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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 PARLIAMENT HOUSE—INTERNET ACCESS—STATEMENT BY PRESIDENT

The President made a statement relating to Internet access for Parliament House occupants and the Parliament House computer network.

3 PETITION

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

From 4 160 petitioners, requesting that the Senate ensure that the SAMAG magnesium plant proposal at Port Pirie in South Australia receives equivalent funding support to that of the Queensland Magnesium Project.

4 NOTICES

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the Migration Legislation Amendment Bill (No. 6) 2001 may be proceeded with before the Legal and Constitutional References Committee reports on its provisions.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the government business orders of the day relating to the following bills may be taken together for their remaining stages:

Migration Legislation Amendment (Judicial Review) Bill 1998 [2001]

Migration Legislation Amendment Bill (No. 1) 2001

Migration Legislation Amendment Bill (No. 6) 2001

Migration Amendment (Excision from Migration Zone) Bill 2001 and two related bills.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan): To move 15 sitting days after today—That the Space Activities Regulations 2001, as contained in Statutory Rules 2001 No. 186 and made under the *Space Activities Act 1998*, be disallowed.

Senator Coonan, by leave, made a statement relating to the notice of motion.

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the following matter be referred to the Select Committee on Superannuation and Financial Services for inquiry and report by 31 January 2002:

The effectiveness and efficiency of the current rules governing early access to superannuation benefits on existing compassionate and severe financial hardship grounds.

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 inquire into the following aspects of the general insurance industry in Australia and report by the last sitting day in March 2002:

- (a) motor vehicle insurance; and
- (b) public liability insurance for community and sporting organisations,

with particular reference to:

- (a) the cost of insurance products;
- (b) the conduct of insurers; and
- (c) the adequacy of the existing consumer protection regime, including industry 'self-regulation' and complaint and dispute resolution services,

but not including any reference to matters contained within the terms of reference of the Royal Commission into the failure of HIH.

5 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 8 Parliamentary Service Amendment Bill 2001.

Social Security and Veterans' Entitlements Legislation Amendment (Retirement Assistance for Farmers) Bill 2001.

Education, Training and Youth Affairs Legislation Amendment (Application of Criminal Code) Bill 2001.

No. 9 Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001.

Superannuation Legislation Amendment (Indexation) Bill 2001.

Health and Other Services (Compensation) Legislation Amendment Bill 2001.

No. 10 Taxation Laws Amendment Bill (No. 4) 2001.

Trade Practices Amendment (Telecommunications) Bill 2001.

Debate ensued.

Question put and passed.

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

- (a) general business notice of motion no. 1038 standing in the name of Senator Cook, relating to the introduction of the goods and services tax; and
- (b) consideration of government documents.

Question put and passed.

6 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 1032 standing in the name of Senator Allison for today, relating to a discussion paper on the location for the disposal of radioactive waste, postponed till 24 September 2001.

General business notice of motion no. 1034 standing in the name of Senator Ridgeway for today, relating to the death of an Aboriginal man in custody, postponed till 24 September 2001.

General business notice of motion no. 1044 standing in the name of Senator Allison for today, relating to energy efficiency and low pollution standards for new power stations, postponed till 24 September 2001.

Senator Allison, by leave, moved—That general business notice of motion no. 1035 standing in her name for today, relating to the protection of women and children from abuse, be postponed till the next day of sitting.

Question put and passed.

Senator Brown, by leave, moved—That general business notice of motion no. 1046 standing in his name for today, relating to public education, be postponed till the next day of sitting.

Question put and passed.

7 COMMONWEALTH GAMES—MELBOURNE

Motion determined as not formal: Senator Allison requested that general business notice of motion no. 1033 standing in her name for today, relating to the Melbourne Commonwealth Games, be taken as formal.

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

Postponement: Senator Allison, by leave, moved—That general business notice of motion no. 1033 be postponed till the next day of sitting.

Question put and passed.

8 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 20 September 2001, from 7 pm, to take evidence for the committee's inquiry into the provisions of the Motor Vehicle Standards Amendment Bill 2001.

Question put and passed.

9 ENVIRONMENT—SEISMIC SURVEYS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table, by the Minister for Industry, Science and Resources (Senator Minchin), no later than immediately after motions to take note of answers on 26 September 2001:

- (a) all documents held by the Australian Geological Survey Organisation or the Commonwealth Scientific and Industrial Research Organisation in relation to seismic surveys of the Townsville Basin, Marion Plateau, Queensland Basin and Queensland Plateau areas off the coast of Queensland, including survey maps, assessment reports (particularly relating to hydrocarbon potential) and documents relating to any industry participation in any of the surveys;

- (b) all documents relating to the sale of those survey results to private parties; and
- (c) all agreements with private industry relating to the undertaking of seismic surveys in any of the above areas.

Question put and passed.

10 ENVIRONMENT—OCEAN DRILLING PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table, by the Minister for the Environment and Heritage (Senator Hill), no later than immediately after motions to take note of answers on 26 September 2001, all documents held by the Great Barrier Reef Marine Park Authority (GBRMPA) or Environment Australia in relation to the following:

- (a) the assessment of the Ocean Drilling Project (ODP) leg 194 by GBRMPA, including the assessment of seismic impacts of drilling;
- (b) materials submitted by ODP in support of its permit application;
- (c) seismic survey information relating to seismic surveys conducted in preparation of leg 194 (including the 1999 cruise by the CSIRO vessel, the *Franklin*);
- (d) leg 133 of the ODP; and
- (e) the technology transfer or sale relating to research or data produced by or during legs 133 and 194 of the ODP.

Question put and passed.

11 TRANSPORT—ANSETT AUSTRALIA—ORDER FOR PRODUCTION OF DOCUMENTS

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister representing the Prime Minister, no later than 5 pm on 24 September 2001, the following documents:

- (a) all correspondence and other communications, including e-mails and briefing notes, between the Prime Minister, his office, the Department of Prime Minister and Cabinet, and Air New Zealand relating to the conditions placed on that company as part of the approval of its application to take 100 per cent ownership of Ansett Airlines;
- (b) all correspondence and other communications, including e-mails and briefing notes, between the Prime Minister, his office, the Department of Prime Minister and Cabinet, and Air New Zealand relating to the ownership and operation of that airline and its subsidiaries from 1 January 2000; and
- (c) all submissions and other communications, including e-mails and briefing notes, from the Department of Prime Minister and Cabinet to the Prime Minister relating to:
 - (i) the approval of Air New Zealand's application to take 100 per cent ownership of Ansett Airlines and its compliance with conditions placed on its ownership and operation of Ansett Airlines as part of that approval, and
 - (ii) the ownership and operation of Air New Zealand and its subsidiaries from 1 January 2000.

Question put and passed.

**12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 14 OF 2001—
VARIATION—RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION
COMMITTEE—REFERENCE**

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved—That the order of the Senate of 19 September 2001 adopting the 14th report of 2001 of the Selection of Bills Committee be varied to provide that the provisions of the Regional Forest Agreements Bill 2001 be referred to the Rural and Regional Affairs and Transport Legislation Committee instead of the Environment, Communications, Information Technology and the Arts Legislation Committee, for inquiry and report by 25 September 2001.

Question put and passed.

13 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 provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Education, Training and Youth Affairs Legislation Amendment (Application of Criminal Code) Bill 2001

Excise Tariff Amendment (Crude Oil) Bill 2001

Health and Other Services (Compensation) Legislation Amendment Bill 2001

Social Security and Veterans' Entitlements Legislation Amendment (Retirement Assistance for Farmers) Bill 2001

Trade Practices Amendment (Telecommunications) Bill 2001

Superannuation Legislation Amendment (Indexation) Bill 2001.

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

Question put and passed.

Motion determined as not formal: Senator Ian Campbell requested that government business notice of motion no. 2 standing in his name for today, relating to the consideration of legislation, be taken as formal.

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

14 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 13 OF 2001

Senator O'Brien, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney), tabled the following document:

Alert Digest No. 13 of 2001, dated 20 September 2001.

Senator Bartlett moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

**15 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—
REPORT—SALE OF CHRISTMAS ISLAND CASINO AND RESORT**

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) tabled the following report and documents:

Risky business: Inquiry into the tender process followed in the sale of the Christmas Island casino and resort, dated September 2001, *Hansard* record of the committee's proceedings, minutes of proceedings and submissions [4 vols].

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

Debate ensued.

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

**16 HEALTH AND OTHER SERVICES (COMPENSATION) LEGISLATION AMENDMENT
BILL 2001
SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT
(RETIREMENT ASSISTANCE FOR FARMERS) BILL 2001**

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

Message no. 814, dated 19 September 2001—A Bill for an Act to amend the *Health and Other Services (Compensation) Act 1995*, and for related purposes.

Message no. 816, dated 19 September 2001—A Bill for an Act to amend the law relating to social security and veterans' entitlements, and for related purposes.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) 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 Campbell moved—That these bills be now read a second time.

On the motion of Senator Denman the debate was adjourned.

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

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

Question put and passed.

17 COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2001

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

Message no. 815, dated 19 September 2001—A Bill for an Act to amend the *Commonwealth Inscribed Stock Act 1911*, and for related purposes.

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

Consideration of legislation: Pursuant to the order of the Senate of 19 September 2001 (*see entry no. 11, 19 September 2001*), the bill was referred to the Economics Legislation Committee for consideration and report by 6 December 2001, the debate was adjourned and the resumption of the debate made an order of the day for the day on which the committee reports.

18 SUPERANNUATION LEGISLATION AMENDMENT (INDEXATION) BILL 2001

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

Message no. 822, dated 20 September 2001—A Bill for an Act to amend certain Acts relating to superannuation, and for related purposes.

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

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

On the motion of Senator Denman the debate was adjourned.

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

19 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That government business order of the day no. 3 (Interactive Gambling Amendment Bill 2001) be considered after consideration of the government business order of the day relating to the Trade Practices Amendment (Telecommunications) Bill 2001 till not later than 2 pm.

Question put and passed.

20 MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) BILL 2001
MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) (CONSEQUENTIAL
PROVISIONS) BILL 2001
BORDER PROTECTION (VALIDATION AND ENFORCEMENT POWERS) BILL 2001

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

Message no. 818, dated 19 September 2001—A Bill for an Act to excise certain Australian territory from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes.

Message no. 819, dated 19 September 2001—A Bill for an Act to make consequential provision for dealing with unauthorised arrivals in places excised from the migration zone under the *Migration Act 1958* for purposes related to unauthorised arrivals, and for related purposes.

Message no. 817, dated 19 September 2001—A Bill for an Act to validate the actions of the Commonwealth and others in relation to the *MV Tampa* and other vessels, and to provide increased powers to protect Australia's borders, and for related purposes.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Senator Bartlett requested that the motion be divided—

Question—That these bills may proceed without formalities—debated.

Question put.

The Senate divided—

AYES, 46

Senators—

Abetz	Crane	Hogg	Patterson
Bishop	Crossin	Hutchins	Reid
Boswell	Denman	Kemp	Schacht
Brandis	Eggleston	Lightfoot	Sherry
Buckland	Evans	Ludwig	Tambling
Calvert (Teller)	Ferguson	Lundy	Tchen
Campbell, George	Ferris	Mackay	Tierney
Campbell, Ian	Forshaw	Mason	Troeth
Carr	Gibson	McGauran	Watson
Chapman	Heffernan	McKiernan	West
Collins	Herron	McLucas	
Cooney	Hill	O'Brien	

NOES, 10

Senators—

Allison	Brown	Lees	Ridgeway
Bartlett	Cherry	Murray	Stott Despoja
Bourne (Teller)	Harradine		

Question agreed to.

Question—That these bills may be taken together—debated and agreed to.

Question—That these bills be now read a first time—put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills 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.

21 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice, moved—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 22 October 2001:

All aspects of the provisions of the Migration Amendment (Excision from Migration Zone) Bill 2001, the Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bill 2001, and the Border Protection (Validation and Enforcement Powers) Bill 2001.

Debate ensued.

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

Migration bills—*Background paper on unauthorised arrivals strategy*—Media release by the Minister for Immigration and Cultural Affairs (Mr Ruddock), dated September 2001.

Debate continued.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison
Bartlett

Bourne (Teller)

Brown
Harradine

Lees
Murray

Ridgeway
Stott Despoja

NOES, 42

Senators—

Bishop	Cooney	Hogg	Patterson
Brandis	Crane	Hutchins	Payne
Buckland	Crossin	Kemp	Schacht
Calvert (Teller)	Denman	Ludwig	Sherry
Campbell, George	Eggleston	Mackay	Tchen
Campbell, Ian	Evans	Mason	Tierney
Carr	Ferguson	McGauran	Troeth
Chapman	Ferris	McKiernan	Watson
Collins	Forshaw	McLucas	West
Conroy	Gibson	Newman	
Cook	Herron	O'Brien	

Question negatived.

**22 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of the Senator Brown—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 1 April 2002:

All aspects of the provisions of the Regional Forest Agreements Bill 2001, including, but not restricted to:

- (a) whether the legislation contravenes Australia's obligations under international agreements, including the Convention for the Protection of Biodiversity, the Framework Convention on Climate Change, the World Heritage Convention, the Ramsar Convention and agreements for the protection of migratory species;
- (b) whether the bill overrides section 42 of the *Environment Protection and Biodiversity Conservation Act 1999* and the implications of this for the protection of World Heritage, the protection of Wetlands of International Importance and the environmental impacts of taking actions whose primary purpose does not relate to forestry;
- (c) the compensation obligations to which the Commonwealth would be exposed if it took action to prevent forestry or mining operations or other activities in Regional Forest Agreement (RFA) areas;
- (d) whether it is fair to provide compensation to an industry whose activities are already heavily subsidised and which has no reverse obligation to compensate the Commonwealth or states for damage to the environment, including water quantity and quality, soils, carbon banks, biodiversity, heritage and landscape;
- (e) the need to ensure that workers' entitlements are protected; and
- (f) the need to ensure full parliamentary scrutiny of all RFAs before initial ratification and before any proposed renewal.

Debate resumed.

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

23 PARLIAMENTARY SERVICE AMENDMENT BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—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 Bartlett) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) the report from the committee was adopted and the bill read a third time.

24 NOTICES OF MOTION

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), by leave, gave notices of motion as follows:

No. 1—To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Migration Legislation Amendment Bill (No. 5) 2001

Migration Legislation Amendment Bill (No. 6) 2001.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2001 spring sittings.

No. 2—To move on the next day of sitting—That, on Monday, 24 September 2001:

- (1) The hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to the adjournment in accordance with paragraph (3).
- (2) The routine of business from 7.30 pm shall be any motion under government business relating to the consideration of the bills listed in this paragraph and the government business orders of the day relating to the following bills:

Migration Amendment (Excision from Migration Zone) Bill 2001,
 Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bill 2001,
 Border Protection (Validation and Enforcement Powers) Bill 2001,
 Migration Legislation Amendment (Judicial Review) Bill 1998 [2001],
 Migration Legislation Amendment Bill (No. 1) 2001,
 Migration Legislation Amendment Bill (No. 6) 2001, and
 Migration Legislation Amendment Bill (No. 5) 2001.

- (3) Immediately after the completion of proceedings on the bills listed in paragraph (2), the Senate shall adjourn without any question being put.

25 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That government business order of the day no. 10 (Taxation Laws Amendment Bill (No. 4) 2001) be postponed till the next day of sitting.

Question put and passed.

26 SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (RETIREMENT ASSISTANCE FOR FARMERS) 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 Bartlett) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

**27 EDUCATION, TRAINING AND YOUTH 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 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 Bartlett) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

**28 TREASURY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL
(NO. 2) 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.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 2, page 2 (after line 3), at the end of the clause, add:

- (3) Items 2 and 3 of Schedule 5 commence immediately after the commencement of item 1 of Schedule 1 to the *Financial Services Reform Act 2001*.

Page 68 (after line 10), at the end of the bill, add:

Schedule 5—Amendment of other legislation

Australian Securities and Investments Commission Act 2001

1 At the end of Division 3 of Part 1

Add:

4AA *Criminal Code does not apply*

Chapter 2 of the *Criminal Code* does not apply to any offences against this Act.

2 Section 4AA

Repeal the section.

Corporations Act 2001

3 Section 769A

Repeal the section, substitute:

769A Part 2.5 of *Criminal Code* does not apply

Despite section 1308A, Part 2.5 of the *Criminal Code* does not apply to any offences based on the provisions of this Chapter.

Note: For the purposes of offences based on provisions of this Chapter, corporate criminal responsibility is dealt with by section 769B, rather than by Part 2.5 of the *Criminal Code*.

4 At the end of Part 7.14

Add:

1119A *Criminal Code* does not apply

Despite section 1308A, Chapter 2 of the *Criminal Code* does not apply to any offences based on provisions of this Chapter.

5 At the end of Part 8.8

Add:

1273A *Criminal Code* does not apply

Despite section 1308A, Chapter 2 of the *Criminal Code* does not apply to any offences based on provisions of this Chapter.

Financial Services Reform Act 2001

6 Subsection 2(2)

Omit “(3) to (7)”, substitute “(3) to (6)”.

7 Subsection 2(7)

Repeal the subsection.

8 Item 250 of Schedule 1

Repeal the item.

Insurance (Agents and Brokers) Act 1984

9 After section 5

Insert:

5A Criminal Code does not apply

Chapter 2 of the *Criminal Code* does not apply to any offences against this Act.

***Treasury Legislation Amendment (Application of Criminal Code) Act
(No. 3) 2001***

10 Subsection 2(2)

Repeal the subsection.

Senator Murray moved the following amendment:

Schedule 4, item 2, page 30 (after line 28), after paragraph (1A)(c), insert:

(ca) for the purposes of the *Freedom of Information Act 1982*; or

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

29 SUPERANNUATION LEGISLATION AMENDMENT (INDEXATION) 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 Bartlett) resumed the chair and the Chair of Committees (Senator West) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

30 HEALTH AND OTHER SERVICES (COMPENSATION) LEGISLATION AMENDMENT BILL 2001

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

31 TRADE PRACTICES AMENDMENT (TELECOMMUNICATIONS) BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—That this bill be now read a second time.

Senator Bishop moved the following amendment:

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

- (a) notes the lack of effective competition in significant parts of the Australian telecommunications industry;
- (b) notes the Government’s failure to respond in a timely manner to widespread industry concerns held since at least January 1999 about delays in the telecommunications competition regime, which continue to the detriment of both consumers and the industry;

- (c) notes that the cause of the Government's failure to act has been its ideological obsession with the full privatisation of Telstra; and
- (d) calls on the Government to urgently consider further reform as part of its response to the final report of the Productivity Commission's inquiry into the telecommunications competition regime due next month".

Debate ensued.

Senator Allison moved the following amendment to Senator Bishop's proposed amendment:

Omit paragraphs (b), (c) and (d).

Debate ensued.

Question—That Senator Allison's amendment to Senator Bishop's proposed amendment be agreed to—put and negatived.

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

Main question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee was adopted and the bill read a third time.

32 **INTERACTIVE GAMBLING AMENDMENT BILL 2001**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Senator Bishop moved the following amendment:

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

- (a) maintains that the *Interactive Gambling Act 2001* remains unworkable, internally inconsistent and hypocritical legislation which:
 - (i) does not provide strong regulation of interactive gambling as the most practical and effective way of reducing social harm arising from gambling,
 - (ii) may exacerbate problem gambling in Australia by barring access to regulated online gambling services with in-built safeguards but allows access to unregulated offshore online gambling sites that do not offer consumer protection or probity,

- (iii) does not extend current regulatory and consumer protection requirements applying to off-line and land-based casinos, clubs or wagering venues to on-line casinos and on-line wagering facilities,
 - (iv) damages Australia's international reputation for effective consumer protection laws and strong, workable gambling regulations,
 - (v) singles out one form of gambling in an attempt to create the impression of placating community concern about the adverse social consequences of gambling but does not address more prevalent forms of gambling in Australian society, and
 - (vi) is not technology neutral or technically feasible; and
- (b) calls on the Government to show national leadership on this issue by:
- (i) addressing harm minimisation and consumer protection as well as criminal issues that may arise from online gambling,
 - (ii) ensuring a quality gambling product through financial probity checks on providers and their staff,
 - (iii) maintaining the integrity of games and the proper working of gaming equipment,
 - (iv) providing mechanisms to exclude those not eligible to gamble under Australian law,
 - (v) implementing problem gambling controls, such as exclusion from facilities, expenditure thresholds, no credit betting, and the regular provision of transaction records,
 - (vi) introducing measures to minimise any criminal activity linked to interactive gambling,
 - (vii) providing effective privacy protection for online gamblers,
 - (viii) containing social costs by ensuring that adequate ongoing funds are available to assist those with gambling problems,
 - (ix) addressing revenue issues that impact upon state government decisions relating to interactive gambling,
 - (x) establishing consistent standards for all interactive gambling operators,
 - (xi) examining international protocols with the aim of achieving multilateral agreements on sports betting and other forms of interactive gambling,
 - (xii) ensuring appropriate standards in advertising, in particular, to prevent advertising from targeting minors,
 - (xiii) investigating mechanisms to ensure that some of the benefits of online gambling accrue more directly to the local community,
 - (xiv) working with state and territory governments to ensure that online and interactive gambling operators meet the highest standards of probity and auditing through licensing agreements,
 - (xv) seeking co-regulation of interactive gambling by establishing a national regulatory framework that provides consumer safeguards and industry codes of practice, and

- (xvi) coordinating the development of a co-regulatory regime through the Ministerial Council comprising of relevant state and federal ministers”.

Debate ensued.

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

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee was adopted and the bill read a third time.

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

At 2 pm—

33 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Indonesia led by the Chairman of the Peoples’ Consultative Assembly, Dr Amien Rais, and, with the concurrence of honourable senators, invited the Chairman to take a seat on the floor of the chamber.

Further questions without notice were answered.

34 MINISTER FOR INDUSTRY, SCIENCE AND RESOURCES—ANSWERS TO QUESTIONS

Senator Cook moved—That the Senate take note of the answers given by the Minister for Industry, Science and Resources (Senator Minchin) to questions without notice asked today.

Debate ensued.

Question put and passed.

35 IMMIGRATION—ASYLUM SEEKERS—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill) to a question without notice asked by Senator Bourne today relating to the costs associated with the processing of asylum seekers in Nauru.

Question put and passed.

36 AUDITOR-GENERAL—AUDIT REPORTS NOS 12 AND 13 OF 2001-2002

The Acting Deputy President (Senator George Campbell) tabled the following documents:

Auditor-General—Audit reports for 2001-2002—

No. 12—Financial control and administration audit—Selection, implementation and management of financial information systems in Commonwealth agencies.

No. 13—Performance audit—Internet security within Commonwealth government agencies.

37 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—385TH REPORT

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

385th report—Review of Auditor-General's reports 2000-2001: Second and third quarters—Australian Taxation Office internal fraud control arrangements; Fraud control in Defence; Defence Estate facilities operations, dated August 2001.

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

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

38 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—9TH AND 10TH REPORTS OF 2001

Senator Calvert, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

9th report of 2001—RAAF Base Townsville, redevelopment stage 2, Townsville, Queensland.

10th report of 2001—Redevelopment of the Army Aviation Centre Oakey, Queensland.

Senator Calvert, by leave, moved—That the Senate take note of the reports.

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

39 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 11 of 2001.

Class Rulings CR 2001/2 (Addendum) and CR 2001/46-CR 2001/48.

National Health Act—Determinations under Schedule 1—PHI 20/2001-PHI 22/2001.

Taxation Ruling TR 2001/9.

40 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2001

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

Message no. 820, dated 20 September 2001—A Bill for an Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) 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 Boswell 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.

41 EXCISE TARIFF AMENDMENT (CRUDE OIL) BILL 2001

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

Message no. 821, dated 20 September 2001—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

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

On the motion of Senator O'Brien the debate was adjourned till the next day of sitting.

**42 BANKRUPTCY LEGISLATION AMENDMENT BILL 2001
BANKRUPTCY (ESTATE CHARGES) AMENDMENT BILL 2001**

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

Message no. 823, dated 20 September 2001—A Bill for an Act to amend the law relating to bankruptcy, and for related purposes.

Message no. 812, dated 18 September 2001—A Bill for an Act to amend the *Bankruptcy (Estate Charges) Act 1997*, 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.

Explanatory memorandum: Senator Boswell tabled a revised explanatory memorandum relating to the Bankruptcy Legislation Amendment Bill 2001.

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.

**43 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of Senator Brown (*see entry no. 22*).

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett

Bourne (Teller)
Brown

Lees
Murray

Ridgeway
Stott Despoja

NOES, 41

Senators—

Abetz
Boswell
Brandis
Buckland
Calvert
Campbell, George
Carr
Chapman
Collins
Cook
Cooney

Crane
Denman
Eggleston
Ferguson
Ferris
Gibson
Herron
Hogg
Hutchins
Lightfoot
Ludwig

Lundy
Macdonald, Sandy
Mackay
Mason
McGauran
McLucas
Murphy
O'Brien (Teller)
Patterson
Payne
Ray

Reid
Schacht
Tambling
Tchen
Tierney
Vanstone
Watson
West

Question negatived.

General business was called on.

44 TAXATION—GOODS AND SERVICES TAX

Senator Cook, pursuant to notice, moved—That the Senate condemns the Government for introducing a goods and services tax after promising ‘never, ever’ to do so and for the damage that this regressive tax has done to small business, middle- and low-income earners, and particularly Australian families, through the botched way it has been implemented and continues to operate.

Debate ensued.

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

45 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Civil Aviation Safety Authority—Corporate plan 2001-02 to 2003-04. Motion to take note of document moved by Senator O'Brien. Debate adjourned till Thursday at general business, Senator O'Brien in continuation.

Airservices Australia—Sydney Airport—Maximum movement limit compliance statement for the period 1 April to 30 June 2001. Motion to take note of document moved by Senator O'Brien. Debate adjourned till Thursday at general business, Senator O'Brien in continuation.

Agreement between the Government of Australia and the Government of the Russian Federation on Cooperation in the Field of the Exploration and Use of Outer Space for Peaceful Purposes, done at Canberra on 23 May 2001 [*Replacement for document tabled on 21 August 2001*]. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, September 2001. Motion to take note of document moved by Senator Bartlett and agreed to.

General business orders of the day no. 1 relating to government documents was called on but no motion was moved.

General business concluded.

46 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Privileges—Standing Committee—100th report—Possible unauthorised disclosure of a draft report of Legal and Constitutional Legislation Committee. Motion of the chair of the committee (Senator Ray) to take note of report debated and agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's relations with the Middle East. Motion of Senator Calvert to take note of report called on. On the motion of Senator Forshaw debate was adjourned till the next day of sitting.

Superannuation and Financial Services—Select Committee—Report—Prudential supervision and consumer protection for superannuation, banking and financial services—Second report—Some case studies. Motion of Senator Lightfoot to take note of report agreed to.

Community Affairs References Committee—Report—Lost innocents: Righting the records. Motion of the chair of the committee (Senator Crowley) to take note of report agreed to.

Privileges—Standing Committee—99th report—Possible unauthorised disclosure of a submission to the Parliamentary Joint Committee on Corporations and Securities. Motion of the chair of the committee (Senator Ray) to take note of report agreed to.

47 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 11 of 2001-02—Performance audit—Administration of the Federation Fund Programme. Motion of the Leader of the Opposition in the Senate (Senator Faulkner) to take note of document called on. On the motion of Senator O'Brien debate was adjourned till the next day of sitting.

Order of the day no. 1 relating to a report of the Auditor-General was called on but no motion was moved.

48 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.22 pm till Monday, 24 September 2001 at 12.30 pm.

49 ATTENDANCE

Present, all senators except Senators Crowley*, Gibbs, Greig* and Knowles (* on leave).

HARRY EVANS
Clerk of the Senate