

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 18

MONDAY, 24 JUNE 2002

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1 **MEETING OF SENATE**

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

2 **SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]
SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002
CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002
BORDER SECURITY LEGISLATION AMENDMENT BILL 2002
TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Explanatory memorandum: Senator Ian Campbell tabled a correction to the explanatory memorandum relating to the Border Security Legislation Amendment Bill 2002.

Debate continued.

At 2 pm: Debate was interrupted.

3 **QUESTIONS**

Questions without notice were answered.

4 **HEALTH—PHARMACEUTICAL BENEFITS SCHEME—ANSWERS TO QUESTIONS**

Senator Evans moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today relating to the Pharmaceutical Benefits Scheme.

Debate ensued.

Question put and passed.

5 **IMMIGRATION—REFUGEE REVIEW TRIBUNAL—ANSWER TO QUESTION**

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Bartlett today relating to decisions of the Refugee Review Tribunal.

Question put and passed.

6 **NOTICES**

The Chair of the Finance and Public Administration Legislation Committee (Senator Mason): To move on the next day of sitting—That the time for the presentation of reports of the Finance and Public Administration Legislation Committee be extended as follows:

- (a) Charter of Political Honesty Bill 2000 [2002] and 3 related bills—to 29 August 2002; and
- (b) Public Interest Disclosure Bill 2001 [2002]—to 26 September 2002. (*general business notice of motion no. 99*)

Senator Sherry: To move on the next day of sitting—That there be laid on the table, on the last sitting day of the 2002 winter sittings, the modelling, including information on projected spending for payments to individuals, education, health and aged care spending, prepared for the draft Intergenerational Report in early 2002 before budget changes were factored in, prepared by the Retirement and Income Modelling Unit, Treasury and identified in Treasury's evidence before the Economics Legislation Committee on 6 June 2002. (*general business notice of motion no. 100*)

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

- (a) notes that:
 - (i) Aboriginal and Torres Strait Islander Peoples have only been counted in the national census for the past 30 years (since 1971), even though Australia has been a federation for 100 years,
 - (ii) the results of the 2001 Census of Population and Housing shows the Indigenous population of Australia has increased 16.2 per cent since 1996 and now stands at 410 003 people,
 - (iii) Indigenous people now represent 2.2 per cent of the national population and the Indigenous population is growing at a rate more than twice that of the general population (which stands at 6 per cent),
 - (iv) 58 per cent of the Australian Indigenous population is under 25 years of age, which is in stark contrast to the non-Indigenous population where only about one-third (35 per cent) is aged under 25 years, and
 - (v) 40 per cent of the juvenile detention centre population is Indigenous and 20 per cent of the national adult prison population is Indigenous;
- (b) expresses its concern at the disparity in rates of attendance at secondary school between Indigenous children (46 per cent) and non-Indigenous children (70 per cent), which is contributing to the relatively low percentage of Indigenous Australians who complete Year 12 (10 per cent) compared with the rate for Year 12 completion in the total population (30 per cent), and notes that both rates are of concern; and
- (c) calls on the Government to:
 - (i) recognise the longer term implications of these figures, especially as they relate to the provision of educational opportunities and the need to foster the emerging young Indigenous leadership, and
 - (ii) use these figures, in conjunction with the recommendations of the Commonwealth Grants Commission Report into Indigenous Funding, when planning for the development and delivery of Indigenous programs and services. (*general business notice of motion no. 101*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by the last sitting day in March 2003:

The role of libraries as providers of public information in the online environment, having particular regard to:

- (a) the current community patterns of demand for public information services through libraries, including the provision of such information online;
- (b) the response by libraries (public, university, research) to the changing information needs of Australians, including through the provision of online resources;
- (c) possible strategies which would enhance the wider use and distribution of information resources held by libraries, including the establishment of library networks, improved online access in libraries, online libraries, and greater public knowledge and skill in using library resources;
- (d) the use of libraries to deliver information and services over the Internet to more effectively meet community demands for public information in the online environment; and
- (e) the roles of various levels of government, the corporate sector and libraries themselves in ensuring the most effective use of libraries as a primary public information resource in the online environment.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on urban water management be extended to 29 August 2002. (*general business notice of motion no. 102*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That, on Tuesday, 25 June 2002:

- (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to 11.10 pm;
- (b) the question for the adjournment of the Senate shall be proposed at 10.30 pm; and
- (c) the routine of business from 7.30 pm shall be government business only.

Senator Sherry: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 29 August 2002:

- (a) the implications of excision for border security;
- (b) the effect of excision on affected communities, including Indigenous communities;
- (c) the nature of consultation with affected communities in relation to the Government's excision proposals; and
- (d) the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison) and Senator Mackay: To move on the next day of sitting—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 21 February 2003:

- (a) the capacity of the Australian telecommunications network, including the public switched telephone network, to deliver adequate services to all Australians, particularly in rural and regional areas;
- (b) the capacity of the Australian telecommunications network, including the public switched telephone network, to provide all Australians with reasonable, comparable and equitable access to broadband services;
- (c) current investment patterns and future investment requirements to achieve adequacy of services in the Australian telecommunications network;
- (d) regulatory or other measures which might be required to bring the Australian telecommunications network up to an adequate level to ensure that all Australians may obtain access to adequate telecommunications services; and
- (e) any other matters, including international comparisons, which are deemed relevant to these issues by the committee.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002, allowing it to be considered during this period of sittings.

Document: Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 in the 2002 winter sittings.

Senator Brown: To move on the next day of sitting—That there be laid on the table, no later than the end of question time on Wednesday, 26 June 2002, the study commissioned by the Australian Nuclear Science and Technology Organisation, on behalf of the Australian Radiation Protection and Nuclear Safety Agency, of the preliminary evaluation of the construction site for the replacement research reactor at Lucas Heights, carried out by the New Zealand company, the Institute of Geological and Nuclear Sciences, which included geological mapping of the excavation of the construction site and has revealed a geological anomaly or ‘fault’ at the site. (*general business notice of motion no. 103*)

7 **ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McGauran, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the report of the committee on the Diesel Fuel Rebate Scheme Amendment Bill 2002 be extended to 26 June 2002.

Question put and passed.

8 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, relating to the disallowance of the Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No. 2), postponed till 21 August 2002.

Business of the Senate notice of motion no. 2 standing in the name of the Minister for Forestry and Conservation (Senator Ian Macdonald) for today, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, postponed till 27 June 2002.

Business of the Senate notice of motion no. 3 standing in the name of Senator O'Brien for today, relating to the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 25 June 2002.

General business notice of motion no. 98 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to parliamentary debate on any proposed military involvement by Australia, postponed till 25 June 2002.

9 SUPERANNUATION SYSTEM—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Sherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 82—That there be laid on the table, on the last sitting day of the 2002 winter sittings, the revised costings document, including the correct phasing-in arrangements, of the Australian Labor Party's plan for a fairer superannuation system, prepared by Phil Gallagher (Manager, Retirement and Income Modelling Unit, Treasury), which was sent to the Treasurer's office in the week beginning 20 May 2002 and identified in Mr Gallagher's evidence before the Economics Legislation Committee on 4 June 2002.

Question put and passed.

10 NUCLEAR FUEL SHIPMENTS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 94—That the Senate—

(a) notes that:

- (i) a shipment of plutonium mixed oxide was delivered to Japan in 1999 from British Nuclear Fuels Limited (BNFL) but, because crucial safety data was found to be falsified by BNFL, Japan refused to accept the fuel and it is now being returned to the United Kingdom, and
- (ii) the fuel is proposed to be shipped through the exclusive economic zones of several Pacific nations, despite their opposition, and will compromise the integrity and safety of those nations' marine environments; and

(b) calls on the Government to:

- (i) expressly deny permission to transport this shipment of mixed oxide plutonium nuclear fuel through our region through the bilateral nuclear cooperation agreement, 'Australia/Japan Nuclear Safeguard Agreement', and

- (ii) conduct an urgent public review of Australia's bilateral nuclear cooperation agreement with Japan.

Question put and negatived. Senator Brown, by leave, recorded his vote for the ayes.

11 PRESIDENT OF THE SENATE—OFFICIAL VISIT TO FEDERAL COUNCIL OF AUSTRIA—DOCUMENT

The Deputy President (Senator West) tabled the following document:

Official visit to Federal Council of Austria—Report on the visit, by the President of the Senate, to the Federal Council of Austria, 4 to 7 April 2002, dated 20 June 2002.

12 TREATIES—JOINT STANDING COMMITTEE—46TH REPORT

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

Treaties—Joint Standing Committee—46th report—Treaties tabled on 12 March 2002, dated June 2002 and minutes of proceedings [4].

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

Question put and passed.

13 INTER-PARLIAMENTARY UNION—107TH CONFERENCE—DOCUMENT

Senator Chapman, by leave, tabled the following document:

Inter-Parliamentary Union Conference—107th, Marrakech, Morocco, 17 to 23 March 2002 and bi-lateral visit to Kuwait, 25 to 28 March 2002—Report of the Australian delegation, dated June 2002.

Senator Chapman, by leave, moved—That the Senate take note of the document.

Debate ensued.

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

Human Rights—Child labour—International Labour Office—*Eliminating the worst forms of child labour: A practical guide to ILO Convention No. 182*, International Labour Office and Inter-Parliamentary Union (Handbook for Parliamentarians No. 3, 2002).

Debate continued.

Question put and passed.

14 DOCUMENTS

The following documents were tabled by the Clerk:

Aged Care Act—Determination under section 52—ACA Ch. 3 No. 2/2002.

Australian Bureau of Statistics Act—Proposal No. 9 of 2002.

Export Market Development Grants Act—Export Market Development Grants (Grants Entry Requirements) Determination 2002.

Financial Sector (Collection of Data) Act—Determination of reporting standards RRS 100.1, RRS 200.1, RRS 300.1, RRS 400.1, RRS 600.2, RRS 800.0, GRS 110.0, GRS 120.0, GRS 130.0, GRS 130.1, GRS 130.2, GRS 130.3, GRS 140.0, GRS 140.1, GRS 140.2, GRS 140.3, GRS 140.4, GRS 150.0, GRS 160.0, GRS 170.0, GRS 210.0, GRS 210.1, GRS 300.0, GRS 310.0, GRS 310.1, GRS 310.2, GRS 310.3, GRS 320.0, GRS 400.0, GRS 410.0, GRS 420.0, GRS 430.0, GRS 440.0, GRS 450.0 and GRS 900.0.

Life Insurance Act—Variation (No. 2) of Prudential Rules—

No. 35.

No. 47.

Telecommunications (Carrier Licence Charges) Act—Telecommunications (Recovery of ITU Budget Contribution) Determination 2002.

15 GOVERNOR-GENERAL'S PROCLAMATION—COMMENCEMENT OF PROVISIONS OF AN ACT

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the date specified:

Financial Sector (Collection of Data) Act 2001—Parts 2, 3 and 4—1 July 2002 (Gazette No. GN 24, 19 June 2002).

16 ANIMAL WELFARE—NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL PRIMATE COLONIES—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

Pursuant to the order of the Senate of 18 June 2002, the Minister for Justice and Customs (Senator Ellison) tabled the following document:

Animal Welfare—National Health and Medical Research Council primate colonies—Non-human primate colonies site visits reports.

17 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education Legislation Committee—

Substitute member: Senator Murray to replace Senator Stott Despoja for matters relating to the Workplace Relations portfolio, except for the consideration of the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002

Rural and Regional Affairs and Transport Legislation Committee—

Appointed: Senator Crane

Discharged: Senator Heffernan.

Question put and passed.

18 ADVISORY COUNCIL ON AUSTRALIAN ARCHIVES—SENATE MEMBER OF COUNCIL

The Acting Deputy President (Senator Ferguson) informed the Senate that the President had received a letter nominating a senator to be a member of the Advisory Council on Australian Archives.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That, in accordance with the provisions of the *Archives Act 1983*, the Senate elect Senator Faulkner to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from 27 June 2002.

Question put and passed.

**19 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2002-2003
APPROPRIATION BILL (NO. 1) 2002-2003
APPROPRIATION BILL (NO. 2) 2002-2003**

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

Message no. 98, dated 20 June 2002—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 96, dated 20 June 2002—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 97, dated 20 June 2002—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That these bills be now read a second time.

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

**20 WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION)
BILL 2002
TAXATION LAWS AMENDMENT BILL (NO. 2) 2002**

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

Message no. 99, dated 20 June 2002—A Bill for an Act to amend the *Workplace Relations Act 1996* in relation to secret ballots for protected action, and for related purposes.

Message no. 100, dated 24 June 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That these bills be now read a second time.

Explanatory memorandum: Senator Ellison tabled a revised explanatory memorandum relating to the Taxation Laws Amendment Bill (No. 2) 2002.

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

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

Question put and passed.

**21 MIGRATION LEGISLATION AMENDMENT (FURTHER BORDER PROTECTION MEASURES)
BILL 2002**

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

Message no. 95, dated 20 June 2002—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That this bill be now read a second time.

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

22 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That business of the Senate order of the day no. 2, relating to the reference of a matter to the Rural and Regional Affairs and Transport References Committee, be postponed till 27 June 2002.

Question put and passed.

Senator Ellison moved—That business of the Senate order of the day no. 3, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, be postponed till 27 June 2002.

Question put and passed.

23 **SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]**
SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002
CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002
BORDER SECURITY LEGISLATION AMENDMENT BILL 2002
TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Explanatory memoranda: The Minister for Justice and Customs (Senator Ellison) tabled supplementary explanatory memoranda [5] relating to the government amendments to be moved to the Security Legislation Amendment (Terrorism) Bill 2002 [No. 2], the Suppression of the Financing of Terrorism Bill 2002, the Border Security Legislation Amendment Bill 2002 and the Telecommunications Interception Legislation Amendment Bill 2002 [2].

SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]—

Bill taken as a whole by leave.

Senator Brown moved the following amendment:

Page 3 (after line 22), after clause 3, insert:

4 Cessation of operation of Act

This Act, unless sooner repealed, ceases to be in force at the end of 5 years after Royal Assent.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 12

Senators—

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

NOES, 49

Senators—

Barnett	Cooney	Hogg	Ray
Bishop	Crane	Hutchins	Reid
Bolkus	Crossin	Knowles	Scullion
Boswell	Crowley	Ludwig	Sherry
Brandis	Denman	Lundy	Tchen
Buckland	Eggleston	Macdonald, Sandy	Tierney
Calvert (Teller)	Ellison	Mackay	Troeth
Campbell, George	Evans	Mason	Vanstone
Carr	Ferris	McGauran	Watson
Colbeck	Forshaw	McKiernan	West
Collins	Gibbs	McLucas	
Conroy	Harradine	O'Brien	
Cook	Herron	Payne	

Question negated.

On the motion of Senator Ellison the following amendment was debated and agreed to:

Schedule 1, item 1, page 4 (line 8), omit “**integrity and**”.

On the motion of Senator Ellison the following amendment was debated and agreed to:

Schedule 1, item 2, page 4 (lines 20 to 25), omit paragraphs (a), (b) and (c), substitute:

- (a) causes the death of the Sovereign, the heir apparent of the Sovereign, the consort of the Sovereign, the Governor-General or the Prime Minister; or
- (b) causes harm to the Sovereign, the Governor-General or the Prime Minister resulting in the death of the Sovereign, the Governor-General or the Prime Minister; or
- (c) causes harm to the Sovereign, the Governor-General or the Prime Minister, or imprisons or restrains the Sovereign, the Governor-General or the Prime Minister; or

Senator Brown moved the following amendments together by leave:

Schedule 1, item 2, page 5 (lines 4 to 9), omit paragraph (f).

Schedule 1, item 2, page 5 (lines 21 to 24), omit paragraph (2)(b).

Debate ensued.

Question—That the amendments be agreed to—put and negated

Senator Ellison moved the following amendment:

Schedule 1, item 2, page 5 (after line 15), after subsection (1), insert:

- (1A) Paragraphs (1)(e) and (f) do not apply to engagement in conduct by way of, or for the purposes of, the provision of aid of a humanitarian nature.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A). See subsection 13.3(3).

- (1B) Paragraph (1)(h) does not apply to formation of an intention to engage in conduct that:
 - (a) is referred to in paragraph (1)(e) or (f); and

- (b) is by way of, or for the purposes of, the provision of aid of a humanitarian nature.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1B). See subsection 13.3(3).

Debate ensued.

Senator Brown moved the following amendment to Senator Ellison's proposed amendment:

After "humanitarian" (wherever occurring), insert "or environmental".

Question—That Senator Brown's amendment to Senator Ellison's proposed amendment be agreed to—put and negatived.

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

Senator Ellison moved the following amendments together by leave:

No. 1—Schedule 1, item 3, page 7 (lines 20 to 26), omit the definition of *terrorist act*, substitute:

terrorist act means an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (2A); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
 - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
 - (ii) intimidating the public or a section of the public.

No. 2—Schedule 1, item 3, page 8 (after line 7), after subsection 100.1(2), insert:

(2A) Action falls within this subsection if it:

- (a) is advocacy, protest, dissent or industrial action; and
- (b) is not intended:
 - (i) to cause serious harm that is physical harm to a person; or
 - (ii) to cause a person's death; or
 - (iii) to endanger the life of a person, other than the person taking the action; or
 - (iv) to create a serious risk to the health or safety of the public or a section of the public.

Senator Greig moved the following amendment to Senator Ellison's proposed amendment no. 2:

Omit paragraph (a), substitute:

- (a) is lawful or unlawful advocacy, protest, dissent or industrial action; and

Debate ensued.

On the motion of Senator Ellison further consideration of the amendments was postponed.

On the motion of Senator Ellison the following amendment was debated and agreed to:

Schedule 1, item 3, page 7 (line 28), after “serious harm”, insert “that is physical harm”.

On the motion of the Leader of the Opposition in the Senate (Senator Faulkner) the following amendment was debated and agreed to:

Schedule 1, item 3, page 7 (lines 28 and 29), omit paragraphs (a) and (b), substitute:

(a) causes serious harm that is physical harm to a person; or

(b) causes serious damage to property; or

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

Schedule 1, item 3, page 7 (after line 29), after paragraph (2)(b), insert:

(ba) causes a person’s death; or

Senator Brown moved the following amendment:

Schedule 1, item 3, page 7 (line 32) to page 8 (line 7), omit paragraphs (2)(d) and (e).

Debate ensued.

At 9.50 pm: The Deputy President (Senator West) resumed the chair and the Temporary Chair of Committees (Senator Hogg) reported progress.

24 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.42 pm till Tuesday, 25 June 2002 at 2 pm.

25 ATTENDANCE

Present, all senators except Senator Schacht.

HARRY EVANS
Clerk of the Senate