reports—

No. 59—The Kenbi (Cox Peninsula) Land Claim no. 37.

No. 60—Urapunga Land Claim no. 159.

Council for Aboriginal Reconciliation—Report for 1999-2000.

National Health and Medical Research Council—Report for 2000.

Queensland Fisheries Joint Authority—Report for 1999-2000.

Reserve Bank of Australia—Report for 2000-2001.

Western Australian Fisheries Joint Authority—Report for 1998-99.

Senator Ross Lightfoot

Chairman

30 August 2001.

Senator Coonan moved—That the report be adopted.

Question put and passed.

15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2001-02

Senator Coonan, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Estimates 2001-02—vols 1 and 2).

16 PRIVILEGES—STANDING COMMITTEE—99TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report and documents:

99th report—Possible unauthorised disclosure of a submission to the Parliamentary Joint Committee on Corporations and Securities, dated August 2001, *Hansard* record of the committee's proceedings, additional information and volume of submissions and documents.

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

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

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

Notice of motion: Senator Ray, by leave, gave a notice of motion as follows: To move on 17 September 2001—

- (1) That the Senate endorse the findings at paragraphs 60(a) to (g) of the 99th report of the Committee of Privileges.
- (2) That the Senate impose the penalty recommended at paragraph 61(b) of the 99th report of the Committee of Privileges, and agree in principle to the committee's recommendation at paragraph 61(a).

17 PHIL BOTHA MEMORIAL FUN RUN

Senator Harris, by leave, moved—That the Senate—

- (a) notes that the sixth annual Phil Botha Memorial Fun Run takes place on 5 September 2001 to raise money for Canteen, the Youth Cancer Support Group;
- (b) recognises that cancer inflicts enormous pain and suffering on our community, and that money is needed to fund research and treatments;
- (c) notes that the run has raised significant amounts of money to support people suffering from cancer;
- (d) notes that the run is a relay of 120 kilometres in length; and
- (e) asks each senator to give his or her financial support to this worthy cause.

Statement by leave: Senator Harris, by leave, made a statement relating to the motion.

Question put and passed.

**18 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—
JOINT STATUTORY COMMITTEE—18TH REPORT—ANNUAL REPORTS**

The Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Ferris) tabled the following report and documents:

18th report—Examination of annual reports for 1999-2000, dated August 2001, *Hansard* record of the committee's proceedings [4 vols], additional information and submissions [8].

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

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

Question put and passed.

19 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—CHILD MIGRATION

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Crowley) tabled the following report and documents:

Lost innocents: Righting the record—Report on child migration, dated August 2001, *Hansard* record of the committee's proceedings [8 vols], additional information and submissions [158].

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

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

Debate ensued.

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

**20 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT
BILL (NO. 2) 2001**

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

Message no. 802, dated 29 August 2001—A Bill for an Act to amend the *States Grants (Primary and Secondary Education Assistance) Act 2000*.

The Minister for Communications, Information Technology and the Arts (Senator Alston) 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 Alston moved—That this bill be now read a second time.

On the motion of Senator Denman the debate was adjourned.

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

21 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE

The Minister for Communications, Information Technology and the Arts (Senator Alston), at the request of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) and pursuant to notice, moved—That the provisions of the Migration Legislation Amendment Bill (No. 6) 2001 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 18 September 2001.

Debate ensued.

Senator Bartlett moved the following amendments, together by leave:

Omit “Legislation Committee”, substitute “References Committee”.

Omit “18 September 2001”, substitute “16 October 2001”.

Debate ensued.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Allison	Collins	Greig	Murray
Bartlett	Conroy	Hogg	O'Brien (Teller)
Bishop	Cook	Lees	Ray
Bolkus	Cooney	Ludwig	Schacht
Brown	Crossin	Lundy	Sherry
Buckland	Crowley	Mackay	Stott Despoja
Campbell, George	Denman	McKiernan	West
Carr	Forshaw	McLucas	
Cherry	Gibbs	Murphy	

NOES, 26

Senators—

Abetz	Eggleston	Knowles	Tambling
Alston	Ellison	Lightfoot	Tchen
Boswell	Ferris	Macdonald, Sandy	Tierney
Brandis	Gibson	Mason	Troeth
Calvert (Teller)	Heffernan	McGauran	Watson
Chapman	Herron	Newman	
Crane	Kemp	Reid	

Question agreed to.

Main question, as amended, put and passed.

At 12.45 pm—

22 WOOL INTERNATIONAL AMENDMENT BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell)—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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

23 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) 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.

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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

24 AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) 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, agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

25 HEALTH AND AGED CARE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) 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, agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

26 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling)—That this bill be now read a second time.

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 Agriculture, Fisheries and Forestry (Senator Troeth) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Troeth the following amendment was agreed to:

Schedule 1, page 23 (line 10), omit the heading before item 77.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 77 to 85.

Question—That Schedule 1, items 77 to 85 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

27 INDUSTRY, SCIENCE AND RESOURCES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling)—That this bill be now read a second time.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled a correction to the explanatory memorandum relating to the bill.

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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

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

**28 RECONCILIATION AND ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) 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.

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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

29 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That the Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001 and the Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 3) 2001 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

Senator Troeth moved—That government business order of the day no. 14 (Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001) be postponed till the next day of sitting.

Question put and passed.

**30 TREASURY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE)
BILL (NO. 3) 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.

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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

31 CUSTOMS TARIFF AMENDMENT BILL (NO. 5) 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.

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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

32 INTERNATIONAL MARITIME CONVENTIONS LEGISLATION AMENDMENT BILL 2001

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

In the committee

Bill, taken as a whole by leave, debated.

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

Schedule 3, item 15, page 33 (lines 16 to 22), omit paragraph (1)(c), substitute:

- (c) such a discharge cannot occur without the commission of an offence against subsection 9(1) or (1B) or of an offence against a law of a State or Territory;

Schedule 3, item 15, page 33 (line 30) to page 34 (line 6), omit paragraph (3)(b), substitute:

- (b) such a discharge cannot occur without the commission of an offence against subsection 9(1) or (1B) or of an offence against a law of a State or Territory;

Schedule 3, item 24, page 36 (lines 6 and 7), omit “, if he or she is of the opinion that it is reasonable to do so,”.

Schedule 3, item 24, page 36 (line 12), at the end of subsection (1), add “if the officer has reason to believe that retention of the oil or oily mixture would create a risk of discharge from the ship into the sea”.

Schedule 3, item 71, page 43 (lines 24 and 25), omit “, if he or she is of the opinion that it is reasonable to do so,”.

Schedule 3, item 71, page 43 (line 30), at the end of subsection (1), add “if the officer has reason to believe that retention of the liquid substance or mixture would create a risk of discharge from the ship into the sea”.

Schedule 3, item 105, page 51 (lines 11 and 12), omit “, if he or she is of the opinion that it is reasonable to do so,”.

Schedule 3, item 105, page 51 (line 16), at the end of subsection (1), add “if the officer has reason to believe that retention of the sewage would create a risk of discharge from the ship into the sea”.

Schedule 3, item 126, page 58 (lines 28 and 29), omit “, if he or she is of the opinion that it is reasonable to do so,”.

Schedule 3, item 126, page 58 (line 33), at the end of subsection 26FE(1), add “if the officer has reason to believe that retention of the garbage would create a risk of disposal from the ship into the sea”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

33 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That government business order of the day no. 1 (Innovation and Education Legislation Amendment Bill (No. 2) 2001) be called on immediately.

Debate ensued.

Question put and passed.

34 INNOVATION AND EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2001

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Vanstone)—That this bill be now read a second time—*and on the amendment moved by Senator Carr:*

At the end of the motion, add “but the Senate condemns the Government for damaging Australian universities through massive funding cuts, and for reducing opportunities for Australian undergraduate and postgraduate students, in particular by:

- (a) cutting Commonwealth funding for universities by \$3 billion since 1996, thereby reducing student places by 81 500;
- (b) overseeing a reduction of 3 278 enrolments of Australian university students in 2000;
- (c) cutting the number of research training places by 3 336; and
- (d) cutting the higher education contribution scheme postgraduate coursework places by 60 per cent since 1996”.

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

Main question, as amended, 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 Sherry) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

Suspension of sitting: On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

At 2 pm—

35 QUESTIONS

Questions without notice were answered.

36 IMMIGRATION—ILLEGAL IMMIGRANTS—ANSWER TO QUESTION

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Sandy Macdonald today relating to illegal immigrants and protection of Australian territorial waters.

Debate ensued.

Question put and passed.

37 ROCK LOBSTER FISHERY—ARRANGEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), pursuant to the order of the Senate of 9 August 2001, tabled the following documents:

Rock lobster fishery—Arrangements—Copies of—

Arrangement between the Commonwealth and South Australia in relation to rock lobster fishery, dated 21 May 1987 (*Gazette*, S104, dated 1 June 1987).

Arrangement between the Commonwealth and South Australia in relation to rock lobster fishery, dated 15 December 1988 (*Gazette*, S406, dated 21 December 1988).

38 FOREIGN AFFAIRS—JAPANESE FISHING BOATS—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), by leave, made a statement relating to the order of the Senate of 9 August 2001 for the production of documents concerning an agreement between Australia and Japan relating to Japanese fishing boats (*see entry no. 11, 9 August 2001*).

39 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

Senator Lightfoot, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled the following report:

Scrutiny of annual reports: No. 2 of 2001, dated August 2001.

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

40 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—SECOND REPORT—PRUDENTIAL SUPERVISION AND CONSUMER PROTECTION FOR SUPERANNUATION, BANKING AND FINANCIAL SERVICES

Senator Lightfoot, at the request of the Chair of the Select Committee on Superannuation and Financial Services (Senator Watson), tabled the following report:

Superannuation and Financial Services—Select Committee—Prudential supervision and consumer protection for superannuation, banking and financial services—Second report: Some case studies, dated August 2001.

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

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

Debate ensued.

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

41 PUBLIC ACCOUNTS AND AUDIT—JOINT COMMITTEE—383RD REPORT

Senator Lightfoot, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

383rd report—Review of Auditor-General's reports 2000-2001: First quarter—Amphibious transport ship project; Implementation of whole-of-government technology and infrastructure consolidation and outsourcing initiative; AQIS cost-recovery systems; Knowledge system equipment acquisition projects in Defence, dated June 2001.

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

Question put and passed.

42 DOCUMENTS

The following documents were tabled by the Clerk:

Remuneration Tribunal Act—Determination—2001/15: Remuneration and allowances for various public office holders.

Telecommunications (Consumer Protection and Service Standards) Act—Special Digital Data Service Provider Declaration Revocation 2001 (No. 2).

43 UNPROCLAIMED LEGISLATION—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not yet been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 31 July 2001.

44 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the periods 1 July to 31 December 2000 and 1 January to 30 June 2001.

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

The following document was 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—Department of Family and Community Services.

46 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—

Substitute member: Senator McGauran to replace Senator Tchen on 21 September 2001 for the committee's inquiry into nursing

Legal and Constitutional Legislation Committee—

Participating member: Senator Conroy

Legal and Constitutional References Committee—

Substitute member: Senator Bartlett to replace Senator Greig for the consideration of the provisions of the Migration Legislation Amendment Bill (No. 6) 2001

Rural and Regional Affairs and Transport Legislation Committee—

Participating member: Senator Ridgeway for the consideration of the provisions of the Motor Vehicle Standards Amendment Bill 2001.

Question put and passed.

47 ROYAL COMMISSIONS AND OTHER LEGISLATION AMENDMENT BILL 2001

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

Message no. 805, dated 30 August 2001—A Bill for an Act to amend the *Royal Commissions Act 1902* and other legislation, 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.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

**48 WORKPLACE RELATIONS (REGISTERED ORGANISATIONS) BILL 2001
WORKPLACE RELATIONS (REGISTERED ORGANISATIONS) (CONSEQUENTIAL
PROVISIONS) BILL 2001**

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

Message no. 806, dated 30 August 2001—A Bill for an Act to provide for the registration of associations of employers and of employees, to regulate those associations after registration, and for related purposes.

Message no. 804, dated 30 August 2001—A Bill for an Act to deal with matters consequential on the enactment of the *Workplace Relations (Registered Organisations) Act 2001*, and for other 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 O'Brien the debate was adjourned till the next day of sitting.

General business was called on.

49 TAXATION

Senator Cook, pursuant to notice, moved—That the Senate notes with concern the adverse effects, particularly on small business, of the Government's botched implementation of its goods and services tax policies.

Debate ensued.

Debate adjourned till a later hour, Senator Knowles in continuation.

50 LEAVE OF ABSENCE

Senator Calvert, by leave, moved—That leave of absence be granted to Senator Harradine for the period 17 September to 24 September 2001, on account of parliamentary business overseas.

Question put and passed.

51 TAXATION

Order read for the adjourned debate on the motion of Senator Cook (*see entry no. 49*).

Debate resumed.

At 6 pm: Debate was interrupted while Senator Murphy was speaking.

52 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave and at the request of the Parliamentary Secretary to Cabinet (Senator Heffernan), moved—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and siting of the exhaust flues, a change of tree species, changes to the walkway design and staircourt, and the external lighting design of Commonwealth Place.

Question put and passed.

53 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—

Department of Education, Training and Youth Affairs.

Industry, Science and Resources portfolio.

54 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

National Health and Medical Research Council—Grants for 2001. Motion of Senator West to take note of document agreed to.

General business order of the day no. 2 relating to government documents was called on but no motion was moved.

General business concluded.

**55 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—
CONSIDERATION**

The following order of the day relating to committee reports and government responses was considered:

Intelligence Services—Joint Select Committee—Report—An advisory report on the Intelligence Services Bill 2001, the Intelligence Services (Consequential Provisions) Bill 2001 and certain parts of the Cybercrime Bill 2001. Motion of Senator Sandy Macdonald to take note of report debated and agreed to.

56 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 7.02 pm till Monday, 17 September 2001 at 12.30 pm.

57 ATTENDANCE

Present, all senators except Senators Bourne*, Ian Campbell, Ferguson, Patterson, Payne* and Ridgeway* (* on leave).

HARRY EVANS
Clerk of the Senate