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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Commonwealth Grants Commission—Report for 2000-01.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2000-01 on the operation of the *Industrial Chemicals (Notification and Assessment) Act 1989*.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee against Torture—Communications—

No. 148/1999—Outline.

No. 151/1999—Outline.

No. 152/1999—Outline.

No. 153/2000—Outline.

No. 154/2000—Outline.

No. 162/2000—Outline.

No. 167/2000 and 168/2000—Outline.

No. 177/2001—Outline.

Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 762/1997—Decision.

No. 772/1997—Decision.

No. 880/1999—Outline.

No. 881/1999—Outline.

No. 900/1999—Outline.

No. 901/1999—Outline.

No. 920/2000—Outline.

No. 930/2000—Outcome.

No. 937/2000—Outline.

No. 941/2000—Outline.

No. 954/2000—Outline.

No. 963/2001—Decision.

No. 983/2001—Outline.

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That government business notice of motion no. 1 standing in the name of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) for today, relating to the hours of meeting and routine of business, be postponed till a later hour.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), at the request of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) and pursuant to notice, 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:

Abolition of Compulsory Age Retirement (Statutory Officeholders) Bill 2001
 Air Passenger Ticket Levy (Imposition) Bill 2001
 Air Passenger Ticket Levy (Collection) Bill 2001
 Bankruptcy Legislation Amendment Bill 2001
 Bankruptcy (Estate Charges) Amendment Bill 2001
 Cybercrime Bill 2001
 Customs Tariff Amendment Bill (No. 4) 2001
 Defence Legislation Amendment (Application of Criminal Code) Bill 2001
 Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Bill 2001
 Fuel Legislation Amendment (Grant and Rebate Schemes) Bill 2001
 Indigenous Education (Targeted Assistance) Amendment Bill 2001
 Intelligence Services Bill 2001
 Intelligence Services (Consequential Provisions) Bill 2001
 Jurisdiction of the Federal Magistrates Service Legislation Amendment Bill 2001
 Motor Vehicle Standards Amendment Bill 2001
 Olympic Insignia Protection Amendment Bill 2001
 Regional Forest Agreements Bill 2001
 Taxation Laws Amendment Bill (No. 5) 2001
 Taxation Laws Amendment Bill (No. 6) 2001
 Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2001
 Workplace Relations Amendment (Minimum Entitlements for Victorian Workers) Bill 2001.

Debate ensued.

Senator Bartlett moved the following amendment:

Omit “Regional Forest Agreements Bill 2001”.

Debate ensued.

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

Main question, as amended, put and passed.

5 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Hill)—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.

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

- 6 **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 further consideration of the bills in committee of the whole.

In the committee

MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) (CONSEQUENTIAL PROVISIONS) BILL 2001—

Consideration resumed of the bill.

Question—That the bill be agreed to—divided in respect of Schedule 2, items [4], [5] and [6].

Schedule 2, items [4], [5] and [6] debated and agreed to.

Question—That the bill be agreed to—divided in respect of Schedule 2, item [7], clause 447.224.

Schedule 2, item [7], clause 447.224 debated and agreed to.

Senator Bartlett moved the following amendment:

Schedule 2, item [7], page 11 (lines 12 to 16), omit clause 447.311, substitute:

447.311 The applicant is a member of the family unit of a person who satisfies, or has satisfied, the criterion in clause 447.211.

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

Bill further debated.

Document: The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Migration bills—Copy of Department of Immigration and Multicultural Affairs fact sheet 24: Business skills migration.

Bill further debated.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator George Campbell) resumed the chair and the Temporary Chair of Committees (Senator Knowles) reported that the committee had considered the bills, made progress and asked leave to sit again.

Senator Ian Campbell moved—That the committee have leave to sit again at a later hour.

Debate ensued.

Question put and passed.

Declaration of urgency: The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) declared the following bills to be urgent 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 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],

and moved—That these bills be considered urgent bills.

Proposed suspension of standing orders: Senator Brown, pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 52

Senators—

Abetz	Crossin	Hogg	Murphy
Bishop	Denman	Hutchins	O'Brien
Bolkus	Eggleston	Kemp	Patterson
Boswell	Ellison	Knowles	Payne
Brandis	Evans	Lightfoot	Ray
Buckland	Ferguson	Ludwig	Schacht
Calvert (Teller)	Ferris	Lundy	Sherry
Campbell, George	Forshaw	Macdonald, Sandy	Tambling
Campbell, Ian	Gibbs	Mackay	Tchen
Carr	Harris	Mason	Troeth
Chapman	Heffernan	McGauran	Vanstone
Collins	Herron	McKiernan	Watson
Conroy	Hill	McLucas	West

Question negatived.

Question—That these bills be considered urgent bills—put and passed.

Allotment of time: Senator Ian Campbell moved—That the time allotted for the remaining stages of the Migration Amendment (Excision from Migration Zone) Bill 2001 and six related bills be until midday today.

Proposed suspension of standing orders: Senator Brown, pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

Debate ensued.

Question put and negatived.

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

Limitation of debate: The time allotted for the consideration of the bills expired.

Explanatory memoranda: Senator Ian Campbell tabled supplementary explanatory memoranda [3] relating to the government amendments to be moved to the Migration Legislation Amendment Bill (No. 1) 2001 and the Migration Legislation Amendment (Judicial Review) Bill 1998 [2001].

The following amendments circulated by the Government were agreed to:

In respect of the Migration Legislation Amendment Bill (No. 1) 2001—

Schedule 1, item 4, page 4 (lines 8 and 9), omit “within 35 days of the notification of the decision”, substitute “within 35 days of the actual (as opposed to deemed) notification of the decision”.

Schedule 1, item 6, page 5 (line 6) to page 6 (line 9), omit section 486B, substitute:

486B Multiple parties in migration litigation

Application of section

- (1) This section applies to all proceedings (*migration proceedings*) in the High Court or the Federal Court that raise an issue in connection with visas (including if a visa is not granted or has been cancelled), deportation, or removal of unlawful non-citizens.

Consolidation of proceedings

- (2) Consolidation of any migration proceeding with any other migration proceeding is not permitted unless the court is satisfied that:
 - (a) the consolidation would otherwise be permitted under other relevant laws (including Rules of Court); and
 - (b) the consolidation is desirable for the efficient conduct of the proceedings.

- (3) No appeal lies from a decision by the court not to consolidate proceedings under subsection (2).

Other joint proceedings etc.

- (4) The following are not permitted in or by a migration proceeding:
- (a) representative or class actions;
 - (b) joinder of plaintiffs or applicants or addition of parties;
 - (c) a person in any other way (but not including as a result of consolidation under subsection (2)) being a party to the proceeding jointly with, on behalf of, for the benefit of, or representing, one or more other persons, however this is described.

Relationship with other laws

- (5) This section has effect despite any other law, including in particular:
- (a) Part IVA of the *Federal Court of Australia Act 1976*; and
 - (b) any Rules of Court.
- (6) However, this section does not apply to a provision of an Act if the provision:
- (a) commences after this section commences; and
 - (b) specifically states that this section does not apply.

Exceptions to general rules

- (7) This section does not prevent the following persons from being involved in a migration proceeding:
- (a) the applicants in the proceeding and any persons they represent, if:
 - (i) the regulations set out a definition of *family* for the purposes of this paragraph; and
 - (ii) all of those applicants and other persons are members of the same family as so defined;
 - (b) a person who becomes a party to the proceeding in performing the person's statutory functions;
 - (c) the Attorney-General of the Commonwealth or of a State or Territory;
 - (d) any other person prescribed in the regulations.

Schedule 1, item 11, page 9 (line 28), omit "paragraph 486B(4)(a) or (d)", substitute "paragraph 486B(7)(a) or (d)".

In respect of the Migration Legislation Amendment (Judicial Review) Bill 1998 [2001]—

Schedule 1, item 7, page 6 (lines 5 to 11), omit subsection (6), including the note.

Schedule 1, item 7, page 7 (after line 5), after section 475, insert:

475A Section 476 not to affect the jurisdiction of the Federal Court in certain cases

Section 476 does not affect the jurisdiction of the Federal Court under section 39B or 44 of the *Judiciary Act 1903* in relation to:

- (a) a privative clause decision that is a decision made on a review by a Tribunal under Part 5 or 7 or section 500; or

- (b) any other decision in respect of which the Court's jurisdiction is not excluded by section 476.

Schedule 1, item 7, page 7 (lines 8 to 21), omit subsection (1), substitute:

- (1) Despite any other law, including sections 39B and 44 of the *Judiciary Act 1903*, the Federal Court does not have any jurisdiction in relation to a primary decision.

Schedule 1, item 7, page 7 (line 26), omit "section 48B, paragraph 72(1)(c), section 91F," substitute "subsection 37A(2) or (3), section 48B, paragraph 72(1)(c), section 91F, 91L, 91Q,".

Schedule 1, item 7, page 7 (after line 27), after subsection (2), insert:

- (2A) Despite any other law, including sections 39B and 44 of the *Judiciary Act 1903*, the Federal Court does not have any jurisdiction in respect of:
 - (a) a decision of the Principal Member of the Migration Review Tribunal or of the Principal Member of the Refugee Review Tribunal to refer a matter to the Administrative Appeals Tribunal; or
 - (b) a decision of the President of the Administrative Appeals Tribunal to accept, or not to accept, the referral of a decision under section 382 or 444.
- (2B) Despite any other law, including sections 39B and 44 of the *Judiciary Act 1903*, the Federal Court does not have any jurisdiction in respect of a decision of the Minister under Division 13A of Part 2 to order that a thing is not to be condemned as forfeited.

Schedule 1, item 7, page 7 (lines 28 to 31), omit subsection (3).

Schedule 1, item 7, page 8 (line 4), omit "subsection (1) or (2)", substitute "this section".

Schedule 1, item 7, page 8 (after line 4), at the end of section 476, add:

- (5) The reference in subsection (2) to section 345 is a reference to section 345 of this Act as in force before the commencement of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 1998*.
- (6) In this section:

primary decision means a privative clause decision:

 - (a) that is reviewable, or has been reviewed, under Part 5 or 7 or section 500; or
 - (b) that would have been so reviewable if an application for such review had been made within a specified period.

Schedule 1, item 7, page 8 (line 12), omit "Registry of the".

Schedule 1, item 7, page 8 (lines 14 to 31), omit subsections (2) to (4), substitute:

- (2) The Federal Court must not make an order allowing, or which has the effect of allowing, an applicant to lodge an application referred to in subsection (1) outside the period specified in that subsection.
- (3) The regulations may prescribe the way of notifying a person of a decision for the purposes of this section.

Schedule 1, item 7, page 9 (line 9), at the end of section 478, add:

; or (c) in any case—a person prescribed by the regulations.

Schedule 1, item 7, page 9 (line 18), at the end of section 479, add:

; or (c) in any case—a person prescribed by the regulations.

Schedule 1, item 7, page 9 (line 22), omit “or (2)”.

Schedule 1, item 7, page 9 (lines 23 and 24), omit “the High Court or the Federal Court (as the case requires)”, substitute “the Federal Court”.

Schedule 1, item 7, page 9 (lines 29 and 30), omit “or (2)”.

Schedule 1, page 10 (after line 31), after item 7, insert:

7A Subsection 486A(1)

Omit “decision covered by subsection 475(1), (2) or (4)”, substitute “privative clause decision”.

7B After section 486A

Insert:

486AA Intervention by Attorney-General

- (1) The Attorney-General may, on behalf of the Commonwealth, intervene in a proceeding resulting from an application referred to in subsection 486A(1).
- (2) If the Attorney-General intervenes in such a proceeding, the High Court may make such orders as to costs against the Commonwealth as the court thinks fit.
- (3) If the Attorney-General intervenes in such a proceeding, he or she is taken to be a party to the proceeding.

486AB Operation etc. of decision

The making of an application referred to in subsection 486A(1) does not:

- (a) affect the operation of the decision; or
- (b) prevent the taking of action to implement the decision; or
- (c) prevent the taking of action in reliance on the making of the decision.

7C Subsection 486C(1)

Omit “(the *relevant issue*)”.

7D Subsection 486C(2)

Repeal the subsection, substitute:

- (2) Those persons are:
 - (a) a party to a review mentioned in section 479; or
 - (b) the Attorney-General of the Commonwealth or of a State or a Territory; or
 - (c) a person who commences or continues the proceeding in performing the person’s statutory functions; or
 - (d) any other person prescribed by the regulations.

Schedule 1, item 8, page 12 (lines 1 to 13), omit subitems (4) and (5), substitute:

- (4) The amendments made by items 7A and 7B apply to decisions made after the commencement of those items.
- (5) The amendments made by items 7C and 7D apply in relation to proceedings that are commenced after the commencement of those items.

The following amendments circulated by the Australian Democrats were considered:

In respect of the Border Protection (Validation and Enforcement Powers) Bill 2001—

Page 1 (after line 5), after the title, insert:

Preamble

Whereas Australia is a party to the United Nations Convention on Refugees and the Protocol relating to the Status of Refugees, and thereby shares the profound concern of the United Nations for refugees, and endeavours to assure refugees the widest possible exercise of their fundamental rights and freedoms;

And whereas Australia, recognising the social and humanitarian nature of the problem of refugees, welcomes genuine refugees fleeing persecution in their homelands on the grounds of race, nationality, religion, membership of a particular social group, or political opinion;

Page 1 (line 6), after “Australia”, insert “therefore”.

Page 2 (after line 8), after clause 3, insert:

3A Expiration of Act

This Act ceases to be in force on 1 July 2002.

Clause 7, page 4 (after line 14), at the end of the clause, add:

- (3) No costs are payable to:
 - (a) the Commonwealth; or
 - (b) a Commonwealth officer; or
 - (c) any other person who acted on behalf of the Commonwealth in respect of an action to which this Part applies;
 in respect of proceedings to which this section applies that were instituted on or before the day on which this Act receives the Royal Assent.

Schedule 2, item 5, page 10 (line 26) to page 11 (line 24), omit the item.

In respect of the Migration Legislation Amendment Bill (No. 6) 2001—

Page 2 (after line 5), after clause 3, insert:

4 Expiration of Act

This Act ceases to be in force on 1 July 2002.

Schedule 1, item 2, page 3 (lines 11 to 13), omit paragraph (a), substitute:

- (a) a non-citizen in Australia to whom Australia has protection obligations under any of the following:
 - (i) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1989;

- (ii) the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989;
- (iii) the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966;
- (iv) the Refugees Convention as amended by the Refugees Protocol; or

Schedule 1, item 3, page 3 (lines 18 to 22), omit the item.

Schedule 1, item 4, page 3 (line 23) to page 4 (line 7), omit the item.

Schedule 1, item 5, page 4 (line 17), omit “the essential and significant reason”, substitute “a relevant and contributing factor”.

Schedule 1, item 5, page 4 (line 18), omit “the essential and significant reasons”, substitute “relevant contributing factors”.

Schedule 1, item 5, page 5 (lines 1 to 11), omit subsection (3).

Schedule 1, item 5, page 5 (lines 12 to 30), omit section 91S.

Schedule 1, item 5, page 6 (line 12) to page 7 (line 16), omit section 91U.

Schedule 1, item 5, page 6 (line 25), omit “; or”, substitute “; and”.

Schedule 1, item 5, page 6 (lines 26 and 27), omit subparagraph (iv).

Schedule 1, item 5, page 7 (line 17) to page 9 (line 25), omit section 91V.

Schedule 1, item 5, page 9 (line 26) to page 10 (line 11), omit section 91W.

Schedule 1, item 5, page 4 (line 21), omit “and discriminatory”.

Schedule 1, item 5, page 4 (line 28), after “physical”, insert “or mental”.

Schedule 1, item 5, page 7 (line 24) to page 8 (line 13), omit subsections (2) and (3).

Schedule 1, item 5, page 8 (line 28) to page 9 (line 18), omit subsections (5) and (6).

Schedule 1, item 5, page 9 (line 31) to page 10 (line 11), omit subsection 91W(2).

In respect of the Migration Legislation Amendment Bill (No. 5) 2001—

Schedule 1, item 1, page 3 (after line 26), after subsection (2), insert:

- (2A) An officer to whom information is disclosed under this section must treat that information as confidential and must not, either directly or indirectly, divulge or communicate the information to another person except in the course of his or her duties as an officer under this Act.
- (2B) An officer who contravenes subsection (2B) is guilty of an offence punishable, on summary conviction, by a fine of 50 penalty units or imprisonment for 12 months, or both.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

In respect of the Migration Legislation Amendment Bill (No. 1) 2001—

Page 2 (after line 24), after clause 3, insert:

4 Expiration of Act

This Act ceases to be in force on 1 July 2002.

Page 11 (after line 26), at the end of the bill, add:

Schedule 3—Review of certain matters

Migration Act 1958

After section 507

Insert:

508 Review of certain matters

- (1) The Minister must cause an independent review to be undertaken by a person or body of the operation of the following Acts:
 - (a) *Border Protection (Validation and Enforcement Powers) Act 2001*;
 - (b) *Migration Amendment (Excision from Migration Zone) Act 2001*;
 - (c) *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001*;
 - (d) *Migration Legislation Amendment Act (No. 1) 2001*;
 - (e) *Migration Legislation Amendment Act (No. 5) 2001*;
 - (f) *Migration Legislation Amendment Act (No. 6) 2001*;
 - (g) *Migration Legislation Amendment (Judicial Review) Act 2001*.
- (2) The review must be undertaken as soon as possible after the first anniversary of the first day on which all of the Acts mentioned in subsection (1) have commenced.
- (3) The person or body undertaking a review must give a report of the review to the Minister.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives it.

In respect of the Migration Legislation Amendment (Judicial Review) Bill 1998 [2001]—

Page 2 (after line 9), after clause 3, insert:

4 Expiration of Act

This Act ceases to be in force on 1 July 2002.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 10

Senators—

Allison
Bartlett
Bourne (Teller)

Cherry
Greig
Harradine

Lees
Murray

Ridgeway
Stott Despoja

NOES, 53

Senators—

Abetz	Crane	Hutchins	Payne
Alston	Crossin	Kemp	Reid
Bishop	Denman	Knowles	Schacht
Bolkus	Eggleston	Ludwig	Sherry
Boswell	Ellison	Macdonald, Ian	Tambling
Brandis	Evans	Macdonald, Sandy	Tchen
Buckland	Ferguson	Mackay	Tierney
Calvert (Teller)	Ferris	Mason	Troeth
Campbell, George	Forshaw	McGauran	Vanstone
Campbell, Ian	Gibbs	McKiernan	Watson
Carr	Harris	McLucas	West
Chapman	Heffernan	Murphy	
Collins	Herron	O'Brien	
Conroy	Hogg	Patterson	

Question negatived.

The following amendments circulated by Senator Brown in respect of the Border Protection (Validation and Enforcement Powers) Bill 2001 were considered:

Part 2, page 3 (line 2) to page 5 (line 5), Part 2, omit the Part.

Schedule 2, item 5, page 10 (line 26) to page 11 (line 24), omit the item.

Schedule 2, item 9, page 13 (line 13) to page 14 (line 24), omit section 245FA.

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

Statements by leave: Senator Schacht and the Minister for Justice and Customs (Senator Ellison), by leave, made statements relating to the bills.

Question—That the remaining stages of the bills be agreed to and the bills be now passed—put.

The Senate divided—

AYES, 50

Senators—

Abetz	Crane	Hutchins	Patterson
Alston	Crossin	Kemp	Payne
Bishop	Denman	Knowles	Reid
Boswell	Eggleston	Ludwig	Schacht
Brandis	Ellison	Macdonald, Ian	Sherry
Buckland	Evans	Macdonald, Sandy	Tambling
Campbell, George	Ferguson	Mackay	Tchen
Campbell, Ian	Ferris	Mason	Tierney
Carr	Forshaw	McGauran	Troeth
Chapman	Gibbs	McKiernan	Watson
Collins	Harris	McLucas	West
Conroy	Heffernan	Murphy	
Coonan (Teller)	Hogg	O'Brien	

NOES, 10

Senators—

Allison

Bartlett

Bourne (Teller)

Cherry

Greig

Harradine

Lees

Murray

Ridgeway

Stott Despoja

Question agreed to.

Bills read a third time.

After 12.45 pm—**7 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

Document: Senator Alston, by leave, tabled the following document:

Sewerage works—Residential property owned by Senator Faulkner—Copy of document relating to property development.

Further matters of public interest were discussed.

At 2 pm—**8 QUESTIONS**

Questions without notice were answered.

9 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Crossin, pursuant to standing order 74, asked the Minister representing the Minister for Aged Care (Senator Vanstone) for an explanation of an answer not being provided to question on notice no. 3670 (notice given 29 June 2001) relating to Tracy Aged Care in Darwin.

Senator Vanstone provided an explanation.

10 EDUCATION—SES FUNDING—ANSWERS TO QUESTIONS

Senator Carr moved—That the Senate take note of the answers given by the Minister for Justice and Customs (Senator Ellison) to questions without notice asked by Senators Carr and Crossin today relating to socioeconomic status (SES) funding of schools.

Debate ensued.

Question put and passed.

11 ABORIGINES—HEALTH FUNDING—ANSWER TO QUESTION

Senator Lees moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator Lees today relating to the funding of health care for Indigenous Australians.

Question put and passed.

12 NOTICES

Notices of motion:

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

- (a) notes, with great sadness, the untimely passing of one of the nation's leading spokespeople on Aboriginal health issues, Dr Arnold (Puggy) Hunter, of Broome in Western Australia on 3 September 2001;
- (b) acknowledges that Dr Hunter's tireless efforts to improve Aboriginal health services spanned some 30 years, and included leadership roles with the Broome Regional Aboriginal Medical Service, the Kimberley Aboriginal Medical Services Council, the National Aboriginal and Torres Strait Islander Health Council, and the National Aboriginal Community Controlled Health Organisation; and
- (c) pays tribute to Dr Hunter for his enormous contribution in raising national awareness of Aboriginal health problems and in improving access to health services for Aboriginal communities throughout Australia.

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

- (a) notes that:
 - (i) the mandate of the United Nations (UN) mission for the organisation of a referendum of self-determination in Western Sahara (MINURSO) expires on 30 November 2001,
 - (ii) there has been little progress in the implementation of the UN/OAU peace plan for Western Sahara,
 - (iii) the UN Secretary General's Personal Envoy, Mr James Baker III, has proposed a 'Draft Framework Agreement' calling for the abandonment of the peace plan agreed by both parties in 1988,
 - (iv) the only just, legal and lasting solution to the conflict in Western Sahara is to allow the Saharawi people to exercise their right to self-determination in a fair and just manner, and
 - (v) a failure by the UN to implement the peace plan would lead to a deterioration of the situation and would have dire consequences for the whole region;
- (b) calls on both parties in the conflict, Morocco and the Frente Polisario, to fully cooperate with the UN in its efforts to organise a free and fair referendum in Western Sahara; and
- (c) urges the Commonwealth Government to make representations to:
 - (i) the UN, urging it to proceed as soon as possible in organising the long overdue referendum of self-determination, in accordance with the UN/OAU peace plan and all relevant UN resolutions, and

- (ii) the Moroccan Government to fully cooperate with the UN and respect human rights in the occupied territories of Western Sahara.

Senator Allison: 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 the first sitting day in August 2002:

The adequacy of the tax system and related policy to address the retirement income and aged and health care needs of Australians.

The Chair of the Economics References Committee (Senator Murphy): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia's stock exchanges be extended to the last day of the 39th Parliament.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the recruitment and retention of Australian Defence Force personnel be extended to the last day of the 39th Parliament.

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 27 September 2001, from 10 am, to take evidence for the committee's inquiry into Ansett Australia.

The Chair of the Finance and Public Administration References Committee (Senator George Campbell): To move on the next day of sitting—That the order of the Senate of 20 June 2001 relating to the production of documents concerning departmental and agency contracts be varied to read as follows:

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than the tenth day of the spring and autumn sittings, a letter of advice that a list of contracts in accordance with paragraph (2) has been placed on the Internet, with access to the list through the department's or agency's home page.
- (2) The list of contracts referred to in paragraph (1) indicate:
 - (a) each contract entered into by the agency which has not been fully performed or which has been entered into during the previous 12 months, and which provides for a consideration to the value of \$100 000 or more;
 - (b) the contractor, the amount of the consideration and the subject matter of each such contract;
 - (c) whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether there are any other requirements of confidentiality, and a statement of the reasons for the confidentiality; and
 - (d) an estimate of the cost of complying with this order and a statement of the method used to make the estimate.

- (2A) If a list under paragraph (1) does not fully comply with the requirements of paragraph (2), the letter under paragraph (1) indicate the extent of, and reasons for, non-compliance, and when full compliance is expected to be achieved. Examples of non-compliance may include:
- (a) the list is not up to date;
 - (b) not all relevant agencies are included; and
 - (c) contracts all of which are confidential are not included.
- (2B) Where no contracts have been entered into by a department or agency, the letter under paragraph (1) is to advise accordingly.
- (3) In respect of contracts identified as containing provisions of the kind referred to in paragraph (2)(c), the Auditor-General be requested to provide to the Senate, within 6 months after each day mentioned in paragraph (1), a report indicating that the Auditor-General has examined a number of such contracts selected by the Auditor-General, and indicating whether any inappropriate use of such provisions was detected in that examination.
- (3A) In respect of letters including matter under paragraph (2A), the Auditor-General be requested to indicate in a report under paragraph (3) that the Auditor-General has examined a number of contracts, selected by the Auditor-General, which have not been included in a list, and to indicate whether the contracts should be listed.
- (4) The Finance and Public Administration References Committee consider and report on the first year of operation of this order.
- (5) This order has effect on and after 1 July 2001.
- (6) In this order:
- agency** means an agency within the meaning of the *Financial Management and Accountability Act 1997*;
 - autumn sittings** means the period of sittings of the Senate first commencing on a day after 1 January in any year;
 - previous 12 months** means the period of 12 months ending on the day before the first day of sitting of the autumn or spring sittings, as the case may be; and
 - spring sittings** means the period of sittings of the Senate first commencing on a day after 31 July in any year.

The Chair of the Select Committee on Superannuation and Financial Services (Senator Watson): To move on the next day of sitting—That the following aspects of the general insurance industry in Australia be referred to the Select Committee on Superannuation and Financial Services for inquiry 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 cost of public liability insurance and schemes that have reduced costs and better calculate and pool risk, as in some overseas jurisdictions;
- (c) the conduct of insurers; and

- (d) 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.

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

- (a) notes the growing support amongst the people of Melbourne for the noble game of rugby league; and
- (b) calls on the Minister for Communications, Information Technology and the Arts (Senator Alston) to use any powers available to him under the *Broadcasting Services Act 1992* to ensure that, if Channel 9 does not broadcast the NRL grand final live nationally, then the people of Melbourne will have an alternative opportunity to view this important game.

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Regional Forest Agreements Bill 2001, allowing it to be considered during this period of sittings.

Document: Senator Tambling tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Regional Forest Agreements Bill 2001 in the 2001 spring sittings.

Intention to withdraw: Senator McGauran, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan) and pursuant to standing order 78, gave notice of Senator Coonan's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in her name for 12 sitting days after today for the disallowance of the Space Activities Regulations 2001, as contained in Statutory Rules 2001 No. 186 and made under the *Space Activities Act 1998*.

Senator McGauran, by leave, made a statement relating to the notice of intention.

13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 15 OF 2001

Senator McGauran, at the request of the Chairman of the Selection of Bills Committee (Senator Calvert), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 15 OF 2001

1. The committee met on 25 September 2001.

2. The committee resolved to recommend—
 (a) That the provisions of the following bill be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation Committee	Reporting date
Proceeds of Crime Bill 2001	Immediately	Legal and Constitutional	22 November 2001

- (b) That the following bills *not* be referred to committees:
 Air Passenger Ticket Levy (Imposition) Bill 2001
 Air Passenger Ticket Levy (Collection) Bill 2001
 Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Bill 2001
 Fuel Legislation Amendment (Grant and Rebate Schemes) Bill 2001
 Health Legislation Amendment Bill (No. 3) 2001
 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
 Royal Commissions and Other Legislation Amendment Bill 2001
 Taxation Laws Amendment Bill (No. 5) 2001
 Taxation Laws Amendment Bill (No. 6) 2001

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:

Bill deferred from meeting of 7 August 2001

Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001

Bill deferred from meeting of 21 August 2001

State Elections (One Vote, One Value) Bill 2001

Bill deferred from meeting of 28 August 2001

Australian Citizenship Legislation Amendment Bill 2001

Bills deferred from meeting of 25 September 2001

Family Law Amendment (Child Protection Convention) Bill 2001

Olympic Insignia Protection Amendment Bill 2001

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2001

Paul Calvert

Chair

26 September 2001.

Senator McGauran moved—That the report be adopted.

Question put and passed.

14 ORDER OF BUSINESS—REARRANGEMENT

Senator McGauran, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Regional Forest Agreements Bill 2001, be postponed till a later hour.

Question put and passed.

15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, 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 24 October 2001.

Question put and passed.

16 POSTPONEMENTS

Items of business were postponed as follows:

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 27 September 2001.

General business notice of motion no. 1057 standing in the name of Senator Carr for today, relating to education, postponed till 27 September 2001.

17 STANDING COMMITTEE OF PRIVILEGES—100TH REPORT—CONSIDERATION

The Chair of the Standing Committee of Privileges (Senator Ray), pursuant to notice of motion not objected to as a formal motion, moved—That the Senate endorse the findings at paragraphs 15(a) to (f) of the 100th report of the Committee of Privileges.

Question put and passed.

18 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling), pursuant to notice of motion not objected to as a formal motion, moved—That, on Wednesday, 26 September 2001:

- (a) the hours of meeting shall be 9.30 am 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.

Statements by leave: Senator Ray, the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) and Senator Carr, by leave, made statements relating to the motion.

Question put and passed.

19 REPUBLIC (CONSULTATION OF THE PEOPLE) BILL 2001

The Leader of the Australian Democrats (Senator Stott Despoja), 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 provide for the electors to be consulted, at the same time as the general election for the House of Representatives, on whether Australia should become a republic and on whether they should vote again to choose from different republic models.

Question put and passed.

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

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

20 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ludwig, at the request of the Chair of the Employment, Workplace Relations, Small Business and Education References Committee (Senator Collins) and pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Employment, Workplace Relations, Small Business and Education References Committee on the education of gifted and talented children be extended to 22 October 2001.

Question put and passed.

21 ABORIGINAL DEATH IN CUSTODY

Senator Ridgeway amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes with great sadness that an Aboriginal man died in custody on 17 September 2001 in a Queensland gaol, nearly two months to the day since the previous Aboriginal death in custody in Western Australia on 18 June 2001;
- (b) acknowledges that:
 - (i) whereas Indigenous people in New South Wales were eight times more likely than the general population to be imprisoned in 1991, this figure rose to almost ten times more likely in 1998,
 - (ii) this over-representation of Indigenous Australians in our nation's gaols stems initially from their higher rate of appearance at court, which is amplified at the point of sentencing, with Indigenous offenders sentenced to prison at almost twice the rate of non-Indigenous offenders, and
 - (iii) this situation is contrary to the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody, which emphasised the need to reduce the disproportionate levels of Aboriginal people in custody, and to use incarceration as a measure of last resort; and

(c) calls on the Government:

- (i) to re-affirm its commitment to addressing the unacceptably high levels of social, economic and cultural disadvantage experienced by Aboriginal Peoples and Torres Strait Islanders in recognition that this disadvantage contributes to Indigenous over-representation in our gaols, and
- (ii) in consultation with Aboriginal Peoples and Torres Strait Islanders and their representative organisations, as well as state and territory governments, to commit to reviewing the national strategy with the aim of reducing the rate at which Indigenous persons appear in court and the rate at which they are taken into custody.

Question put and passed.

**22 SCRUTINY OF BILLS—STANDING COMMITTEE—13TH REPORT AND ALERT DIGEST
NO. 14 OF 2001**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney) tabled the following report and document:

13th report of 2001, dated 26 September 2001.

Alert Digest No. 14 of 2001, dated 26 September 2001.

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

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

Question put and passed.

23 PRIVILEGES—STANDING COMMITTEE—101ST REPORT

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

101st report—Persons referred to in the Senate (Staff and faculty of Greenwich University), dated September 2001.

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

Senator Ray moved—That the report be adopted.

Debate ensued.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

**24 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—FINAL REPORT—
ACCOUNTABILITY TO THE SENATE IN RELATION TO GOVERNMENT CONTRACTS**

The Chair of the Finance and Public Administration References Committee (Senator George Campbell) tabled the following report and documents:

Mechanism for providing accountability to the Senate in relation to government contracts—Final report—Commonwealth contracts: A new framework for accountability, dated September 2001 and submissions [nos 21 and 22].

Report ordered to be printed on the motion of Senator George Campbell.

Senator George Campbell moved—That the Senate take note of the report.

Question put and passed.

**25 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—MIGRATION
LEGISLATION AMENDMENT BILL (NO. 6) 2001**

The Chair of the Legal and Constitutional References Committee (Senator McKiernan) tabled the following report and documents:

Migration Legislation Amendment Bill (No. 6) 2001, dated September 2001, *Hansard* record of the committee's proceedings, document presented to the committee and submissions [16].

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

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

Debate ensued.

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

26 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—386TH REPORT

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

386th report—Review of the *Auditor-General Act 1997*, dated August 2001.

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

Question put and passed.

**27 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—
JOINT STATUTORY COMMITTEE—19TH REPORT**

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:

19th report—*Native Title Act 1993*—Inquiry under section 206(d)—Second interim report: Indigenous land use agreements, dated September 2001, *Hansard* record of the committee's proceedings [18 vols], documents presented to the committee and submissions [39].

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

28 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—14TH REPORT OF 2001

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

14th report of 2001—Redevelopment of residential areas at Enoggera, Queensland.

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

Question put and passed.

**29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—MOTOR VEHICLE STANDARDS AMENDMENT BILL 2001**

Pursuant to order, Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled the following report and documents:

Motor Vehicle Standards Amendment Bill 2001, dated September 2001, *Hansard* record of the committee's proceedings [2 vols], documents presented to the committee and submissions [59].

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

30 PARLIAMENT ACT—PARLIAMENTARY ZONE—WORKS PROPOSAL—DOCUMENTS

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) tabled the following documents:

Parliament Act—Proposal, together with supporting documentation, relating to artworks and finishes to Speakers Square at Commonwealth Place.

Notice of motion: Senator Ian Macdonald, 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 artworks and finishes to Speakers Square at Commonwealth Place in the Parliamentary Zone.

31 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 12 of 2001.

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Live Sheep Exports to Saudi Arabia) Amendment Order 2001 (No. 3).

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Consolidated statement of expenditure under paragraph 18(b), dated 24 September 2001.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 15/01-17/01.

**32 AIR PASSENGER TICKET LEVY (IMPOSITION) BILL 2001
AIR PASSENGER TICKET LEVY (COLLECTION) BILL 2001**

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

Message no. 836, dated 26 September 2001—A Bill for an Act to impose a levy on air passenger tickets, and for related purposes.

Message no. 835, dated 26 September 2001—A Bill for an Act to provide for a levy on certain air passenger tickets, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

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

On the motion of Senator Denman the debate was adjourned.

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

33 TAXATION LAWS AMENDMENT BILL (NO. 6) 2001

FUEL LEGISLATION AMENDMENT (GRANT AND REBATE SCHEMES) BILL 2001

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

Message no. 834, dated 26 September 2001—A Bill for an Act to amend the law relating to taxation.

Message no. 837, dated 26 September 2001—A Bill for an Act to amend the law relating to certain fuel grant and rebate schemes, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

Explanatory memorandum: Senator Ian Macdonald tabled a revised explanatory memorandum relating to the Taxation Laws Amendment Bill (No. 6) 2001.

On the motion of Senator Denman the debate was adjourned.

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

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

Question put and passed.

34 **HEALTH INSURANCE REGULATIONS—MOTION FOR DISALLOWANCE**

Senator Evans, pursuant to notice, moved—That the Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2001 (No. 4), as contained in Statutory Rules 2001 No. 157 and made under the *Health Insurance Act 1973*, be disallowed.

Debate ensued.

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

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

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

In the committee

Consideration resumed of the bill—and of the request for an amendment moved by Senator Carr:

That the House of Representatives be requested to make the following amendment:
Schedule 1, page 3 (after line 5), before item 1, insert:

1A Schedule 3 (table)

Repeal the table, substitute:

Capital grants for government schools	
Column 1	Column 2
Program year	Amount of grants (\$'000)
2001	229,821
2002	229,821
2003	229,821
2004	229,821
2005	
2006	
2007	

Note 1: Amounts for 2005, 2006 and 2007 will be inserted by an amending Act.

Note 2: The operation of section 106 may affect the amount of the grants.

Debate resumed.

Document: Senator Carr, by leave, tabled the following document:

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001—Socioeconomic Status (SES) index—Copy of *The Right Ingredients: But the Wrong Recipe—Technical issues related to the construction of the socioeconomic (SES) index used by the Department of Education, Training and Youth Affairs (DETYA) for guiding resource allocations among Australia's non-government schools* [Ross draft paper].

Debate continued.

Documents: The Minister for Justice and Customs (Senator Ellison) tabled the following documents:

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001—Socioeconomic Status (SES) index—
Department of Education, Training and Youth Affairs—*SES simulation project: Validation report—A report on analyses to validate the outcomes of the Socioeconomic Status (SES) Simulation Project*, dated May 1999.
Farish response to Ross draft paper.

Debate continued.

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

Bill agreed to, subject to a request.

Bill to be reported with a request for an amendment.

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

On the motion of Senator Ellison the report from the committee was adopted.

36 NOTICE OF MOTION WITHDRAWN

The Minister for Justice and Customs (Senator Ellison), at the request of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling), withdrew the government business notice of motion given earlier today in the name of Senator Tambling, relating to consideration of the Regional Forest Agreements Bill 2001.

37 ORDER OF BUSINESS—REARRANGEMENT

Senator Harradine, by leave, moved—That the order of the day relating to the adjourned debate on the motion of Senator Evans for the disallowance of the Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2001 (No. 4) be called on immediately.

Question put and passed.

38 HEALTH REGULATIONS—MOTION FOR DISALLOWANCE

Order read for the adjourned debate on the motion of Senator Evans (*see entry no. 34*).

Debate resumed.

Question put and passed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) the sitting of the Senate was suspended till 7.30 pm.

At 7.30 pm—

39 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) moved—That the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 4 Royal Commissions and Other Legislation Amendment Bill 2001.

No. 6 New Business Tax System (Thin Capitalisation) Bill 2001
New Business Tax System (Debt and Equity) Bill 2001.

Taxation Laws Amendment Bill (No. 6) 2001.

No. 8 Taxation Laws Amendment (Research and Development) Bill 2001.

Air Passenger Ticket Levy (Imposition) Bill 2001

Air Passenger Ticket Levy (Collection) Bill 2001.

Fuel Legislation Amendment (Grant and Rebate Schemes) Bill 2001.

Motor Vehicle Standards Amendment Bill 2001.

Intelligence Services Bill 2001

Intelligence Services (Consequential Provisions) Bill 2001.

Jurisdiction of the Federal Magistrates Service Legislation Amendment Bill 2001.

Bankruptcy Legislation Amendment Bill 2001

Bankruptcy (Estate Charges) Amendment Bill 2001.

Question put and passed.

40 ROYAL COMMISSIONS AND OTHER LEGISLATION AMENDMENT BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the debate was adjourned till the next day of sitting.

41 NEW BUSINESS TAX SYSTEM (THIN CAPITALISATION) BILL 2001
NEW BUSINESS TAX SYSTEM (DEBT AND EQUITY) BILL 2001

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

Debate resumed.

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

42 TAXATION LAWS AMENDMENT BILL (NO. 6) 2001

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

Senator Cook moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to use the opportunity provided by this bill to amend the New Tax System legislation to:

- (a) remove the goods and services tax (GST) from the price of women’s sanitary products;
- (b) remove the GST from funeral expenses;
- (c) remove the GST from fees paid by long-term caravan park and boarding house residents;
- (d) compensate charities for the extra burden imposed by the GST; and
- (e) simplify the GST for small businesses”.

Debate ensued.

On the motion of the Minister for the Environment and Heritage (Senator Hill) the debate was adjourned till the next day of sitting.

43 TAXATION LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

On the motion of the Minister for the Environment and Heritage (Senator Hill) the debate was adjourned till the next day of sitting.

44 **JURISDICTION OF THE FEDERAL MAGISTRATES SERVICE LEGISLATION AMENDMENT BILL 2001**
CUSTOMS TARIFF AMENDMENT BILL (No. 4) 2001
OLYMPIC INSIGNIA PROTECTION AMENDMENT BILL 2001
MOTOR VEHICLE STANDARDS AMENDMENT BILL 2001
TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001
ABOLITION OF COMPULSORY AGE RETIREMENT (STATUTORY OFFICEHOLDERS) BILL 2001
CYBERCRIME BILL 2001
TAXATION LAWS 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. 838, dated 26 September 2001—A Bill for an Act to amend the law relating to the jurisdiction of the Federal Magistrates Service, and for related purposes.

Message no. 839, dated 26 September 2001—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 841, dated 26 September 2001—A Bill for an Act to amend the *Olympic Insignia Protection Act 1987*, and for other purposes.

Message no. 842, dated 26 September 2001—A Bill for an Act to amend the *Motor Vehicle Standards Act 1989*, and for related purposes.

Message no. 843, dated 26 September 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

Message no. 844, dated 26 September 2001—A Bill for an Act to abolish compulsory age retirement for certain statutory officeholders, and for other purposes.

Message no. 845, dated 26 September 2001—A Bill for an Act to amend the law relating to computer offences, and for other purposes.

Message no. 846, dated 26 September 2001—A Bill for an Act to amend the law relating to taxation, and for related 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.

Explanatory memorandum: Senator Hill tabled a revised explanatory memorandum relating to the Customs Tariff Amendment Bill (No. 4) 2001.

On the motion of Senator O'Brien the debate was adjourned.

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

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

Question put and passed.

**45 MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2001
REGIONAL FOREST AGREEMENTS BILL 2001**

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

Message no. 840, dated 26 September 2001—A Bill for an Act to amend the *Migration Agents Registration Application Charge Act 1997*, and for related purposes.

Message no. 847, dated 26 September 2001—A Bill for an Act relating to Regional Forest Agreements, 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.

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

Question put and passed.

Statements by leave: The Leader of the Opposition in the Senate (Senator Faulkner) and Senators Hill, Watson, Bartlett and Mackay, by leave, made statements relating to the consideration of the Regional Forest Agreements Bill 2001.

**46 AIR PASSENGER TICKET LEVY (IMPOSITION) BILL 2001
AIR PASSENGER TICKET LEVY (COLLECTION) BILL 2001**

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald)—That these bills be now read a second time.

Debate resumed.

On the motion of the Special Minister of State (Senator Abetz) the debate was adjourned till the next day of sitting.

47 NOTICE OF MOTION

Leave refused: The Leader of the Opposition in the Senate (Senator Faulkner) sought leave to give a notice of motion, relating to the disallowance of certain electoral and referendum regulations.

An objection was raised and leave was not granted.

48 FUEL LEGISLATION AMENDMENT (GRANT AND REBATE SCHEMES) BILL 2001

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

On the motion of the Special Minister of State (Senator Abetz) the debate was adjourned till the next day of sitting.

**49 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—REGIONAL FOREST AGREEMENTS BILL 2001**

Pursuant to order, Senator Lightfoot, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled the following report and documents:

Regional Forest Agreements Bill 2001, dated September 2001, *Hansard* record of the committee's proceedings, documents presented to the committee and submissions [34].

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

50 MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2001

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 848, dated 26 September 2001—Migration Legislation Amendment Bill (No. 1) 2001.

The Senate continued to sit till 12 midnight—
THURSDAY, 27 SEPTEMBER 2001 AM

51 ADJOURNMENT

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

Debate ensued.

Document: Senator Heffernan, by leave, tabled the following document:

Penrith City Council—Copies of—

Article from the *Penrith Press* of 19 September 2000—'Bradbury's ready to be next mayor'.

Memorandum from General Manager, Penrith City Council, Alan Travers, to Councillor Ross Fowler, dated 8 March 2001, concerning a request for information relating to a residential building owned by the Member for Lindsay (Mrs Kelly).

Debate continued.

The Senate adjourned at 12.35 am till Thursday, 27 September 2001 at 9.30 am.

52 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate