

2002

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 Paul Calvert) took the chair and read prayers.

2 TEMPORARY CHAIR OF COMMITTEES

The President tabled a warrant, dated 17 October 2002, nominating Senator Cherry as an additional temporary chair of committees.

3 PETITION

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

From 165 petitioners, requesting that the Senate take action to legislate for an Australian Bill of Rights which incorporates the right to education contained in Article 13 of the International Covenant on Economic, Social and Cultural Rights.

4 NOTICES

Notices of motion:

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

- (a) notes that:
 - (i) the week beginning 20 October 2002 is Carers Week,
 - (ii) there are 2.3 million people in our community who care for a relative or friend who has a disability, mental or chronic illness or who is frail aged, and
 - (iii) carers provide 74 per cent of care needs to people requiring care, saving health and community care systems around \$20 billion per year;
- (b) congratulates:
 - (i) carers around Australia for their selfless support of family and friends, and
 - (ii) Carers Australia for its work to have carers recognised for their contribution; and
- (c) urges the Federal Government to seriously consider ways to offer further support to carers who often feel isolated in the community. (*general business notice of motion no. 214*)

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

- (a) recognises that the Federal Coalition Government has increased investment in education each year, with \$2.4 billion being provided for public schools in 2002-03, an increase of 5.7 per cent over the past year and a 52 per cent increase since 1996;
- (b) expresses alarm that New South Wales state government spending on education currently lags \$318 million a year below the Australian national average;
- (c) notes that New South Wales primary schools have the worst student-to-teacher ratios in Australia and some of the largest class sizes in the country;
- (d) further notes that the Vinson report into public education demonstrates the under resourcing of the public education system in New South Wales by the Carr Government; and

- (e) congratulates New South Wales Opposition Leader, John Brogden, who vowed on 24 September 2002 to spend more on public schools and backed the need to reduce class sizes. (*general business notice of motion no. 215*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his 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 his name for 11 sitting days after today for the disallowance of regulations 65.060 and 65.270 in item [1] of Schedule 1 of the Civil Aviation Amendment Regulations 2002 (No. 2), as contained in Statutory Rules 2002 No. 167 and made under the *Civil Aviation Act 1988*.

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

5 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 6 Treasury Legislation Amendment Bill (No. 1) 2002.
- No. 7 Taxation Laws Amendment Bill (No. 3) 2002.
- No. 8 Education Services for Overseas Students Amendment Bill 2002.

Question put and passed.

6 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That the routine of business for today shall be:

- (a) from not later than 4.30 pm, consideration of the following government business orders of the day:
 - No. 2 Space Activities Amendment Bill 2002
 - No. 3 Research Agencies Legislation Amendment Bill 2002
 - No. 4 Plant Breeder's Rights Amendment Bill 2002;
- (b) after the consideration of the government business orders listed in paragraph (a), but not later than 6 pm, consideration of government documents under general business; and
- (c) from not later than 7 pm, consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2).

Question put and passed.

7 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 197 standing in the name of Senator Allison for today, relating to a response by the Australian Competition and Consumer Commission to an order of the Senate, postponed till 23 October 2002.

General business notice of motion no. 198 standing in the name of Senator Brown for today, relating to the introduction of the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 [No. 2], postponed till 21 October 2002.

General business notice of motion no. 199 standing in the name of Senator Brown for today, relating to the introduction of the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2], postponed till 21 October 2002.

8 HEALTH—MACULAR DEGENERATION—WORLD RETINA DAY

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 205—That the Senate—

(a) notes that:

- (i) Saturday, 28 September 2002, was World Retina Day,
- (ii) macular degeneration is an incurable eye disease and is the leading cause of blindness for those aged 55 and older in Australia,
- (iii) macular degeneration is caused by the deterioration of the central portion of the retina, causing progressive deterioration of sight from loss of central vision leading to total blindness,
- (iv) every year, 10 000 Australians are diagnosed with age-related macular degeneration, and an estimated 20 000 Australians have macular degeneration that can be attributed to their smoking, and
- (v) macular degeneration has already robbed nearly 350 000 Australians over the age of 50 of their eyesight, yet there is still very little understanding of or research into the disease; and

(b) calls on the Government to fund research into this condition, for which there is currently no known cure, and support the Macular Degeneration Foundation Australia's aims to bring dignity, support and education to Australians suffering from this disease.

Question put and passed.

9 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department to construct a roof extension to the gardeners' compound, to protect the new vehicle washdown bay from weather.

Question put and passed.

10 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 209—That the time for the presentation of the report of the Select Committee on Superannuation on tax arrangements for superannuation and related policy be extended to 10 December 2002.

Question put and passed.

11 TAXATION—PUBLISHING INDUSTRY—BOOK SALES

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 212—That the Senate—

- (a) notes that:
 - (i) the 4th Australian Publishers' Bookshow will be held at the New South Wales Writers' Centre on the weekend of 19 and 20 October 2002,
 - (ii) this is an opportunity to celebrate and encourage local publishing in light of the increasing globalisation of the Australian publishing industry,
 - (iii) the recently-released 2000-01 Australian Bureau of Statistics survey of publishers found a drop of 19 per cent in the number of new books bought in Australia in this period compared with the previous year, and
 - (iv) the average publishing business cut staff by 15 per cent in this period and that profits fell by 41 per cent; and
- (b) calls on the Government to exempt books from the goods and services tax.

Question put and negatived. Both Australian Greens senators, by leave, recorded their votes for the ayes.

12 INDUSTRY—AUSTRALIAN RECORD INDUSTRY ASSOCIATION AWARDS

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 210—That the Senate—

- (a) notes:
 - (i) that the 16th Annual Australian Record Industry Association Awards were held on 15 October 2002,
 - (ii) that the awards recognise a range of contributions made to the industry, including awards for Best New Artist, Highest Selling Album, Best Children's Album, Best Independent Release, Best Cover Art and Engineer of the Year,
 - (iii) that the awards provide an opportunity to showcase the depth and talent of craft evident in the music sector in Australia, and
 - (iv) the strong presence of female performers in this year's winners list;
- (b) congratulates the many nominees and winners for their contribution to the Australian music industry; and
- (c) calls on the Government to provide continuing support for the Australian music industry.

Question put and passed.

13 SCIENCE AND TECHNOLOGY—CANOLA TRIAL—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 211—That there be laid on the table by the Minister representing the Minister for Science, no later than 2 pm on Thursday, 24 October 2002:

All documents held by the Office of the Gene Technology Regulator relating to the risk assessment for the Canola trial licence application (Application No. DIR 011/2001) and the decision to approve the licence, including submissions, correspondence, records and minutes of meetings scientific reports, and the risk assessment itself, including any drafts, risk assessment criteria and protocols and memos.

Question put and passed.

14 FOREIGN AFFAIRS—NIGERIA

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja, amended Senator Stott Despoja's notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 213—That the Senate—

- (a) notes that:
 - (i) the Nigerian woman, Ms Amina Lawal, has been sentenced to death for bearing a child out of marriage,
 - (ii) more than 100 000 people have signed an online open letter to the President of Nigeria calling for this sentence to be overturned and for the human rights of the citizens of Nigeria to be respected, and
 - (iii) the Australian Government has conveyed the deep concern of the Australian Government and people to the Nigerian Government on this issue; and
- (b) calls on the Australian Government to maintain its advocacy in relation to this issue.

Question put and passed.

15 IMMIGRATION—ASYLUM SEEKERS

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 206—That the Senate—

- (a) notes that:
 - (i) the circumstances that drive people to attempt to travel from Indonesia to seek asylum in Australia are many and varied, and include long waiting periods in Indonesia for the resolution of claims for asylum and long delays in determining a durable solution for those found to be genuine refugees,
 - (ii) on 19 October 2001 a boat, now identified as 'Suspect Illegal Entry Vessel X', carrying 421 passengers and crew including 70 children, sank with the tragic loss of 352 lives, and
 - (iii) a number of those who lost their lives had close family members in Australia who were undergoing refugee determination or who had been granted temporary protection visas;
- (b) acknowledges the concerns raised by this tragedy within the Australian community and expresses its regret at the loss of life; and
- (c) asks the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock) to grant those who have suffered such a loss, whether they are in detention awaiting a decision or are in the community on a temporary protection visa, a permanent visa on humanitarian grounds.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 41

Senators—

Barnett	Ferris (Teller)	Mackay	Sherry
Boswell	Forshaw	Marshall	Stephens
Brandis	Heffernan	Mason	Tchen
Calvert	Hogg	McGauran	Tierney
Campbell, George	Hutchins	McLucas	Troeth
Campbell, Ian	Johnston	Moore	Watson
Carr	Kemp	Murphy	Webber
Colbeck	Kirk	O'Brien	Wong
Collins	Knowles	Payne	
Eggleston	Ludwig	Reid	
Ferguson	Macdonald, Sandy	Scullion	

Question negatived.

16 VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL 2002

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

Message no. 164, dated 16 October 2002—A Bill for an Act to amend the *Vocational Education and Training Funding Act 1992*, and for other purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

17 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2002

EXCISE LAWS AMENDMENT BILL (NO. 1) 2002

EXCISE TARIFF AMENDMENT BILL (NO. 2) 2002

NEW BUSINESS TAX SYSTEM (CONSOLIDATION AND OTHER MEASURES)

BILL (NO. 1) 2002

NEW BUSINESS TAX SYSTEM (FRANKING DEFICIT TAX) AMENDMENT BILL 2002

INSPECTOR-GENERAL OF TAXATION BILL 2002

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

Message no. 165, dated 16 October 2002—A Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for related purposes.

Message no. 166, dated 16 October 2002—A Bill for an Act to amend various excise laws, and for other purposes.

Message no. 167, dated 16 October 2002—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 168, dated 16 October 2002—A Bill for an Act to implement a New Business Tax System, and for related purposes.

Message no. 169, dated 16 October 2002—A Bill for an Act to amend the *New Business Tax System (Franking Deficit Tax) Act 2002*.

Message no. 171, dated 16 October 2002—A Bill for an Act to provide for the appointment of an Inspector-General of Taxation, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

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 Ian Campbell moved—That—

- (a) the Excise Laws Amendment Bill (No. 1) 2002 and the Excise Tariff Amendment Bill (No. 2) 2002; and
- (b) the New Business Tax System (Consolidation and Other Measures) Bill (No. 1) 2002 and the New Business Tax System (Franking Deficit Tax) Amendment Bill 2002

be listed on the *Notice Paper* as two orders of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

18 **WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002**

A message from the House of Representatives was reported as follows:

Message no. 170, dated 16 October 2002—Workplace Relations Amendment (Genuine Bargaining) Bill 2002, agreeing to amendments nos 1, 2, 3, 6 and 7 made by the Senate, and disagreeing to amendments nos 4 and 5.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

19 **MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002**

A message from the House of Representatives was reported acquainting the Senate that the House has not made the requested amendment to the following bill:

Message no. 172, dated 16 October 2002—Members of Parliament (Life Gold Pass) Bill 2002.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

20 GREAT BARRIER REEF MARINE PARK AMENDMENT REGULATIONS—PROPOSED MOTION FOR DISALLOWANCE

Business of the Senate notice of motion no. 1 standing in the name of Senator Harris for today relating to the disallowance of the Great Barrier Reef Marine Park Amendment Regulations 2002 (No. 1) and the Great Barrier Reef Marine Park Amendment Regulations 2002 (No. 2) was called on, but not moved.

The President made the following statement:

As Senator Harris has not moved his disallowance motion, I advise honourable senators that, in accordance with standing order 78, other senators have the opportunity to take over the notice of motion. This is the last day for the notice of motion to be resolved under the terms of the *Acts Interpretation Act 1901*. If the notice has not been withdrawn or resolved by the end of today, the instrument will be deemed to have been disallowed. I therefore indicate that if no other senator advises the chair by 2 pm today that he or she wishes to take over the notice of motion, it will be taken to have been withdrawn under standing order 83(2).

No senator took over the notice of motion and it was withdrawn accordingly.

21 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

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

Debate resumed.

Proposed reference to committee: The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

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

- (a) notes with concern that:
 - (i) the Government’s response to the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD is inadequate,
 - (ii) the Government proposes that, for the first time, Australians not suspected of any offence could be detained by the Australian Security Intelligence Organisation (ASIO) for questioning,
 - (iii) the Government proposes those detained by ASIO do not have the right to legal advice for the first 48 hours of their detention,
 - (iv) the Government proposes children can be detained by ASIO for questioning, and
 - (v) the Government’s proposals will significantly change the role of ASIO by giving it powers of coercion and detention; and
- (b) therefore refers the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, together with the following matters, to the Legal and Constitutional References Committee for inquiry and report by 3 December 2002:

- (i) the development of an alternative regime in which questioning to obtain intelligence relating to terrorism is conducted not by ASIO but by the Australian Federal Police (AFP), including appropriate arrangements for detention of terrorist suspects, and questioning of persons not suspected of any offence,
- (ii) the relationship between ASIO and the AFP in the investigation of terrorist activities or offences,
- (iii) the adequacy of Australia's current information and intelligence gathering methods to investigate potential terrorist activities or offences,
- (iv) recent overseas legislation dealing with the investigation of potential terrorist activities or offences, and
- (v) whether the bill in its current or amended form is constitutionally sound".

Debate ensued.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the debate was adjourned till the next day of sitting.

22 NOTICES

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the last sitting day in 2003:

- (a) current rural industry-based water resource usage;
- (b) options for optimising water resource usage for sustainable agriculture; and
- (c) other matters of relevance that the committee may wish to inquire into and comment on that may arise during the course of the inquiry, including the findings and recommendations from other inquiries relevant to any of the issues in these terms of reference.

The Chair of the Community Affairs References Committee (Senator Hutchins): To move on the next day of sitting—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by the last sitting day of June 2003:
 - (a) the extent, nature and financial cost of:
 - (i) poverty and inequality in Australia,
 - (ii) poverty amongst working Australians,
 - (iii) child poverty in Australia, and
 - (iv) poverty in Australian communities and regions;
 - (b) the social and economic impact of changes in the distribution of work, the level of remuneration from work and the impact of under-employment and unemployment;
 - (c) the effectiveness of income-support payments in protecting individuals and households from poverty; and

- (d) the effectiveness of other programs and supports in reducing cost pressures on individual and household budgets, and building their capacity to be financially self-sufficient.
- (2) That, in undertaking its inquiry, the committee also examine:
 - (a) the impact of changing industrial conditions on the availability, quality and reward for work; and
 - (b) current efforts and new ideas, in both Australia and other countries, to identify and address poverty amongst working and non-working individuals and households.

23 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business orders of the day no. 6 (Treasury Legislation Amendment Bill (No. 1) 2002) and no. 7 (Taxation Laws Amendment Bill (No. 3) 2002).

Question put and passed.

24 TREASURY LEGISLATION AMENDMENT BILL (NO. 1) 2002

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

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

25 TAXATION LAWS AMENDMENT BILL (NO. 3) 2002

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

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

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

At 2 pm—

26 FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—MINISTERIAL STATEMENT

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the terrorist attacks in Bali and his visit with the Minister for Foreign Affairs (Mr Downer) to Indonesia.

27 QUESTIONS

Questions without notice were answered.

28 COMMUNICATIONS—TELSTRA—SEALANT GEL—ANSWER TO QUESTION

Senator Mackay moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Mackay today relating to Telstra and the use of sealant gel to weatherproof cables.

Debate ensued.

Question put and passed.

29 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—CUNNINGHAM, NEW SOUTH WALES BY-ELECTION—ANSWER TO QUESTION

Senator Brown moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Brown today relating to meetings between officials from the United States Embassy and candidates in the upcoming by-election in Cunningham, New South Wales.

Question put and passed.

30 FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents:

Foreign Affairs—Bali—Terrorist attacks—Letters of condolence to the President of the Senate from—

Dr Katalin Szili, Speaker of the Hungarian National Assembly, dated 16 October 2002.

His Excellency Mr Nasser Al-Muzayyan, Ambassador, State of Kuwait, dated 15 October 2002.

His Excellency Sir Alistair Goodlad, High Commissioner, British High Commission, dated 16 October 2002.

The Rt Hon. The Lord Williams of Mostyn, QC, Leader of the House of Lords, dated 15 October 2002 [copy].

31 ENVIRONMENT—PLASTIC BAG LEVY—DOCUMENT

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

Environment—Plastic bag levy—Letter to the President of the Senate from the President (Ron Clarke), Council for the Encouragement of Philanthropy in Australia responding to the resolution of the Senate of 26 September 2002, dated 16 October 2002.

32 SPACE ACTIVITIES 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 this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Stott Despoja moved the following amendments together by leave:

Clause 2, page 2 (table item 2), omit the table item, substitute:

- | | |
|-------------------------------|--|
| 2. Schedule 1, items 1 to 52 | A single day to be fixed by Proclamation,
subject to subsection (3) |
| 3. Schedule 1, item 53 | A single day to be fixed by Proclamation,
subject to subsection (4) |
| 4. Schedule 1, items 54 to 62 | A single day to be fixed by Proclamation,
subject to subsection (3) |

Clause 2, page 2 (line 7), omit “item 2”, substitute “items 2 and 4”.

Clause 2, page 2 (after line 10), at the end of the clause, add:

- (4) The provision covered in item 3 of the table commences the day after the day on which the Minister tables in both Houses of the Parliament a Regulation Impact Statement of the impact of that provision.

Debate ensued.

Question—That the amendments be agreed to—put and negatived. All Australian Democrats senators, by leave, recorded their votes for the ayes.

Senator Stott Despoja moved the following amendments together by leave:

Schedule 1, page 3 (after line 16), after item 3, insert:

3A Section 8 (definition of *liability period*)

Repeal the definition, substitute:

liability period means:

- (a) for the launch of a space object—the period beginning when the launch takes place and ending when the return period begins; and
- (b) for the return of a space object—the period beginning when the relevant re-entry manoeuvre or other re-entry event begins and ending when the object has come to rest on Earth.

Note: The liability period for an object which does not return to Earth is therefore open-ended.

Schedule 1, item 53, page 12 (lines 20 and 21), omit “so much of the excess amount as does not exceed \$3 billion”, substitute “the excess amount”.

Question—That the amendments be agreed to—put and negatived. All Australian Democrats senators, by leave, recorded their votes for the ayes.

Senator Stott Despoja moved the following amendment:

Schedule 1, page 4 (after line 21), after item 9, insert:

9A After paragraph 18(d)

Insert:

- (da) the Minister is satisfied that all negotiations and agreements, if any, relating to the transfer of technology to Australia, are completed and the Minister is satisfied that Australia has sufficient access to technology and sufficient guarantees of technology transfer to ensure the development of a viable and independent space program in Australia;

Debate ensued.

Question—That the amendment be agreed to—put and negatived. All Australian Democrats senators, by leave, recorded their votes for the ayes.

Senator Stott Despoja moved the following amendment:

Schedule 1, page 5 (after line 17), after item 15, insert:

15A At the end of section 26

Add:

- (5) The Minister must not grant a launch permit to a person if the payload that is the subject of an application for a permit includes radioactive material or a toxic chemical, unless all of the following conditions are satisfied:
 - (a) the Minister has caused to be prepared a risk and hazard assessment in relation to the material or the chemical;
 - (b) the Minister has caused a copy of the risk and hazard assessment to be tabled in each House of the Parliament;
 - (c) the Minister has specifically authorised the inclusion of radioactive material or a toxic chemical in the payload.

- (6) In this section:

radioactive material means material that has an activity of more than 35 becquerels per gram.

toxic chemical is a chemical that can cause acute health or significant adverse environmental impacts. This includes:

- (a) any chemical known to cause, or reasonably anticipated or expected to cause, significant adverse acute human health effects at concentration levels likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases;

- (b) any chemical known to cause, or reasonably anticipated or expected to cause, either:
 - (i) cancer or teratogenic effects; or
 - (ii) serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects; or
- (c) any chemical known to cause (or reasonably anticipated or expected to cause), because of its toxicity, persistence in the environment, or tendency to bioaccumulate, a significant adverse effect on the environment.

Debate ensued.

Question—That the amendment be agreed to—put and negatived. All Australian Democrats senators, by leave, recorded their votes for the ayes.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

33 RESEARCH AGENCIES LEGISLATION AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Health and Ageing (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Senator Carr moved the following amendment:

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

- (a) condemns the Government for its failure to develop and set in place a coherent, national, all-of-government approach to research and development policy, and in particular, a national strategy for commercialisation, including a nationally-consistent intellectual property and public research management policy; and
- (b) calls upon the Government to ensure that:
 - (i) commercial arrangements set in place for the Australian Nuclear Science and Technology Organisation (ANSTO) and the Australian Institute of Marine Science (AIMS) recognise that policy responsibility for publicly-funded research, and for funding public-good research, remains with the Commonwealth and that commercially-generated funds should supplement, rather than replace, public funding,
 - (ii) safeguards are put in place to ensure that the financial management of commercial ventures undertaken by ANSTO and AIMS is soundly based, well informed and open to public scrutiny,

- (iii) public assets are not put at risk in the agencies' commercial ventures,
- (iv) financial accountability, probity and reporting requirements with regard to commercial ventures and associated companies of the two agencies are of a rigorous standard, comparable as far as possible to those applying to the parent agencies themselves, and
- (v) the core missions and public resources of the agencies are not compromised or undermined by their commercial activities".

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

General business was called on.

34 **GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

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

Australian aid: Investing in growth, stability and prosperity—Eleventh annual statement to Parliament on Australia's development cooperation program—Ministerial statement and statement by the Minister for Foreign Affairs (Mr Downer), dated September 2002. Motion to take note of documents moved by Senator Bartlett and agreed to.

Workplace Relations Act 1996—Report for 2000 and 2001 on agreement making under the Act. Motion of Senator Ludwig to take note of document agreed to.

Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2001-02. Motion of Senator Mackay to take note of document agreed to.

Telstra Corporation Limited—Report for 2001-02, including annual review. Motion of Senator Mackay to take note of document agreed to.

General business orders of the day nos 3 and 4 relating to government documents were called on but no motion was moved.

General business concluded.

35 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Enterprising Australia: Planning, preparing and profiting from trade and investment—A short report on the proceedings of the inquiry. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.

Superannuation—Select Committee—Report—Superannuation (Government Co-contribution for Low Income Earners) Bill 2002 and Superannuation Legislation Amendment Bill 2002. Motion of Senator Mackay to take note of report agreed to.

Community Affairs References Committee—Report—Participation requirements and penalties in the social security system. Motion of the chair of the committee (Senator Hutchins) to take note of report agreed to.

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

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

Auditor-General—Audit report no. 8 of 2002-03—Business support process audit—
The Senate order for department and agency contracts (September 2002). Motion of
Senator Mackay to take note of document agreed to.

Orders of the day nos 2 to 5 relating to reports of the Auditor-General were called on but no motion was moved.

37 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.46 pm till Monday, 21 October 2002 at 12.30 pm.

38 ATTENDANCE

Present, all senators except Senators Chapman*, Denman and Harris (* on leave).

HARRY EVANS
Clerk of the Senate