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1 MEETING OF SENATE

The Senate met at 9 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 HOURS OF MEETING—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That, on Friday, 28 November 2003:

- (a) the hours of meeting shall be 9 am to 3.40 pm; and
- (b) the question for the adjournment of the Senate shall be proposed at 3 pm.

Question put and passed.

3 NOTICES

Notices of motion:

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 1 December 2003, from 4.30 pm, to take evidence for the committee's inquiry into the Financial Services Reform Amendment Bill 2003 and related matters. (*general business notice of motion no. 725*)

Senator Ferguson: To move on the next day of sitting—That the time for the presentation of the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD on intelligence information received by Australia's intelligence services in relation to weapons of mass destruction be extended to 1 March 2004. (*general business notice of motion no. 726*)

Senator Conroy: To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer, no later than 3 pm, Thursday, 4 December 2003, any documents prepared by the Department of the Treasury in relation to:

- (a) the operation of the First Home Owner Grant scheme;
- (b) information on the impact of 'bracket creep'; and
- (c) baseline information used in the preparation of the Intergenerational Report 2002-03 (Budget Paper No. 5). (*general business notice of motion no. 727*)

Notices of motion withdrawn:

Senator Nettle withdrew general business notice of motion no. 718 standing in her name for 1 December 2003, relating to World AIDS Day.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 27 November 2003, withdrew business of the Senate notice of motion no. 1 standing in his name for 2 sitting days after today for the disallowance of the Inclusion of Species in the List of Threatened Species, made under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999* and gazetted on 6 August 2003.

4 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

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 Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 11 am to 1 pm, to take evidence for the committee's inquiry into the draft Aviation Transport Security Regulations 2003.

Question put and passed.

5 DEFENCE LEGISLATION AMENDMENT BILL 2003
COMMONWEALTH ELECTORAL AMENDMENT (MEMBERS OF LOCAL GOVERNMENT BODIES) BILL 2002
ABORIGINAL LAND GRANT (JERVIS BAY TERRITORY) AMENDMENT BILL 2003

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

Message no. 452, dated 27 November 2003—A Bill for an Act to amend legislation relating to defence, and for related purposes.

Message no. 453, dated 27 November 2003—A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

Message no. 454, dated 27 November 2003—A Bill for an Act to amend the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986*, and for related purposes.

The Minister for Local Government, Territories and Roads (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 was adjourned till the next day of sitting.

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

Question put and passed.

6 FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 2003

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend legislation about fisheries, and for related purposes.

Question put and passed.

Senator Ian Campbell presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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.

7 SPAM BILL 2003**SPAM (CONSEQUENTIAL AMENDMENTS) BILL 2003**

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

In the committee

SPAM (CONSEQUENTIAL AMENDMENTS) BILL 2003—

Consideration resumed of the bill, as amended.

Senator Lundy moved the following amendments together by leave:

No. 1—Schedule 1, item 71, page 25 (line 19), omit “been involved in”, substitute “committed”.

No. 2—Schedule 1, item 71, page 25 (line 31), after “person”, insert “deliberately and without reasonable excuse”.

No. 3—Schedule 1, item 71, page 25 (line 31), at the end of paragraph 547J(4)(b), add “within their power or knowledge”.

Debate ensued.

The question for the amendments was divided—

Question—That amendments nos 1 and 3 be agreed to—put and passed.

Question—That amendment no. 2 be agreed to—put and negatived.

Senator Greig moved the following amendment:

Schedule 1, item 71, page 25 (after line 30), after paragraph 547J(4)(a), insert:
(aa) the person is able to comply with the order; and

Debate ensued.

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

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

Schedule 1, item 71, page 25 (line 31), after “person”, insert “knowingly”.

On the motion of Senator Greig the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 72, page 26 (line 23), omit “questions put”, substitute “questions that are relevant to the investigation put”.

Schedule 1, item 72, page 26 (line 24), omit “documents requested”, substitute “documents that are relevant to the investigation requested”.

Bill, as amended, agreed to.

Bills to be reported with amendments.

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

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

Senator Kemp moved—That these bills be now read a third time.

Debate ensued.

Question put and passed.

Bills read a third time.

8 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That government business order of the day no. 2 (Family and Community Services (Closure of Student Financial Supplement Scheme) Bill 2003 and a related bill) be postponed till the next day of sitting.

Question put and passed.

9 FUEL QUALITY STANDARDS AMENDMENT BILL 2003

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.

Senator Allison moved the following amendment:

Schedule 1, item 1, page 3, (lines 16 and 17), omit paragraph (b), substitute:

(b) ensure that, where appropriate, information about fuel is provided when fuel is supplied, in particular in relation to:

- (i) relative fuel efficiency; and
- (ii) relative effects of fuel emissions on public health and the environment.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 43

Senators—

Abetz	Conroy	Hutchins	Ray
Barnett	Crossin	Johnston	Scullion
Bishop	Eggleston	Kirk	Sherry
Boswell	Evans	Lundy	Stephens
Brandis	Faulkner	Mackay	Tchen
Buckland	Ferguson	Mason	Tierney
Calvert	Ferris (Teller)	McGauran	Troeth
Campbell, Ian	Forshaw	McLucas	Watson
Chapman	Heffernan	O'Brien	Webber
Colbeck	Hogg	Patterson	Wong
Collins	Humphries	Payne	

Question negatived.

Senator Allison moved the following amendments together by leave:

Schedule 1, page 6 (after line 14), after item 23, insert:

23A After subsection 21(1)

Insert:

- (1A) The Minister will, in writing, determine a fuel quality information standard for all kinds of automotive fuels.

Schedule 1, page 6 (after line 20), after item 24, insert:

24A Subsection 22(1)

Repeal the subsection, substitute:

- (1) The Minister must develop written guidelines that he or she must have regard to in applying subsections 21(1) and (2).
- (2) In determining guidelines that he or she must have regard to in applying subsection 21(1A), the Minister will have regard to subsection 22A(2) of the Act.

Schedule 1, item 25, page 6 (line 25) to page 7 (line 6), omit subsections (1) and (2), substitute:

- (1) The Minister will, in writing, determine fuel quality information standards for all kinds of automotive fuels.
Content of fuel quality information standards
- (2) The fuel quality information standard will be a standard graphic representation which will apply to all fuels.
- (2A) The standard graphic representation will display information about the relative fuel efficiency of fuels.
- (2B) The standard graphic representation will display information about relative emissions levels of fuels with regard to:
- (a) full life cycle emission levels of greenhouse gases; and
 - (b) levels of particulates, carbon monoxide, lead, nitrogen dioxide, ozone, sulphur dioxide and hydrocarbons; and
 - (c) other emissions harmful to human health.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

10 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Medical Indemnity Amendment Bill 2003 and a related bill).

Question put and passed.

11 MEDICAL INDEMNITY AMENDMENT BILL 2003

MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION AMENDMENT BILL 2003

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.

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 Minister for Local Government, Territories and Roads (Senator Ian Campbell) the bills were read a third time.

12 NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2003

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

Debate resumed.

Proposed reference to committee: Senator Nettle moved the following amendment:

Omit all words after “That”, substitute:

- “(a) the Senate condemns the Government’s attempts to curtail the right to protest against the nuclear industry and to increase penalties for whistleblowers in the industry; and
- (b) given the serious public safety issues raised by this bill, Schedule 1 of the bill is referred to the Legal and Constitutional Legislation Committee for inquiry and report by 3 May 2004.”.

Explanatory memorandum: The Minister for Family and Community Services (Senator Patterson) tabled a correction to the explanatory memorandum relating to the bill.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)
Bartlett
Brown

Cherry
Greig

Murphy
Murray

Nettle
Stott Despoja

NOES, 38

Senators—

Alston	Crossin	Kirk	Santoro
Barnett	Eggleston (Teller)	Ludwig	Scullion
Bishop	Evans	Lundy	Stephens
Boswell	Ferguson	Macdonald, Sandy	Tchen
Brandis	Ferris	Mackay	Tierney
Buckland	Forshaw	Mason	Troeth
Calvert	Hogg	McLucas	Watson
Chapman	Humphries	Patterson	Webber
Collins	Hutchins	Payne	
Conroy	Johnston	Ray	

Question negatived.

Main 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.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 21 and 22.

Schedule 1, items 21 and 22 debated and agreed to.

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

Schedule 1, item 26, page 8 (line 7), before “the communication”, insert “the person knows that”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 26, 27 and 72.

Schedule 1, items 26, 27 and 72 debated and agreed to.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 45 and 46.

Schedule 1, items 45 and 46 debated and agreed to.

Senator Allison moved the following amendments together by leave:

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

4. Schedule 4	The day on which this Act receives the Royal Assent
---------------	--

Page 23 (after line 7), at the end of the bill, add:

Schedule 4—Transportation of radioactive waste

Australian Radiation Protection and Nuclear Safety Act 1998

1 Section 13 (after the definition of seize)

Insert:

self-governing Territory means:

- (a) the Australian Capital Territory; or
- (b) the Northern Territory; or
- (c) Norfolk Island.

2 After section 31

Insert:

31A Consent of the States and Territories

- (1) A controlled person must not transport a controlled material or controlled apparatus into or through a State or self-governing Territory without the written consent of the relevant State or Territory.
- (2) A controlled person must not construct or operate a controlled facility in a State or self-governing Territory without the written consent of the relevant State or Territory.
- (3) A person who contravenes this section is guilty of an offence punishable on conviction by imprisonment for a term not more than 5 years, a fine not exceeding 2,000 penalty units, or both.

3 At the end of section 32

Add:

- (4) The CEO must not issue a licence to a controlled person that authorises the construction or operation of a controlled facility in a State or self-governing Territory without the written consent of the relevant State or Territory.

4 At the end of section 33

Add:

- (4) The CEO must not issue a licence to a controlled person that authorises the transportation of a controlled material or controlled apparatus into or through a State or self-governing Territory without the written consent of the relevant State or Territory.

5 Section 83

Repeal the section.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of Senator Patterson the report from the committee was adopted and the bill read a third time.

13 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Family and Community Services (Senator Patterson) moved—That government business order of the day no. 6 (States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003) be postponed till the next day of sitting.

Question put and passed.

14 MARITIME TRANSPORT SECURITY BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—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.

Explanatory memoranda: The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill and a correction to the explanatory memorandum relating to the bill.

On the motion of Senator Troeth the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 5 (line 14), after “to the”, insert “rights, freedoms and”.

Clause 3, page 5 (after line 22), at the end of the clause, add:

- (5) It is not the purpose of this Act to prevent lawful advocacy, protest, dissent or industrial action that does not compromise maritime security.

Clause 11, page 18 (after line 26), at the end of the clause, add:

- (2) However, ***unlawful interference with maritime transport*** does not include lawful advocacy, protest, dissent or industrial action that does not result in, or contribute to, an action of a kind mentioned in paragraphs (1)(a) to (h).

Clause 31, page 32 (line 6), omit “50”, substitute “10”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Troeth the report from the committee was adopted and the bill read a third time.

At 3 pm—

15 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 3.01 pm till Monday, 1 December 2003 at 12.30 pm.

16 ATTENDANCE

Present, all senators except Senators Carr, Cook, Coonan, Denman, Ellison, Harris, Hill, Knowles*, Lees, Ian Macdonald, Marshall, Moore, Ridgeway and Vanstone (* on leave).

HARRY EVANS
Clerk of the Senate