

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 12

WEDNESDAY, 15 MAY 2002

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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:

Australian Technology Group Limited—Financial statements for 2000-01.

Department of Immigration and Multicultural and Indigenous Affairs—Access and equity report for 2001.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF Bioventures Pty Limited, IIF Foundation Pty Limited, IIF Newport Pty Limited—Reports for 2000-01.

Protection of Movable Cultural Heritage Act 1986—Report for 2000-01 on the operation of the Act and the administration of the National Cultural Heritage Account.

3 TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002

Order of the day read for the consideration of message no. 57 from the House of Representatives in committee of the whole (*see entry no. 46, 14 May 2002*).

In the committee

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the committee not insist on its amendment to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 48

Senators—

Alston	Crane	Hogg	McLucas
Barnett	Crossin	Hutchins	Murphy
Boswell	Crowley	Kemp	Ray
Brandis	Denman	Knowles	Reid
Buckland	Eggleston	Lightfoot	Schacht
Calvert	Ferguson	Ludwig	Scullion
Campbell, George	Ferris (Teller)	Lundy	Sherry
Carr	Forshaw	Macdonald, Sandy	Tehen
Chapman	Gibbs	Mackay	Tierney
Colbeck	Harradine	Mason	Vanstone
Collins	Harris	McGauran	Watson
Cooney	Herron	McKiernan	West

NOES, 8

Senators—

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

Question agreed to.
Resolution to be reported.

The Acting Deputy President (Senator Knowles) resumed the chair and the Chair of Committees (Senator West) reported that the committee had considered message no. 57 from the House of Representatives relating to the Taxation Laws Amendment (Baby Bonus) Bill 2002 and had resolved not to insist on the amendment made by the Senate to which the House of Representatives had disagreed.

On the motion of the Minister for the Arts and Sport (Senator Kemp) the report from the committee was adopted.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That intervening business be postponed till after consideration of government business order of the day no. 11 (Governor-General's opening speech: address-in-reply).

Question put and passed.

5 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY

Order of the day read for the adjourned debate on the motion—That the address-in-reply be agreed to (*see entry no. 11, 13 February 2002*)—and on the amendment moved by the Leader of the Australian Democrats (Senator Stott Despoja):

That the following words be added to the address-in-reply:

“, but the Senate is of the opinion that:

- (a) the Government must move towards a more humane and workable approach to asylum seekers; and
- (b) Woomera detention centre should be closed”.

Debate resumed.

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

Immigration—Mandatory detention—Document—*Mandatory detention: A view to assist the discussion, by Senator Jim McKiernan.*

Debate continued.

Documents: The Leader of the National Party of Australia in the Senate (Senator Boswell), by leave, tabled the following documents:

Gene technology—Human stem cell research—Copies of—
Articles from various websites [6].

Historical company extracts from the Australian Securities and Investments Commission database.

Debate continued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 36

Senators—

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

NOES, 32

Senators—

Abetz	Crane	Kemp	Payne
Alston	Eggleston	Knowles	Reid
Barnett	Ellison	Lightfoot	Scullion
Boswell	Ferguson	Macdonald, Sandy	Tchen
Brandis	Ferris	Mason	Tierney
Chapman	Heffernan	McGauran (Teller)	Troeth
Colbeck	Herron	Minchin	Vanstone
Coonan	Hill	Patterson	Watson

Question agreed to.

Debate continued.

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

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Declaration of interest: Senator Harris declared an interest in relation to the matter under discussion.

Further matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 BUDGET 2002-03—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2002-03 Budget.

Debate ensued.

Question put and passed.

9 NOTICES

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

- (a) notes with great sadness the death of one of Australia's national treasures and our 'First Lady of the Theatre', Ruth Cracknell, AM, on 13 May 2002;
- (b) recognises, too, the extensive body of work that Ms Cracknell produced over her 56-year career in Australian film, radio, television, theatre and literature which, together with her passion, style and sheer talent, made her a much-loved and respected household name in Australia and a recipient of the following awards:
 - (i) the Award of Membership of the Order of Australia (AM) in 1980,
 - (ii) the James Cassius Award for outstanding contribution to the performing arts in 2001,
 - (iii) induction into the Gold Logie Hall of Fame in 2001, and
 - (iv) honorary doctorates from the University of Sydney, Queensland University of Technology and the University of Western Sydney;
- (c) pays tribute to Ms Cracknell for her strong commitment to the pursuit of social justice for other Australians, noting in particular her principled stand on the need for Indigenous land rights and social justice; and
- (d) expresses its sincere condolences to Ms Cracknell's three children and seven grandchildren who survive her. (*general business notice of motion no. 68*)

Senator Sherry: To move on the next day of sitting—That there be laid on the table, on the next day of sitting, the report to the Australian Prudential Regulation Authority by the Inspector, Mr Anthony McGrath, of KPMG, into the Enhanced Cash Management Trust and its dealings with superannuation funds where Commercial Nominees of Australia was trustee. (*general business notice of motion no. 69*)

The Leader of the Australian Democrats (Senator Stott Despoja): To move on the next day of sitting—That the Senate—

- (a) notes speculation about possible military action in Iraq; and
- (b) calls upon the Government to refrain from committing to any military involvement without first putting any proposed commitment to the Senate for debate. (*general business notice of motion no. 70*)

Senator O'Brien: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 12 December 2002:

- (a) whether there are impediments to the achievement of the aims of the 'Plantations for Australia: The 2020 Vision' strategy;
- (b) whether there are elements of the strategy which should be altered in the light of the identification of these impediments; and
- (c) whether other action is desirable in the interests of establishing and maintaining a viable and sustainable plantation forest sector.

Senator Bourne: To move on the next day of sitting—That the Senate congratulates the people of East Timor on the celebration of their independence on 20 May 2002 and extends to them the Senate's best wishes for a peaceful and prosperous future. (*general business notice of motion no. 71*)

The Leader of the Australian Democrats (Senator Stott Despoja): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide paid maternity leave, and for related purposes. ***Workplace Relations Amendment (Paid Maternity Leave) Bill 2002***. (*general business notice of motion no. 72*)

Senator Brown: To move on the next day of sitting—That the Senate condemns the approval of the charcoal plant at Mogo near Batemans Bay, New South Wales, because it is a polluting, unsustainable development which is based on a massive new logging operation that will have a severe effect on south coast communities and, in particular, their economic security, lifestyle and amenities, and the local environment. (*general business notice of motion no. 73*)

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

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Constitution Alteration (Right to Stand for Parliament—Qualification of Members and Candidates) 1998 (No. 2) be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament. (*general business notice of motion no. 74*)

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

- (a) notes the start of earthmoving works for a housing development at Sandon Point in New South Wales; and
- (b) is concerned that protection of coastal wetlands and Indigenous heritage has not been guaranteed and therefore opposes the development. (*general business notice of motion no. 75*)

10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2002

The Chairman of the Selection of Bills Committee (Senator Calvert) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 3 OF 2002

1. The committee met on Tuesday, 14 May 2002.
2. The committee resolved to recommend—
 - (a) That, upon the introduction of the following bill in the House of Representatives, the provisions of the bill be *referred* to a committee as follows:

Bill title	Legislation Committee	Reporting date
Australian Protective Service Amendment Bill 2002	Legal and Constitutional	13 June 2002

- (b) That the following bills *not* be referred to committees:
 - Commonwealth Electoral Amendment Bill (No. 1) 2002
 - Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002
 - Jurisdiction of Courts Legislation Amendment Bill 2002
 - Bankruptcy Legislation Amendment Bill 2002
 - Bankruptcy (Estate Charges) Amendment Bill 2002
 - Customs Tariff Amendment Bill (No. 1) 2002
 - International Tax Agreements Amendment Bill (No. 1) 2002
 - Taxation Laws Amendment Bill (No. 3) 2002
 - Veterans' Affairs Legislation Amendment Bill (No. 1) 2002
 - Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002
 - Workplace Relations Amendment (Transmission of Business) Bill 2002
 - Workplace Relations (Registration and Accountability of Organisations) Bill 2002
 - Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002.

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:
 - Bills deferred from meeting of 19 March 2002*
 - Aviation Legislation Amendment Bill 2002
 - Copyright Amendment (Parallel Importation) Bill 2002
 - Plant Breeder's Rights Amendment Bill 2002
 - Social Security and Veterans' Entitlements Legislation Amendment (Disposal of Assets—Integrity of Means Testing) Bill 2002
 - Taxation Laws Amendment Bill (No. 2) 2002.
 - Bills deferred from meeting of 14 May 2002*
 - Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002
 - Financial Sector Legislation Amendment Bill (No. 1) 2002

Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002
Health Insurance Commission Amendment Bill 2002
Health Legislation Amendment (Private Health Industry Measures) Bill 2002
Research Agencies Legislation Amendment Bill 2002
Therapeutic Goods and Other Legislation Amendment Bill 2002.

Paul Calvert
Chair
15 May 2002.

Senator Calvert moved—That the report be adopted.

Question put and passed.

11 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the reference of matters to the Standing Committee of Privileges, postponed till 19 June 2002.

Business of the Senate notice of motion no. 2 standing in the name of Senator Murray for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 16 May 2002.

Business of the Senate notice of motion no. 3 standing in the name of Senator Brown for today, relating to the disallowance of the Christmas Island Space Centre (APSC Proposal) Regulations and the Christmas Island Space Centre (APSC Proposal) Ordinance, postponed till 16 May 2002.

General business notice of motion no. 14 standing in the name of Senator Harris for 16 May 2002, relating to the establishment of a select committee on the Lindeberg grievance, postponed till 19 June 2002.

General business notice of motion no. 16 standing in the name of Senator Brown for today, relating to the introduction of the Parliamentary Commission of Inquiry into Forestry Tasmania Bill 2002, postponed till 18 June 2002.

General business notice of motion no. 53 standing in the name of Senator Greig for 16 May 2002, relating to the introduction of the Sexuality Anti-Vilification Bill 2002, postponed till 18 June 2002.

General business notice of motion no. 56 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Treasurer (Senator Minchin), postponed till 27 June 2002.

General business notice of motion no. 58 standing in the name of Senator Allison for today, relating to missile defence tests at the Kwajalein Atoll, postponed till 16 May 2002.

General business notice of motion no. 60 standing in the name of Senator Allison for today, relating to Arne Rinnan, captain of the Norwegian vessel *MV Tampa*, postponed till 16 May 2002.

General business notice of motion no. 61 standing in the name of Senator Allison for today, relating to guidelines for the treatment of chronic fatigue syndrome, postponed till 16 May 2002.

General business notice of motion no. 62 standing in the name of Senator Allison for today, relating to climate change in Australia, postponed till 16 May 2002.

12 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Select Committee on a Certain Maritime Incident (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 57—That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 26 June 2002.

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 33

Senators—

Abetz	Coonan	Knowles	Reid
Alston	Crane	Lightfoot	Scullion
Barnett	Eggleston	Macdonald, Ian	Tchen
Boswell	Ellison	Macdonald, Sandy	Troeth
Brandis	Ferguson	Mason	Vanstone
Calvert (Teller)	Ferris	McGauran	Watson
Campbell, Ian	Heffernan	Minchin	
Chapman	Herron	Patterson	
Colbeck	Kemp	Payne	

Question agreed to.

13 DALAI LAMA—VISIT TO AUSTRALIA

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 66—That the Senate—

(a) notes the tour, in the week beginning 19 May 2002, by His Holiness the Dalai Lama to Sydney, Melbourne, Geelong and Canberra; and

(b) welcomes the Dalai Lama to Australia.

Question put and passed.

14 AUSTRALIAN BROADCASTING CORPORATION (SCRUTINY OF BOARD APPOINTMENTS) AMENDMENT BILL 2002

Senator Bourne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 18—That the following bill be introduced:

A Bill for an Act to amend the *Australian Broadcasting Corporation Act 1983* to provide for scrutiny of appointments to the ABC Board, and for related purposes.

Question put and passed.

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

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

15 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Calvert, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 64—That the Finance and Public Administration Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 May 2002, from 3.30 pm till 7 pm, to take evidence for the committee's inquiry into the Public Interest Disclosure Bill 2001 [2002].

Question put and passed.

16 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Calvert, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 65—That the time for the presentation of the reports of the Legal and Constitutional Legislation Committee on the provisions of the Migration Legislation Amendment (Procedural Fairness) Bill 2002 and on the provisions of the Migration Legislation Amendment Bill (No. 1) 2002 be extended to 22 May 2002.

Question put and passed.

17 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2002

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

Scrutiny of Bills—Standing Committee—

4th report of 2002, dated 15 May 2002.

Alert Digest No. 4 of 2002, dated 15 May 2002.

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.

18 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2001-02

Senator Calvert, at the request of the respective chairs, tabled additional information received by legislation committees as follows:

Additional estimates 2001-02—

Community Affairs Legislation Committee—vol. 5.

Employment, Workplace Relations and Education Legislation Committee—vols 1 to 5.

Legal and Constitutional Legislation Committee—vols 1 to 4.

Rural and Regional Affairs and Transport—vols 1 and 2.

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

Senator Calvert, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Estimates 2001-02—vol. 3).

20 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—65TH ANNUAL REPORT

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

Public Works—Joint Statutory Committee—65th annual report [2001], dated March 2002.

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

Question put and passed.

21 TREATIES—JOINT STANDING COMMITTEE—44TH AND 45TH REPORTS

Senator Cooney, on behalf of the Joint Standing Committee on Treaties, tabled the following reports and documents:

Treaties—Joint Standing Committee—

44th report—Four nuclear safeguards treaties tabled in August 2001, dated May 2002.

45th report—The Statute of the International Criminal Court, dated May 2002.

Minutes of proceedings relating to the reports.

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

Debate ensued.

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

22 FOREIGN AFFAIRS—EAST TIMOR—MINISTERIAL STATEMENT—DOCUMENT

The Special Minister of State (Senator Abetz) tabled the following document:

Foreign Affairs—East Timor: Birth of a nation—Ministerial statement by the Minister for Foreign Affairs (Mr Downer), dated 15 May 2002.

23 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 8 of 2002.

Broadcasting Services Act—

Datacasting Charge (Due and Payable) Determination 2001.

Datacasting Charge (Late Payment Penalty) Determination 2001.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 3/02 [5 dispensations].

24 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—

Department of Education, Science and Training.

Family and Community Services portfolio.

25 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

Environment, Communications, Information Technology and the Arts Legislation Committee—

Participating member: Senator Ray

Substitute member: Senator Tierney to replace Senator Calvert for the consideration of the provisions of the Broadcasting Services Amendment (Media Ownership) Bill 2002

Finance and Public Administration Legislation Committee—

Participating member: Senator Ray

Legal and Constitutional Legislation Committee—

Participating member: Senator Ray

Rural and Regional Affairs and Transport Legislation Committee—

Participating member: Senator Ray.

Question put and passed.

26 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—EXTENSION OF TIME TO REPORT

A message from the House of Representatives was reported acquainting the Senate with a resolution of that House:

Message no. 58, dated 14 May 2002, relating to an extension of time to 11 June 2002 for the Parliamentary Joint Committee on ASIO, ASIS and DSD to present its advisory report on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002.

27 COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 1) 2002

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

Message no. 59, dated 15 May 2002—A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

The Special Minister of State (Senator Abetz) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

On the motion of Senator Hutchins the debate was adjourned.

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

28 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—FAMILY LAW AMENDMENT (CHILD PROTECTION CONVENTION) BILL 2002

Pursuant to order, Senator Calvert, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Family Law Amendment (Child Protection Convention) Bill 2002—Report, dated May 2002, *Hansard* record of the committee's proceedings, additional information and submissions [3].

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

29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT BILLS

Pursuant to order, Senator Calvert, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Workplace Relations Amendment (Fair Dismissal) Bill 2002, Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002, Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002, Workplace Relations Amendment (Genuine Bargaining) Bill 2002, Workplace Relations Amendment (Fair Termination) Bill 2002—Report, dated May 2002, *Hansard* record of the committee's proceedings [2 vols], documents presented to the committee and submissions [30].

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

30 ELECTORAL AND REFERENDUM AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Order of the day read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Faulkner)—That the Electoral and Referendum Amendment Regulations 2001 (No. 1), as contained in Statutory Rules 2001 No. 248 and made under the *Commonwealth Electoral Act 1918*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 33

Senators—

Abetz	Crane	Hill	Reid
Barnett	Eggleston	Kemp	Scullion
Boswell	Ellison	Lightfoot	Tchen
Brandis	Ferguson	Macdonald, Ian	Tierney
Calvert (Teller)	Ferris	Macdonald, Sandy	Troeth
Campbell, Ian	Harradine	Mason	Watson
Chapman	Harris	McGauran	
Colbeck	Heffernan	Patterson	
Coonan	Herron	Payne	

Question agreed to.

31 NOTICE

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, gave a notice of motion as follows: To move on the next day of sitting—

- (1) That a bill shall not be considered in committee of the whole, unless, prior to the resolution of the question for the second reading, any senator has:
 - (a) circulated in the Senate a proposed amendment or request for amendment of the bill; or
 - (b) required in debate or by notification to the chair that the bill be considered in committee of the whole.
 - (2) That this order operate as a sessional order.
-

After 6.50 pm—

32 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

33 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by the Chair of the Select Committee on a Certain Maritime Incident (Senator Cook) concerning alleged improper interference with a witness.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, she had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Privileges—Standing Committee—Proposed reference—Letter from the Chair of the Select Committee on a Certain Maritime Incident (Senator Cook) to the President, dated 15 May 2002.

Notice of motion: The Chair of the Select Committee on a Certain Maritime Incident (Senator Cook) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

Having regard to the matter submitted to the President by the Select Committee on a Certain Maritime Incident, whether there was any attempted or actual interference with a witness before the committee in respect of the witness' evidence, and whether any contempt of the Senate was committed in that regard.

34 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to comments made by Senator Schacht during discussion of matters of public interest today.

Statement by leave: Senator Schacht, by leave, made a statement relating to the matter.

35 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

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

Foreign Affairs—Afghanistan—Photographs—
Conditions in Kabul. [8]
Shamshad refugee camp inside Afghanistan [1].

Debate continued.

The Senate adjourned at 7.45 pm till Thursday, 16 May 2002 at 9.30 am.

36 **ATTENDANCE**

Present, all senators.

HARRY EVANS
Clerk of the Senate