

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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Contents

1	Meeting of Senate	1065
2	Petitions	1065
3	Notices	1065
4	Order of Business—Rearrangement.....	1066
5	Postponement	1067
6	Rural and Regional Affairs and Transport Legislation Committee— Extension of Time to Report.....	1067
7	Routine of Business—Variation	1067
8	Postponements.....	1067
9	Environment—Victoria—Logging of Native Forests.....	1067
10	Health—Diabetes	1068
11	Parliamentary Zone—Approval of Works Proposal.....	1069
12	Consideration of Legislation.....	1069
13	Australian Competition and Consumer Commission—Deputy Chairman— Appointment.....	1070
14	Trade—General Agreement on Trade in Services—Order for Production of Documents.....	1070
15	Environment, Communications, Information Technology and the Arts Legislation Committee—Extensions of Time to Report.....	1070
16	Publications—Standing Committee—5th Report.....	1071
17	Telecommunications Competition Bill 2002 International Tax Agreements Amendment Bill (No. 2) 2002 Migration Legislation Amendment (Migration Advice Industry) Bill 2002	1073
18	Broadcasting Legislation Amendment Bill (No. 2) 2002	1074
19	Prohibition of Human Cloning Bill 2002	1074
20	Research Involving Embryos Bill 2002	1075
21	Criminal Code Amendment (Offences Against Australians) Bill 2002	1076

22	Australian Animal Health Council (Live-stock Industries) Funding Amendment Bill 2002	1076
23	Health Care (Appropriation) Amendment Bill 2002	1076
24	Excise Laws Amendment Bill (No. 1) 2002 Excise Tariff Amendment Bill (No. 2) 2002	1077
25	Taxation Laws Amendment Bill (No. 5) 2002	1077
26	Broadcasting Legislation Amendment Bill (No. 1) 2002	1077
27	Broadcasting Legislation Amendment Bill (No. 2) 2002	1078
28	Ministry and Ministerial Arrangements—Statement by Leave	1078
29	Questions	1078
30	Minister for Family and Community Services—Answers to Questions	1079
31	Indigenous Education and Training—Ministerial Statement—Documents	1079
32	Environment—Great Barrier Reef—Nelly Bay Harbour—Order for Production of Documents—Documents	1079
33	Legal and Constitutional References Committee—Government Response— Outsourcing of the Australian Custom Service’s Information Technology .	1080
34	Superannuation and Financial Services—Select Committee—Government Response—Provision of Global Financial Services	1080
35	Foreign Affairs, Defence and Trade—Joint Standing Committee— Government Response—Freedom of Religion and Belief	1080
36	Public Accounts and Audit—Joint Statutory Committee—392nd Report, Erratum to 390th Report and Executive Minute Responses to Reports Nos 373, 382, 383 and 385	1080
37	ASEAN Inter-Parliamentary Organisation—23rd General Assembly— Document	1080
38	Documents	1081
39	Committees—Appointment of Member	1081
40	Order of Business—Rearrangement	1081
41	Excise Tariff Amendment Bill (No. 1) 2002 Customs Tariff Amendment Bill (No. 2) 2002	1081
42	Egg Industry Service Provision Bill 2002 Egg Industry Service Provision (Transitional and Consequential Provisions) Bill 2002	1085
43	Bankruptcy Legislation Amendment Bill 2002	1086
44	Committee Reports and Government Responses—Orders of the Day— Consideration	1086
45	Auditor-General’s Reports—Orders of the Day—Consideration	1087
46	Adjournment	1087
47	Attendance	1087

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 PETITIONS

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

Senator Murray, from 526 petitioners, requesting that the Senate establish a select committee to investigate the conduct of banks in relation to certain matters.

Senator Sherry, from 1 802 petitioners, requesting that the Senate ask the Minister for Communications, Information Technology and the Arts to consider merging the existing Tasmanian telephone directories into two books.

3 NOTICES

Notices of motion:

Senator McLucas: To move on the next day of sitting—That there be laid on the table at the end of taking note of answers to questions without notice on Tuesday, 19 November 2002, the ‘Review of the Implementation of Oceans Policy: Final report’ by TFG International, dated 25 October 2002. (*general business notice of motion no. 262*)

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 following bills, allowing them to be considered during this period of sittings:

Environment and Heritage Legislation Amendment Bill (No. 1) 2002
Australian Heritage Council Bill 2002
Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002.

Document: Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2002 spring sittings.

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 following bills, allowing them to be considered during this period of sittings:

Australian Crime Commission Establishment Bill 2002
New Business Tax System (Consolidation and Other Measures) Bill (No. 1) 2002
New Business Tax System (Franking Deficit Tax) Amendment Bill 2002.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2002 spring sittings.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That, on Monday, 2 December 2002:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 12.40 am, Tuesday, 3 December 2002;
- (b) the routine of business from 7.30 pm shall be consideration of the government business orders of the day relating to the Prohibition of Human Cloning Bill 2002 and the Research Involving Embryos Bill 2002; and
- (c) the question for the adjournment of the Senate shall be proposed at midnight.

Statements by leave: Senators Harradine and Ludwig, the Leader of the Opposition in the Senate (Senator Faulkner) and Senator Ian Campbell, by leave, made statements relating to the notice of motion.

Contingent notice of motion: Senator Bishop: To move (contingent on the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 being read a second time)—That it be an instruction to the committee of the whole that:

- (a) the committee divide the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 (the original bill) into two bills as follows:
 - (i) a bill dealing with participation requirements and penalties, comprising clauses 1 to 3 (with appropriate amendments) and Schedules 1, 4 and 5 of the original bill, and
 - (ii) a bill dealing with additional funding for welfare measures, comprising Schedules 2, 3, 6 and 7 of the original bill; and
- (b) the committee add enacting words and provisions for titles and commencement to the second bill.

Notice of motion withdrawn: Senator O'Brien, pursuant to notice of intention given on 13 November 2002, withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance 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*.

4 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:

- Criminal Code Amendment (Offences Against Australians) Bill 2002.
- No. 3 Australian Animal Health Council (Live-stock Industries) Funding Amendment Bill 2002.
- No. 4 Health Care (Appropriation) Amendment Bill 2002.
- No. 5 Excise Laws Amendment Bill (No. 1) 2002 and a related bill.
- No. 6 Taxation Laws Amendment Bill (No. 5) 2002.
- No. 7 Broadcasting Legislation Amendment Bill (No. 1) 2002.
- Broadcasting Legislation Amendment Bill (No. 2) 2002.

Question put and passed.

5 POSTPONEMENT

Senator O'Brien, by leave, moved—That general business notice of motion no. 258 standing in his name for today, relating to crises in rural and regional Australia, be postponed till the next day of sitting.

Question put and passed.

**6 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the time for the presentation of the report of the committee on the Australian meat industry and export quotas be extended to 18 November 2002.

Question put and passed.

7 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That—

- (a) consideration of general business not be proceeded with today; and
- (b) the routine of business from not later than 4.30 pm to not later than 7 pm shall be government business only.

Question put and passed.

8 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 238 standing in the name of Senator Sherry for today, proposing an order for the production of documents relating to the evaluation of the 'Living in Harmony' initiative, postponed till 18 November 2002.

General business notice of motion no. 251 standing in the name of Senator Nettle for today, relating to the Timor Sea Treaty and the Greater Sunrise gas field, postponed till 18 November 2002.

General business notice of motion no. 259 standing in the name of Senator Allison for today, proposing an order for the production of documents by the Minister for Arts and Sport, postponed till 18 November 2002.

9 ENVIRONMENT—VICTORIA—LOGGING OF NATIVE FORESTS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 249—That the Senate—

- (a) notes:
 - (i) the many calls by the Australian Democrats to phase out clear-fell logging of native forests in Victoria, and the local and state-wide opposition to logging, particularly in the Otways and Wombat State Forests,

- (ii) the work of members of the Otway Ranges Environment Network, Geelong Community Forum, Geelong Environment Council and Otway Ranges Interest Group in working to protect native forests, and
 - (iii) the announcement by the Victorian State Government last week that the logging of native forests in the Otways will end within 6 years and logging in the Wombat State Forest will be reduced and woodchipping there stopped altogether; and
- (b) congratulates the State Government on this initiative and urges the Premier to put these promises into action immediately after the forthcoming election.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 41

Senators—

Barnett	Eggleston	Ludwig	Santoro
Bishop	Ellison	Lundy	Scullion
Boswell	Ferris (Teller)	Macdonald, Sandy	Stephens
Brandis	Forshaw	Marshall	Tchen
Calvert	Harradine	Mason	Tierney
Campbell, George	Hogg	McGauran	Troeth
Campbell, Ian	Hutchins	McLucas	Webber
Colbeck	Johnston	Moore	Wong
Collins	Kirk	O'Brien	
Cook	Knowles	Patterson	
Denman	Lightfoot	Reid	

Question negatived.

10 HEALTH—DIABETES

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 260—That the Senate—

(a) notes:

- (i) the alarming rise in the number of people with type 2 diabetes, estimated to be one million Australians, with half of those people currently undiagnosed,
- (ii) that according to a recent landmark study by DiabCost Australia, type 2 diabetes is costing Australians a staggering \$3 billion a year, with the bill for each person with diabetes averaging nearly \$11 000 in expenditure and benefits,
- (iii) that, according to the study, as the complications of diabetes increase, the cost per person is estimated to escalate from \$4 020 to \$9 645 when there are both microvascular and macrovascular problems,

- (iv) that early detection through screening programs and action to slow or prevent the onset of complications will see reductions in health costs and improve and maintain quality of life for individuals with type 2 diabetes,
 - (v) the contribution this landmark study by DiabCost Australia will make to better informing government and the public of a significant public health problem,
 - (vi) that there are approximately 100 000 Australians with type 1, or insulin dependent diabetes, and
 - (vii) that the Government has recognised the public and personal burden of diabetes as a national health priority; and
- (b) urges the Government to:
- (i) continue programs to raise public awareness of the high risk of undiagnosed and untreated cases of type 2 diabetes and take whatever steps are necessary to identify those undiagnosed with type 2 diabetes,
 - (ii) support access to new medications for the treatment of type 1 and type 2 diabetes, while ensuring that Australian taxpayers get value for money through appropriate pricing arrangements,
 - (iii) continue to encourage people diagnosed with diabetes to undergo regular medical tests, including eye testing, so as to prevent complications,
 - (iv) ensure adequate funding for further research into prevention and treatment of both type 1 and type 2 diabetes and a cure for type 1 diabetes,
 - (v) develop a strong education program encouraging appropriate diet and exercise regimes to minimise the risk of type 2 diabetes, and
 - (vi) develop strategies to heighten awareness of the rising levels of obesity, particularly in young Australians, and the associated adverse health effects of obesity.

Question put and passed.

11 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 National Capital Authority for capital works within the Parliamentary Zone, being additional works at Reconciliation Place and Commonwealth Place.

Question put and passed.

12 CONSIDERATION OF LEGISLATION

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. 2—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Criminal Code Amendment (Offences Against Australians) Bill 2002
- Telecommunications Competition Bill 2002
- Broadcasting Legislation Amendment Bill (No. 2) 2002.

Question put and passed.

**13 AUSTRALIAN COMPETITION AND CONSUMER COMMISSION—DEPUTY CHAIRMAN—
APPOINTMENT**

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 256—That the Senate—

- (a) notes the rejection by a majority of the states and territories of Graeme Samuel as nominee Deputy Chairman of the Australian Competition and Consumer Commission; and
- (b) asks the Federal Government:
 - (i) to ensure that it consults fully with the state and territory governments regarding Professor Fels' replacement, and
 - (ii) to establish criteria for the selection and appointment process that include not just selection on merit, but that any candidate should be demonstrably independent, and have a strong interest in consumer and small business needs.

Question put and passed.

**14 TRADE—GENERAL AGREEMENT ON TRADE IN SERVICES—ORDER FOR PRODUCTION
OF DOCUMENTS**

Senator Ridgeway, also on behalf of Senator Cherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 257—That there be laid on the table by the Minister representing the Minister for Trade, no later than immediately after motions to take note of answers on Monday, 18 November 2002:

- (a) all requests received by the Australian Government for increased access to Australian services markets by other nations, lodged under negotiations, under the General Agreement on Trade in Services (GATS);
- (b) any documents analysing the likely impact of any requests made of Australia in negotiations under GATS; and
- (c) any requests lodged by Australia of other countries under negotiations on GATS.

Question put and passed.

**15 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 261—That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts Legislation Committee be extended as follows:

- (a) provisions of the Renewable Energy (Electricity) Amendment Bill 2002—to 28 November 2002; and
- (b) provisions of the Telecommunications Competition Bill 2002—to 19 November 2002.

Question put and passed.

16 PUBLICATIONS—STANDING COMMITTEE—5TH REPORT

Senator Ferris, at the request of the Chair of the Standing Committee on Publications (Senator Colbeck), tabled the following report:

**PUBLICATIONS COMMITTEE
5TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 24 October 2002, recommends that the following be printed:

- Aboriginal and Torres Strait Islander Commission—Report for 2001-02.
- Airservices Australia—Report for 2001-02.
- Anindilyakwa Land Council—Report for 2001-02.
- Attorney-General's Department—Report for 2001-02.
- Australia New Zealand Food Authority—Report for 2001-02.
- Australian Dairy Corporation—Report for 2001-02.
- Australian Federal Police—Report for 2001-02.
- Australian Government Solicitor—Report for 2001-02.
- Australian Heritage Commission—Report for 2001-02.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.
- Australian Security Intelligence Organisation—Report for 2001-02.
- Australian Sports Drug Agency—Report for 2001-02.
- Australian Tourist Commission—Report for 2001-02.
- Bankruptcy Act 1966*—Inspector-General in Bankruptcy—Report for 2001-02 on the operation of the Act.
- Bureau of Meteorology—Report for 2001-02.
- Classification Board and Classification Review Board—Report for 2001-02.
- Commissioner for Superannuation—Report for 2001-02, incorporating reports on the administration and operation of the *Papua New Guinea (Staffing Assistance) Act 1973* and the *Superannuation Act 1922*.
- Commissioner of Taxation—Report for 2001-02.
- Commonwealth Ombudsman and Defence Force Ombudsman—Reports for 2001-02, including a report pursuant to the *Complaints (Australian Federal Police) Act 1981*.
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2001-02.
- CSS Board—Commonwealth Superannuation Scheme—Report for 2001-02.
- Defence—Report for 2001-02.
- Defence Force Retirement and Death Benefits Authority—Report for 2001-02.
- Department of Education, Science and Training—Report for 2001-02.
- Department of Employment and Workplace Relations—Report for 2001-02.
- Department of Finance and Administration—Report for 2001-02.

Department of Health and Ageing—Report for 2001-02, including a report on the administration and operation of Therapeutic Goods Administration.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2001-02, including reports pursuant to the *Immigration (Education) Act 1971* and the *Australian Citizenship Act 1948*.

Department of Industry, Tourism and Resources—Report for 2001-02.

Department of the Environment and Heritage—Report for 2001-02, including the report of the Supervising Scientist and reports on the operation of the *Environment Protection and Biodiversity Conservation Act 1999*, the *Ozone Protection Act 1989*, the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and the *Protection of Movable Cultural Heritage Act 1986*.

Department of the Parliamentary Library—Report for 2001-02.

Department of the Parliamentary Reporting Staff—Report for 2001-02.

Department of the Treasury—Report for 2001-02.

Director of National Parks—Report for 2001-02.

Employment Advocate—Report for 2001-02.

Equal Opportunity for Women in the Workplace Agency—Report for 2001-02.

Family Law Council—Report for 2001-02.

Federal Court of Australia—Report for 2001-02.

Federal Police Disciplinary Tribunal—Report for 2001-02.

Financial Reporting Council and Australian Accounting Standards Board—Report for 2001-02.

Health Insurance Commission—Report for 2001-02.

High Court of Australia—Report for 2001-02.

Housing Assistance Act 1996—Report for 1999-2000 on the operation of the 1999 Commonwealth–State Housing Agreement.

Human Rights and Equal Opportunity Commission—Report—No. 21—Inquiry into a complaint by six asylum seekers concerning their transfer from immigration detention centres to State prisons and their detention in those prisons.

Indigenous Business Australia—Report for 2001-02.

Industrial Relations Court of Australia—Report for 2001-02.

Joint House Department—Report for 2001-02.

Military Superannuation and Benefits Board of Trustees No. 1—Report for 2001-02.

National Capital Authority—Report for 2001-02.

National Native Title Tribunal—Report for 2001-02.

National Oceans Office—Report for 2001-02.

National Standards Commission—Report for 2001-02.

Northern Land Council—Report for 2001-02.

Office of the Official Secretary to the Governor-General—Report for 2001-02.

Parliamentary Service Commissioner—Report for 2001-02, including a report of the Parliamentary Service Merit Protection Commissioner.

Private Health Insurance Administration Council—Report for 2001-02.

Private Health Insurance Ombudsman—Report for 2001-02.

Professional Services Review—Report for 2001-02.
PSS Board—Public Sector Superannuation Scheme—Report for 2001-02.
Refugee Review Tribunal—Report for 2001-02.
Services Trust Funds—Reports for 2001-02 of the Australian Military Forces Relief Trust Fund, the Royal Australian Navy Relief Trust Fund and the Royal Australian Air Force Welfare Trust Fund.
Veterans' Review Board—Report for 2001-02.
Wet Tropics Management Authority—Report for 2001-02.

Senator Claire Moore
Deputy Chair
14 November 2002.

Senator Ferris moved—That the report be adopted.

Question put and passed.

17 TELECOMMUNICATIONS COMPETITION BILL 2002

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 2002

MIGRATION LEGISLATION AMENDMENT (MIGRATION ADVICE INDUSTRY) BILL 2002

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

Message no. 192, dated 13 November 2002—A Bill for an Act to amend the law relating to telecommunications, and for other purposes.

Message no. 194, dated 13 November 2002—A Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

Message no. 195, dated 13 November 2002—A Bill for an Act to amend the *Migration Act 1958*, 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.

On the motion of Senator Ludwig the debate on the Telecommunications Competition Bill 2002 was adjourned till the next day of sitting.

Consideration of legislation: Pursuant to order, the debate on the remaining bills 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 the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

18 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 2) 2002

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

Message no. 193, dated 13 November 2002—A Bill for an Act to amend the law relating to broadcasting, and for related 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 Ludwig the debate was adjourned.

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

19 PROHIBITION OF HUMAN CLONING BILL 2002

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

In the committee

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.

Consideration resumed of the amendments moved by Senator Harradine and postponed on 12 November 2002:

Clause 11, page 7 (line 16), after “clone”, insert “or products or components derived from a human embryo clone”.

Clause 11, page 7 (line 19), after “clone”, insert “or products or components derived from a human embryo clone”.

Debate resumed.

Senator Harradine, by leave, withdrew the amendments.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Acting Deputy President (Senator Collins) resumed the chair and the Temporary Chair of Committees (Senator Cherry) reported accordingly.

On the motion of the Minister for Health and Ageing (Senator Patterson) the report from the committee was adopted and the bill read a third time.

20 RESEARCH INVOLVING EMBRYOS BILL 2002

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Bishop moved the following amendment:

Clause 3, page 2 (lines 12 to 17), omit the clause, substitute:

3 Object of Act

The object of this Act is to address concerns, including ethical concerns, about scientific developments in relation to human reproduction and the utilisation of human embryos by:

- (a) regulating activities that involve the use of certain human embryos created by assisted reproductive technology; and
- (b) limiting the number of human embryos used in those regulated activities to the minimum necessary to achieve the purposes of those activities.

Debate ensued.

Senator Bishop, by leave, withdrew the amendment.

Senator Barnett moved the following amendments together by leave:

Clause 8, page 6 (line 26) to page 7 (line 7), omit the definition of *proper consent*, substitute:

proper consent has the meaning given by section 8A.

Page 7 (after line 20), after clause 8, insert:

8A Meaning of *proper consent*

(1) In this Part:

proper consent, in relation to the use of an excess ART embryo, means:

- (a) consent obtained in accordance with the *Ethical Guidelines on Assisted Reproductive Technology* (1996) issued by the NHMRC; or
 - (b) if the Chairperson of the NHMRC Licensing Committee specifies, by notice in the *Gazette*, other guidelines issued by the NHMRC—consent obtained in accordance with those other guidelines.
- (2) It is a condition of *proper consent* that the donor:
- (a) receives independent counselling; and
 - (b) receives written notification of, understands and consents in writing to the specific application to which the ART embryo will be put; and
 - (c) has a cooling-off period of 7 days.
- (3) At all times a donor is to have access to the information about the use to which that donor's embryos were put.

Debate ensued.

At 12.45 pm: The Acting Deputy President (Senator McLucas) resumed the chair and the Temporary Chair of Committees (Senator Cook) reported progress.

21 CRIMINAL CODE AMENDMENT (OFFENCES AGAINST AUSTRALIANS) BILL 2002

Order read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—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.

22 AUSTRALIAN ANIMAL HEALTH COUNCIL (LIVE-STOCK INDUSTRIES) FUNDING AMENDMENT BILL 2002

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

Debate resumed.

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.

23 HEALTH CARE (APPROPRIATION) AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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.

24 EXCISE LAWS AMENDMENT BILL (NO. 1) 2002

EXCISE TARIFF AMENDMENT BILL (NO. 2) 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.

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

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

25 TAXATION LAWS AMENDMENT BILL (NO. 5) 2002

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

Debate resumed.

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.

26 BROADCASTING 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.

Debate resumed.

Senator Mackay moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) continuing to fiddle with its disintegrating digital television regime without addressing the overall problems inherent in the regime;
- (b) refusing to acknowledge that its digital television regime is failing, particularly with respect to the very poor consumer take up of digital receivers;
- (c) creating confusion in the broadcasting sector by promoting multi channelling but not acting to enable it to occur;
- (d) maintaining a failed datacasting strategy which has been completely rejected by the media sector; and

- (e) granting \$260 million in digital television conversion funding rebates to the regional television networks to cover the cost of digital conversion without entrenching guarantees that existing services such as regional news services would be maintained.”

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.

27 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 2) 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.

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—

28 MINISTRY AND MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE

The Leader of the Government in the Senate (Senator Hill), by leave, informed the Senate of a change to the third Howard Ministry.

Document: Senator Hill tabled a document showing all members of the third Howard Ministry, dated 14 November 2002.

29 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Hungary led by the Speaker of the National Assembly, Dr Katalin Szili, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

30 MINISTER FOR FAMILY AND COMMUNITY SERVICES—ANSWERS TO QUESTIONS

Senator Bishop moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Vanstone) to questions without notice asked today.

Debate ensued.

Question put and passed.

31 INDIGENOUS EDUCATION AND TRAINING—MINISTERIAL STATEMENT—DOCUMENTS

The Minister for Defence (Senator Hill) tabled the following documents:

Indigenous education and training—

Ministerial statement by the Minister for Education, Science and Training (Dr Nelson), dated 14 November 2002.

National report to Parliament 2001.

Senator Carr, by leave, moved—That the Senate take note of the documents.

Debate ensued.

Question put and passed.

32 ENVIRONMENT—GREAT BARRIER REEF—NELLY BAY HARBOUR—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the order of the Senate of 25 September 2002 for the production of documents relating to the Nelly Bay Harbour project and, pursuant to that order, tabled the following documents:

Environment—Great Barrier Reef—Nelly Bay Harbour—

Copies of documents relating to—

Applications by Nelly Bay Harbour Pty Ltd (or anyone else) for permission to attach pontoons to residential land bordering the Great Barrier Reef Marine Park.

Clearing the inner harbour and access channel.

Evidence of actions on site that the Great Barrier Reef Marine Park Authority stopped, prevented or changed.

Great Barrier Reef Marine Park Authority's position in relation to private moorings.

Results of the Nelly Bay Harbour monitoring programs (Summaries).

Weekly site supervisor reports.

Tabling statement.

- 33 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT RESPONSE—OUTSOURCING OF THE AUSTRALIAN CUSTOMS SERVICE’S INFORMATION TECHNOLOGY**
 The Minister for Justice and Customs (Senator Ellison) tabled the following document:
 Legal and Constitutional References Committee—Report—Outsourcing of the Australian Customs Service’s information technology—Government response, dated August 2002.
 Senator Lundy, by leave, moved—That the Senate take note of the document.
 Debate adjourned till the next day of sitting, Senator Lundy in continuation
- 34 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—GOVERNMENT RESPONSE—PROVISION OF GLOBAL FINANCIAL SERVICES**
 The Minister for Justice and Customs (Senator Ellison) tabled the following document:
 Superannuation and Financial Services—Select Committee—Report—Opportunities and constraints for Australia to become a centre for the provision of global financial services—Government response.
- 35 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—FREEDOM OF RELIGION AND BELIEF**
 The Minister for Justice and Customs (Senator Ellison) tabled the following document:
 Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Conviction with compassion: Freedom of religion and belief—Government response.
- 36 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—392ND REPORT, ERRATUM TO 390TH REPORT AND EXECUTIVE MINUTE RESPONSES TO REPORTS NOS 373, 382, 383 AND 385**
 Senator Colbeck, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report and documents:
 Executive minute responses to Joint Committee of Public Accounts and Audit reports nos 373, 382, 383 and 385.
 Public Accounts and Audit—Joint Statutory Committee—
 390th report—Review of Auditor-General’s report 2001-2002: First, second and third quarters—Administration of taxation rulings; Commonwealth estate property funds; Administration of the Federation Fund Program; Personnel security: Management of security clearances, dated August 2002—Erratum.
 392nd report—Annual report 2001-02, dated October 2002.
- 37 ASEAN INTER-PARLIAMENTARY ORGANISATION—23RD GENERAL ASSEMBLY—DOCUMENT**
 Senator McGauran, by leave, tabled the following document:
 ASEAN Inter-Parliamentary Organisation (AIPO)—Report of the Australian parliamentary delegation to the 23rd General Assembly, Vietnam, 9 to 13 September 2002 and bi-lateral visit to Indonesia, 1 to 6 September 2002.
Statement by leave: Senator McGauran, by leave, made a statement relating to the document.

38 DOCUMENTS

The following documents were tabled by the Clerk:

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Misbehaviour) Determination 2002.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Amendment Order (No. 15) 2002.

Exemptions Nos CASA EX20/2002, CASA EX28/2002 and CASA EX33/2002.

Instrument No. CASA 622/02.

Environment Protection and Biodiversity Conservation Act—Instrument amending list of specimens suitable for live import under section 303EB, dated 12 September 2002.

39 COMMITTEES—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Cherry) informed the Senate that the President had received a letter nominating a senator to be a member of various committees.

The Minister for Family and Community Services (Senator Vanstone), by leave, moved—That Senator Ray be appointed as a participating member of the following legislation committees for the consideration of the 2002-03 supplementary budget estimates on 21 November and 22 November 2002:

Community Affairs

Economics

Employment, Workplace Relations and Education

Foreign Affairs, Defence and Trade.

Question put and passed.

40 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Family and Community Services (Senator Vanstone) moved—That intervening business be postponed till after consideration of government business order of the day no. 9 (Excise Tariff Amendment Bill (No. 1) 2002 and a related bill).

Question put and passed.

**41 EXCISE TARIFF AMENDMENT BILL (NO. 1) 2002
CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2002**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That these bills be now read a second time.

Debate resumed.

Explanatory memorandum: Senator Murray, by leave, tabled an explanatory memorandum relating to amendments to be moved to the Excise Tariff Amendment Bill (No. 1) 2002.

Debate continued.

Senator Murray moved the following amendment in respect of the Excise Tariff Amendment Bill (No. 1) 2002:

At the end of the motion, add “but the Senate, noting that many sectors of the wine industry are experiencing difficulties, particularly small producers in the bottled wine market, requests that the Government:

- (a) explore the feasibility of offering the wine industry the option to choose by entity/producer either to be taxed volumetrically or ad valorem, so that a volumetric wine taxation system could operate in tandem with the ad valorem wine equalisation tax system; and
- (b) arrange for the feasibility to be assessed either by an inquiry by a government appointed body, or by the Economics References Committee, for report by the last day of February 2003 for consideration of their findings by the Government in preparation for the 2003-04 Budget”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

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

In the committee

EXCISE TARIFF AMENDMENT BILL (NO. 1) 2002—

Bill taken as a whole by leave.

Senator Murray moved the following amendments together by leave:

Page 8 (after line 11), at the end of Schedule 1, add:

Part 5—Amendments having effect on and from 1 July 2003

9 Schedule (definitions)

Insert:

low alcohol wine means a beverage which:

- (a) is the product of the complete or partial fermentation of fresh grapes or products derived solely from fresh grapes; and
- (b) complies with any requirements of the A New Tax System (Wine Equalisation Tax) regulations made for the purposes of section 31-8 of the *A New Tax System (Wine Equalisation Tax) Act 1999*, relating to grape wine; and
- (c) contains more than 1.15% by volume of alcohol but not more than 8% by volume of alcohol.

10 Schedule (after item 2)

Insert:

2A.	LOW ALCOHOL WINE	\$3.00 per litre of alcohol
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Page 8 (after line 11), at the end of the bill, add:

Schedule 2—Amendment of the A New Tax System (Wine Equalisation Tax) Act 1999

Part 1—Amendments having effect on and from 1 July 2003

1 At the end of subsection 31-2(1)

Add:

; and (c) contains more than 8% by volume of ethyl alcohol.

Debate ensued.

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

Senator Murray moved the following amendment:

Page 8 (after line 11), at the end of Schedule 1, add:

Part 5—Amendments having effect on and from 1 July 2003

11 Schedule (subitem 1(D))

Omit the subitem, substitute:

- | | | |
|-----|--|--|
| (D) | Other Excisable Beverages of an alcoholic strength by volume not exceeding 10% | |
| | (1) packaged in an individual container not exceeding 48 litres | |
| | (a) not exceeding 3% by volume of alcohol | \$28.95 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15 |
| | (b) exceeding 3% alcohol but not exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol |
| | (c) exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol |
| | (2) packaged in an individual container exceeding 48 litres | |
| | (a) not exceeding 3% by volume of alcohol | \$33.75 per litre of alcohol |
| | (b) exceeding 3% alcohol but not exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol |
| | (c) exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol |

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

Senator Murphy moved the following amendments together by leave:

Clause 2, page 2 (at the end of the table), add:

6. Schedule 1, Part 5 1 July 2003

Page 8 (after line 11), at the end of Schedule 1, add:

Part 5—Amendments having effect on and from 1 July 2003

9 Schedule (subitem 1(D))

Omit the subitem, substitute:

(D) Other Excisable Beverages of an alcoholic strength by volume not exceeding 10%

(1) packaged in an individual container not exceeding 48 litres

- | | | |
|-----|--|--|
| (a) | not exceeding 3% by volume of alcohol | \$28.95 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15 |
| (b) | exceeding 3% alcohol but not exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15 |
| (c) | exceeding 3.5% by volume of alcohol | \$33.75 per litre of alcohol |

(2) packaged in an individual container exceeding 48 litres

- | | | |
|-----|--|--|
| (a) | not exceeding 3% by volume of alcohol | \$5.78 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15 |
| (b) | exceeding 3% alcohol but not exceeding 3.5% by volume of alcohol | \$18.16 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15 |

- | | | |
|-----|--|--|
| (c) | exceeding 3.5% by
volume of alcohol | \$23.76 per litre of alcohol
calculated on that alcohol
content by which the percentage
by volume of alcohol of the
goods exceeds 1.15 |
|-----|--|--|

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

Senator Murray moved the following amendment:

Page 8 (after line 11), at the end of Schedule 1, add:

Part 5—Amendments having effect on and from 1 July 2003

12 Schedule (subitem 2(A))

Omit the item, substitute:

- | | | |
|-----|--------|------------------------------|
| (A) | Brandy | \$57.17 per litre of alcohol |
|-----|--------|------------------------------|

Debate ensued.

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

Bill further debated and agreed to.

CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2002—

Bill, taken as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the report from the committee was adopted and the bills read a third time.

42 EGG INDUSTRY SERVICE PROVISION BILL 2002

EGG INDUSTRY SERVICE PROVISION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

43 BANKRUPTCY 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 this bill be now read a second time.

Debate resumed.

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate, noting in particular the growth in non-business bankruptcies since the late 1980s, urges the Government to undertake reviews every 5 years of the fundamental causes of business and non-business bankruptcy in Australia and to report to the Senate on the outcome of these reviews, together with suggestions for such legislative reform as may be necessary to address these causes of bankruptcy”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

—————

At 7 pm—

44 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:

Employment, Workplace Relations, Small Business and Education References Committee—Report—Universities in crisis: Report into the capacity of public universities to meet Australia’s higher education needs—Government response. Motion to take note of document moved by Senator Crossin and agreed to.

Superannuation and Financial Services—Select Committee—Report—Prudential supervision and consumer protection for superannuation, banking and financial services: First report—Government response. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Superannuation and Financial Services—Select Committee—Report—Prudential supervision and consumer protection for superannuation, banking and financial services—Second report: Some case studies—Government response. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Corporations and Financial Services—Joint Statutory Committee—Report—Regulations and ASIC policy statements made under the *Financial Services Reform Act 2001*. Motion of the chair of the committee (Senator Chapman) to take note of report. Debate adjourned till the next day of sitting, Senator Chapman in continuation.

Economics References Committee—Report—A review of public liability and professional indemnity insurance. Motion of the chair of the committee (Senator Collins) to take note of report. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Legal and Constitutional References Committee—Report—Migration zone excision: An examination of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related matters. Motion of the chair of the committee (Senator Bolkus) to take note of report debated and agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Visit to Australian forces deployed to the international coalition against terrorism: Parliament's watching brief on the war on terrorism. Motion of the chair of the committee (Senator Ferguson) to take note of report debated and agreed to.

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

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

46 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.53 pm till Friday, 15 November 2002 at 9.30 am.

47 ATTENDANCE

Present, all senators except Senators Brown*, Ferguson, Harris, Lees*, Payne, Sherry and Watson (* on leave).

HARRY EVANS
Clerk of the Senate