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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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**1 MEETING OF SENATE**

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

**2 MIGRATION LEGISLATION AMENDMENT BILL (NO. 6) 2001  
MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 2001**

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

Message no. 830, dated 24 September 2001—A Bill for an Act to amend the *Migration Act 1958*, and for other purposes.

Message no. 824, dated 20 September 2001—A Bill for an Act to amend the *Migration Act 1958*, and for other purposes.

The Minister for the Environment and Heritage (Senator Hill) 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 Hill moved—That these bills be now read a second time.

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*Explanatory memorandum:* Senator Hill tabled a revised explanatory memorandum relating to the Migration Legislation Amendment Bill (No. 6) 2001.

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*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.

**3 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Minister for the Environment and Heritage (Senator Hill), at the request of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), amended Senator Ian Campbell's notice of motion by leave and, pursuant to notice, moved—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  
 Migration Legislation Amendment Bill (No. 5) 2001.

(3) The question for the adjournment shall be proposed at midnight.

Debate ensued.

Question put.

The Senate divided—

AYES, 47

Senators—

Abetz	Denman	Knowles	Patterson
Bishop	Eggleston	Lightfoot	Payne
Boswell	Evans	Ludwig	Ray
Brandis	Ferguson	Lundy	Reid
Buckland	Ferris	Macdonald, Sandy	Schacht
Campbell, George	Forshaw	Mackay	Tambling
Carr	Gibbs	Mason	Tchen
Cook	Gibson	McGauran	Tierney
Coonan (Teller)	Harris	McKiernan	Troeth
Cooney	Hill	McLucas	Watson
Crane	Hogg	Murphy	West
Crossin	Hutchins	O'Brien	

NOES, 9

Senators—

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

Question agreed to.

#### 4 CONSIDERATION OF LEGISLATION

The Minister for the Environment and Heritage (Senator Hill), 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—

- (1) 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 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 Bill (No. 6) 2001
  - Migration Legislation Amendment Bill (No. 5) 2001.
- (2) That the Migration Legislation Amendment Bill (No. 6) 2001 may be proceeded with before the Legal and Constitutional References Committee reports on its provisions.
- (3) That the government business orders of the day relating to the following bills may be taken together for their remaining stages:

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 Bill (No. 6) 2001  
Migration Legislation Amendment Bill (No. 5) 2001  
Migration Legislation Amendment Bill (No. 1) 2001  
Migration Legislation Amendment (Judicial Review) Bill 1998 [2001].

Debate ensued.

Senator Bartlett moved the following amendments together by leave:

Omit paragraph (2).

Paragraph (3), omit “Migration Legislation Amendment Bill (No. 6) 2001”.

Debate ensued.

*At 2 pm:* Debate was interrupted while Senator Ray was speaking.

**5 QUESTIONS**

Questions without notice were answered.

**6 TRANSPORT—ANSETT AUSTRALIA—ORDER FOR PRODUCTION OF DOCUMENTS—  
PROPOSED STATEMENT BY LEAVE**

*Leave refused:* The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) sought leave to make a statement relating to the order of the Senate of 19 September 2001 for the production of documents concerning Ansett Australia (*see entry no. 19, 19 September 2001*).

An objection was raised and leave was not granted.

**7 TAXATION—ANSWERS TO QUESTIONS**

Senator Conroy moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) to questions without notice asked today relating to the goods and services tax.

Debate ensued.

Question put and passed.

**8 FOREIGN AFFAIRS—ZIMBABWE—ANSWER TO QUESTION**

Senator Murray 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 Murray today relating to Zimbabwe President, Mr Mugabe, and the Zimbabwe African National Union – Patriotic Front.

Question put and passed.

**9 TRANSPORT—ANSETT—ORDERS FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE AND DOCUMENT**

The Minister for the Environment and Heritage (Senator Hill), by leave, made a statement relating to the order of the Senate of 20 September 2001 (*see entry no. 11, 20 September 2001*) for the production of documents concerning Ansett and, at the request of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald), tabled the following document relating to the order of the Senate of 19 September 2001 (*see entry no. 19, 19 September 2001*) for the production of documents concerning Ansett:

Transport—Ansett—Statement relating to order for the production of documents concerning Ansett.

Senator O'Brien, by leave, moved—That the Senate take note of the statement.

Question put and passed.

**10 PETITIONS**

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

Senator Calvert, from 90 petitioners, requesting that the Senate ensure that people with disabilities are not disadvantaged when travelling across Bass Strait by sea and that the Tasmanian and Victorian governments provide port facilities which meet the appropriate standards.

Senator Hogg, from 411 petitioners, requesting that the Senate reject the Government's proposed plans to fully privatise Telstra.

**11 NOTICES**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on 25 September 2001, from 6.30 pm, to take evidence for the committee's inquiry into Ansett Australia.

The Chair of the Legal and Constitutional References Committee (Senator McKiernan): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000 be extended to the last sitting day in March 2002.

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

(a) recognising that:

- (i) Australia has an international reputation as a successful multicultural society,
- (ii) freedom and respect for diversity, particularly religious diversity, has underpinned that success,
- (iii) Australia has had a peaceful transition from a time where one religious group dominated religious culture to the current situation where religious legitimacy is shared by all religious groups, and

- (iv) such success has been based on religious settlement involving highly diverse religious groups;
- (b) further recognising that the framework provided by Australia's civic values of tolerance, equality, our 'fair go' culture, and freedom of speech and religion, together with the structures of constitutional parliamentary democracy and the rule of law, have worked together to enable this transition;
- (c) noting that:
  - (i) Muslims are the largest non-Christian religious group in Australia, with migrants from Turkey, Lebanon, and other Middle East and Asian cultures,
  - (ii) at least 35 per cent of Australian Muslims were born in Australia, and
  - (iii) Muslim migrants have been part of Australian society for more than a century, with the first mosques built in Adelaide, Coolgardie, Maree, Broken Hill and Perth by the end of the nineteenth century;
- (d) appreciating that Islam is a peaceful religion and that in more than 100 years of immigration Australia has never experienced acts of terrorism arising from our migrant Muslim communities, but that Australia has benefited enormously from the successful immigration of such communities;
- (e) noting also the commitment expressed by Muslims and Australian Arabs in the press on the weekend of 22 and 23 September 2001 to condemning terrorism;
- (f) is concerned at the current unhealthy level of physical and verbal attacks on these communities, especially their mosques, schools, women and children; and
- (g) calls on the Australian community, at all levels, to give Australia's migrant Muslim community the respect we give to all other religious groups.

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

- (a) notes that:
  - (i) a record 1.09 million tonnes of timber from Victoria's native forests last financial year is to be woodchipped,
  - (ii) this compares with just 650 000 tonnes of timber for sawlogs,
  - (iii) woodchip volumes from Victorian native forests have more than doubled since 1997 when the first Victorian Regional Forest Agreement was signed, and
  - (iv) woodchip volumes from East Gippsland forests rose from 155 918 tonnes in the 1998-99 financial year to 399 201 tonnes in the 2000-01 financial year; and
- (b) urges the Victorian State Government to phase-out logging in native forests by buying out forestry agreements and, in the interim, substantially increase the proportion of native forest timber that is value-added at sawmills.

Senator O'Brien: To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee have leave to meet during the sitting of the Senate on 25 September 2001, from 6.30 pm, and, if the Senate continues to sit beyond 8 pm, until midnight, for the purpose of holding a public hearing in relation to its inquiry into the collapse of Ansett Australia.

Senator Brown: To move on 27 September 2001—That the Senate—

- (a) notes that the civil rights lawyers who took action in the Federal Court on behalf of the asylum seekers on *MV Tampa* worked *pro bono* and in the public interest; and
- (b) calls on the Government to pay its own costs in the matter, including the costs of defending any appeals.

The Parliamentary Secretary to Cabinet (Senator Heffernan): To move on the next day of sitting—That, on Tuesday, 25 September 2001:

- (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at midnight.

**12 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Calvert, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), moved—That the time for the presentation of the report of the committee on the Disability Services Amendment (Improved Quality Assurance) Bill 2001 be extended to 26 September 2001.

Question put and passed.

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

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), by leave, moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 6 pm, take evidence for the committee's inquiry into the provisions of the Regional Forest Agreements Bill 2001.

Question put and passed.

**14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Calvert, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), moved—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 25 September 2001, from 3.30 pm, to take evidence for the committee's inquiry into the Disability Services Amendment (Improved Quality Assurance) Bill 2001.

Question put and passed.

**15 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 1046 standing in the name of Senator Brown for today, relating to public education, postponed till 25 September 2001.

General business notice of motion no. 969 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the introduction of the Republic (Consultation of the People) Bill 2001, postponed till 26 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 25 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 26 September 2001.



**16 LAW AND JUSTICE—DOMESTIC VIOLENCE**

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

- (a) notes that:
  - (i) the Victorian State Government recently rejected the petition of mercy for Heather Osland, who is serving a fourteen and a half year jail term for the murder of her abusive husband despite calls from the Release Heather Osland Group and 30 000 Victorians to do so, and
  - (ii) 330 000 Australian women reported to the Australian Bureau of Statistics in 1996 that they had experienced physical violence inflicted by their current partners and 1 070 000 by previous partners;
- (b) on behalf of women who suffer brutality at the hands of their partners, condemns the Victorian State Government for its lack of compassion in this case;
- (c) calls on state and territory governments to reform the law so that:
  - (i) ongoing and persistent abuse can be recognised as self defence in the consideration of murder charges, and
  - (ii) charges may be laid for physical violence with or without the involvement of the victim of abuse; and
- (d) calls on the Federal Government to increase its efforts to protect women and children from abuse.

Question put and negatived.

**17 HEALTH—TOBACCO—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved—

- (1) That the Senate, having regard to:
  - (a) the enormous health disaster represented by tobacco;
  - (b) the rising costs of tobacco diseases, conservatively estimated at \$12.7 billion (1992), that are borne by governments, individuals and businesses, including health care costs, lost productivity, absenteeism, and social security payments;
  - (c) the availability of evidence that the tobacco industry in other countries, including parent companies to Australian manufacturers may have engaged in:
    - (i) misleading and deceptive conduct to downplay the adverse health effects of smoking and the addictiveness of nicotine, and
    - (ii) misleading, deceptive and unconscionable conduct in relation to the marketing of tobacco products to children; and
  - (d) the desirability of preventing or reducing loss or damage suffered or likely to be suffered by such conduct, and of compensation being available for any loss and damage suffered or likely to be suffered by that conduct;

resolves that there be laid on the table, no later than 30 April 2002, a report by the Australian Competition and Consumer Commission (ACCC) on the performance of its functions under the *Trade Practices Act 1974*, with respect to:

- (e) the outcome of ACCC investigations into the conduct of Australian tobacco companies and their overseas parent and affiliate companies in relation to any such misleading, deceptive or unconscionable conduct;
  - (f) whether documents publicly released during the course of tobacco litigation in the United States of America contain evidence of anti-competitive behaviour or breaches of Australian law;
  - (g) the adequacy of current labelling laws under the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations to fully inform consumers of the risk that they are exposed to;
  - (h) the extent of loss or damage caused, or likely to be caused, by the conduct referred to in paragraph (e) in Australia;
  - (i) the extent to which the tobacco industry may be made liable to compensate for that loss or damage, or the extent to which that loss or damage may be prevented or reduced; and
  - (j) the potential for tobacco litigation in Australia, including for compensation and remedial action, in respect of that conduct.
- (2) That, in preparing a report under paragraph (1), the ACCC is to consider:
- (a) the importance of this issue to Australian public health;
  - (b) the impact of the costs of treating tobacco-related disease in Australia and the associated productivity losses borne by Australian businesses;
  - (c) the desirability of ensuring that the tobacco industry is made accountable under the Trade Practices Act in respect of such conduct, that any loss or damage suffered or likely to be suffered by that conduct be prevented or reduced and that any persons harmed or likely to be harmed by that conduct obtain appropriate compensation; and
  - (d) the potential for overseas parent and affiliate companies being made liable for such loss or damage; and

indicate in its report the action it has taken, and the action it proposes to take, with regard to the matters upon which it is required to report.

Question put and passed.

#### 18 ENVIRONMENT—RADIOACTIVE WASTE

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

- (a) notes:
  - (i) that a National Store Project discussion paper regarding the location for the disposal of radioactive waste was released in July 2001 by the Department of Industry, Science and Resources,
  - (ii) the discussion paper was advertised nationally, inviting submissions by the closing date of 31 August 2001,
  - (iii) hundreds of submissions to the discussion paper were 'returned to sender' as a result of the wrong address being provided in the national advertising campaign,

- (iv) many more submissions may have been lost altogether as a result of this blunder, and
  - (v) that the Minister provided a two-week extension for submissions to those who contacted the department, but did not notify interested parties or readvertise for submissions; and
- (b) calls on the Minister to:
- (i) readvertise nationally for public submissions to the National Store Project discussion paper with the correct address,
  - (ii) extend the deadline for public comment in order to ensure that all interested parties may resubmit their comments, and
  - (iii) directly contact those organisations and individuals expected to have an interest in the matter of the disposal of radioactive waste, in order to ensure that those organisations and individuals are aware of the new public comment period.

Question put and passed.

**19 COMMONWEALTH GAMES—MELBOURNE**

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

- (a) notes that the Victorian State Government:
- (i) proposes to legislate to exempt the forthcoming Commonwealth Games in Melbourne from planning, environment, heritage, building and coastal management Acts, and residential tenancy and local government controls, and
  - (ii) does not propose to adopt the ecologically-sustainable development (ESD) guidelines used by the Sydney Olympics so successfully;
- (b) notes that the venues and village are likely to all be constructed on parkland;
- (c) reminds the Bracks Government that it promised it would be democratic and accountable in government and not bypass the checks and balances as its predecessor had done; and
- (d) calls on the Victorian State Government to:
- (i) ensure there is no net loss of parkland in the Commonwealth Games preparation, and
  - (ii) implement the ESD guidelines for the Melbourne Commonwealth Games.

Question put and passed.

**20 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—REFERENCES**

Senator Calvert, at the request of the Chair of the Select Committee on Superannuation and Financial Services (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

Senator Calvert, at the request of Senator Watson and pursuant to notice of motion not objected to as a formal motion, moved—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.

Question put and passed.

## 21 URGENCY MOTION

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

The need for the Australian Government to take a lead role in having the United Nations coordinate the global response to the terrorist attacks in the United States and the need for the Australian Government to use all possible restraint in an effort to prevent war.

The proposal was supported by 4 senators.

Senator Brown moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison  
Bartlett  
Bourne (Teller)

Brown  
Cherry  
Greig

Lees  
Murray

Ridgeway  
Stott Despoja

## NOES, 51

## Senators—

Abetz	Crane	Hutchins	Payne
Bishop	Crossin	Knowles	Ray
Boswell	Denman	Lightfoot	Reid
Brandis	Eggleston	Ludwig	Schacht
Buckland	Ferguson	Lundy	Sherry
Calvert	Ferris	Macdonald, Sandy	Tambling
Campbell, George	Forshaw	Mackay	Tchen
Carr	Gibbs	Mason	Tierney
Collins	Gibson	McGauran	Troeth
Conroy	Harradine	McKiernan	Vanstone
Cook	Harris	McLucas	Watson
Coonan (Teller)	Herron	O'Brien	West
Cooney	Hogg	Patterson	

Question negatived.

**22 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—WITHDRAWAL OF REFERENCE**

Senator Coonan, by leave, moved—That the reference of aspects of the general insurance industry to the Select Committee on Superannuation and Financial Services, agreed to earlier today (*see entry no. 20*), be withdrawn.

Question put and passed.

**23 PARLIAMENT ACT—PARLIAMENTARY ZONE—WORKS PROPOSAL—DOCUMENTS**

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) tabled the following documents:

Parliament Act—Proposal, together with supporting documentation, relating to the design and content of slivers for Reconciliation Place.

*Notice of motion:* Senator Tambling, by leave, gave a notice of motion as follows: To move on the next day of sitting—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 content of slivers for Reconciliation Place in the Parliamentary Zone.

**24 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—MODEL FOR A NEW ARMY**

Senator Coonan, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson), tabled the following report and documents:

A model for a new army: Community comments on the *From Phantom to Force* parliamentary report into the army, dated September 2001, *Hansard* record of the committee's proceedings and submissions.

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

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

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

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

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

Superannuation and Financial Services—Select Committee—Prudential supervision and consumer protection for superannuation, banking and financial services—Third report: Auditing of superannuation funds, dated September 2001, *Hansard* record of the committee's proceedings and submissions [nos 238 to 241].

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

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

Debate ensued.

Question put and passed.

**26 TREATIES—JOINT STANDING COMMITTEE—42ND REPORT**

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

42nd report—Who's afraid of the WTO? Australia and the World Trade Organisation, dated September 2001, *Hansard* record of the committee's proceedings [12 vols], minutes of proceedings and submissions [315].

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

Debate ensued.

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

**27 AUSTRALIAN PARLIAMENTARY DELEGATION TO INDONESIA AND SOUTH KOREA—DOCUMENT**

Senator Calvert, by leave, tabled the following document:

Indonesia and South Korea—Report of the Australian parliamentary delegation, 1 to 14 July 2001, dated September 2001.

**28 DOCUMENTS**

The following documents were tabled by the Clerk:

Broadcasting Services Act—Regulations—Statutory Rules 2001 No. 249.

Defence Act—Regulations—Statutory Rules 2001 No. 250.

National Health Act—Determination under Schedule 1—PHI 25/2001.

Occupational Health and Safety (Commonwealth Employment) Act—Notice of Declaration—Notice No. 3 of 2001.

Remuneration Tribunal Act—Regulations—Statutory Rules 2001 No. 251.

Safety, Rehabilitation and Compensation Act—Notice of Declaration—Notice No. 6 of 2001.

Therapeutic Goods Act—Regulations—Statutory Rules 2001 No. 252.

**29 DEFENCE LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001  
EMPLOYMENT, WORKPLACE RELATIONS AND SMALL BUSINESS LEGISLATION  
AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001**

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

Message no. 825, dated 20 September 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for other purposes.

Message no. 826, dated 20 September 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) 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 Patterson 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.

Senator Patterson moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**30 INTELLIGENCE SERVICES BILL 2001  
INTELLIGENCE SERVICES (CONSEQUENTIAL PROVISIONS) BILL 2001**

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

Message no. 828, dated 24 September 2001—A Bill for an Act relating to the Australian intelligence services, and for related purposes.

Message no. 829, dated 24 September 2001—A Bill for an Act to deal with matters consequential on the enactment of the *Intelligence Services Act 2001*, and for related purposes.

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) 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 Patterson moved—That these bills be now read a second time.

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*Explanatory memoranda:* Senator Patterson tabled revised explanatory memoranda [2] relating to the bills.

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*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.

### 31 MEASURES TO COMBAT SERIOUS AND ORGANISED CRIME BILL 2001

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 827, dated 20 September 2001—Measures to Combat Serious and Organised Crime Bill 2001.

### 32 CONSIDERATION OF LEGISLATION

Order 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)—*and on the amendments moved by Senator Bartlett (see entry no. 4).*

Debate resumed.

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

Main question put and passed.

Order of the day read for the adjourned debate on the motion of Senator Ian Campbell—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Commonwealth Electoral Amendment Bill 2001, allowing it to be considered during this period of sittings.

Debate resumed.

Question put.

The Senate divided—

AYES, 38

Senators—

Abetz	Ellison	Lees	Ridgeway
Allison	Ferguson	Lightfoot	Stott Despoja
Bartlett	Ferris	Macdonald, Ian	Tambling
Boswell	Gibson	Macdonald, Sandy	Tchen
Bourne	Greig	Mason	Tierney
Brandis	Harradine	McGauran (Teller)	Troeth
Calvert	Heffernan	Minchin	Vanstone
Chapman	Herron	Murray	Watson
Cherry	Kemp	Patterson	
Eggleston	Knowles	Payne	



NOES, 23

Senators—

Bishop	Cooney	Hutchins	Murphy
Brown	Crossin	Ludwig (Teller)	O'Brien
Buckland	Denman	Lundy	Ray
Campbell, George	Evans	Mackay	Schacht
Collins	Gibbs	McKiernan	West
Cook	Hogg	McLucas	

Question agreed to.

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At 7.30 pm—

- 33 **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 BILL (NO. 6) 2001**  
**MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 2001**  
**MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2001**  
**MIGRATION LEGISLATION AMENDMENT (JUDICIAL REVIEW) BILL 1998 [2001]**

Order of the day read for the adjourned debate on the motions of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), the Minister for the Environment and Heritage (Senator Hill), the Special Minister of State (Senator Abetz), and the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson)—That these bills be now read a second time.

Debate resumed.

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*The Senate continued to sit till 12 midnight—*  
TUESDAY, 25 SEPTEMBER 2001 AM

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*At 12 midnight:* Debate was interrupted.

34 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 12.16 am till Tuesday, 25 September 2001 at 2 pm.

**35 ATTENDANCE**

Present, all senators except Senators Ian Campbell, Crowley\* and Newman (\* on leave).

**HARRY EVANS**  
Clerk of the Senate