

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 Margaret Reid) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Broadcasting Authority—

Co-regulatory scheme for Internet content regulation—Report for the period 1 January to 30 June 2001.

Report for 2000-01.

Australian Broadcasting Corporation—Equity and diversity—Report for 1 September 2000 to 31 August 2001.

Australian Communications Authority—Telecommunications performance—Report for 2000-01.

Australian Political Exchange Council—Report for 2000-01.

Australian Postal Corporation (Australia Post)—

Equal employment opportunity program—Report for 2000-01.

Statement of corporate intent 2001/2002-2003/2004.

Australian Security Intelligence Organisation—Report for 2000-01.

Centrelink—Compliance activity for Family and Community Services—Report for 2000-01.

Employment Advocate—Report for 2000-2001.

Essendon Airport Limited—Report for 2000-01.

Mid-year economic and fiscal outlook—2001-02—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Mr Fahey), October 2001.

National Competition Council—Report for 2000-01.

National Residue Survey—Results—Report for 2000-01.

NetAlert Limited—Report for 2000-01.

Pooled Development Funds Registration Board—Report for 2000-01.

Sydney Airports Corporation Limited—Statement of corporate intent 2001-2004.

Telstra Corporation Limited—

Equal employment opportunity program—Report for 2000-01.

Report for 2000-01.

United Nations—International Covenant on Civil and Political Rights—Communications—

No. 832/1998—Decision.

No. 930/2000—Views.

No. 978/2001—Outline.

No. 984/2001—Outline.

No. 1011/2001—Outline.

No. 1012/2001—Outline.

No. 1014/2001—Outline.

No. 1036/2001—Outline.

3 SUSPENSION OF STANDING ORDER 3(4)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—That standing order 3(4) be suspended to enable the Senate to consider business other than that of a formal character before the address-in-reply to the Governor-General's opening speech has been adopted.

Question put and passed.

4 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business notice of motion no. 2 standing in his name for today, relating to the introduction of the Financial Services Reform (Consequential Provisions) Bill 2002, be postponed till the next day of sitting.

Question put and passed.

5 DISABILITY SERVICES AMENDMENT (IMPROVED QUALITY ASSURANCE) BILL 2002

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 3—That the following bill be introduced:

A Bill for an Act to improve the quality of employment services and rehabilitation programs provided for people with disabilities, 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.

6 DAYS OF MEETING

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 4—That the days of meeting of the Senate for 2002 be as follows:

Summer sittings:

Tuesday, 12 February to Thursday, 14 February

Autumn sittings:

Monday, 11 March to Thursday, 14 March

Tuesday, 19 March to Thursday, 21 March

Budget sittings:

Tuesday, 14 May to Thursday, 16 May

Winter sittings:

Monday, 17 June to Thursday, 20 June

Monday, 24 June to Thursday, 27 June

Spring sittings:

Monday, 19 August to Thursday, 22 August

Monday, 26 August to Thursday, 29 August

Monday, 16 September to Thursday, 19 September

Monday, 23 September to Thursday, 26 September

Monday, 14 October to Thursday, 17 October

Monday, 21 October to Thursday, 24 October

Monday, 11 November to Thursday, 14 November

Monday, 18 November to Tuesday, 19 November

Monday, 2 December to Thursday, 5 December

Monday, 9 December to Thursday, 12 December.

Question put and passed.

7 STANDING COMMITTEES—AMENDMENT OF STANDING ORDER 25—ALLOCATION OF DEPARTMENTS

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 5—

- (1) That standing order 25(1) be amended as follows:

Omit: 'Employment, Workplace Relations, Small Business and Education',

Substitute: 'Employment, Workplace Relations and Education'.

- (2) That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

Community Affairs

Family and Community Services

Health and Ageing

Economics

Treasury

Industry, Tourism and Resources

Employment, Workplace Relations and Education

Employment and Workplace Relations

Education, Science and Training

Environment, Communications, Information Technology and the Arts

Environment and Heritage

Communications, Information Technology and the Arts

Finance and Public Administration

Parliament

Prime Minister and Cabinet

Finance and Administration

Foreign Affairs, Defence and Trade

Foreign Affairs and Trade

Defence (including Veterans' Affairs)

Legal and Constitutional

Attorney-General

Immigration and Multicultural and Indigenous Affairs

Rural and Regional Affairs and Transport

Transport and Regional Services

Agriculture, Fisheries and Forestry.

Question put and passed.

8 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 6—

- (1) That estimates hearings by legislation committees for the year 2002 be scheduled as follows:

2001-02 additional estimates:

Monday, 18 February and Tuesday, 19 February and, if required, Friday, 22 February (*Group A*)

Wednesday, 20 February and Thursday, 21 February and, if required, Friday, 22 February (*Group B*)

2002-03 budget estimates:

Monday, 27 May to Thursday, 30 May and, if required, Friday, 31 May (*Group A*)

Monday, 3 June to Thursday, 6 June and, if required, Friday, 7 June (*Group B*)

Wednesday, 20 November, and, if required, Friday, 22 November
(*supplementary hearings—Group A*)

Thursday, 21 November and, if required, Friday, 22 November
(*supplementary hearings—Group B*).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.

(3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts

Finance and Public Administration

Legal and Constitutional

Rural and Regional Affairs and Transport

Group B:

Community Affairs

Economics

Employment, Workplace Relations and Education

Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:

Wednesday, 13 March 2002 in respect of the 2001-02 additional estimates,
and

Wednesday, 19 June 2002 in respect of the 2002-03 budget estimates.

Question put and passed.

9 **REGIONAL FOREST AGREEMENTS BILL 2002**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 7—That the following bill be introduced:

A Bill for an Act relating to Regional Forest Agreements, and for other 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.

Leave refused: Senator Ian Campbell sought leave to incorporate the second reading speech in *Hansard*.

An objection was raised and leave was not granted.

Document: Senator Ian Campbell tabled the following document:

Second reading speech relating to the bill.

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.

10 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 8—That the provision of standing order 111(6) which prevents the continuation or resumption of the second reading debate on a bill within 14 days of its first introduction in either House not apply to the Regional Forest Agreements Bill 2002.

Debate ensued.

The Senate divided—

AYES, 45

Senators—

Abetz	Denman	Knowles	Ray
Boswell	Eggleston	Ludwig	Reid
Brandis	Evans	Lundy	Schacht
Buckland	Ferguson	Macdonald, Ian	Scullion
Calvert	Ferris (Teller)	Macdonald, Sandy	Sherry
Campbell, George	Gibbs	Mackay	Tierney
Chapman	Gibson	Mason	Troeth
Collins	Harradine	McGauran	Watson
Conroy	Harris	McKiernan	West
Coonan	Herron	McLucas	
Crossin	Hogg	O'Brien	
Crowley	Hutchins	Payne	

NOES, 9

Senators—

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

Question agreed to.

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

Order of the day read for the consideration of the Governor-General's opening speech.

Senator Gibson moved—That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

Senator Scullion seconded the motion.

Debate ensued.

The Leader of the Australian Democrats (Senator Stott Despoja) moved the following amendment:

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

“, but the Senate is of the opinion that:

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

Debate ensued.

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

12 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) the sitting of the Senate was suspended till 2 pm.

—————

At 2 pm—

13 QUESTIONS

Questions without notice were answered.

14 DEFENCE—INTERCEPTION OF MV TAMPA COMMUNICATIONS—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to the interception of communications by the Defence Signals Directorate and the *MV Tampa*.

Debate ensued.

Question put and passed.

15 ELECTORAL FRAUD—PERSONAL EXPLANATION

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a personal explanation relating to an article in the *Courier Mail* of 12 February 2002 concerning electoral matters and the Member for Fairfax (Mr Somlyay).

16 NEW SOUTH WALES—BUSHFIRES

The Minister for Defence (Senator Hill), by leave, moved—That the Senate—

- (a) extends its sympathies to those Australians who suffered personal losses during the Christmas 2001 bushfires that raged across New South Wales;
- (b) acknowledges the tireless commitment of the thousands of individuals from rural and metropolitan fire brigades, emergency and rescue services, ambulance services, the defence force, police, welfare groups, government agencies, councils and businesses from across the country who were involved in fighting these fires;
- (c) expresses its enduring gratitude and admiration to these Australians, many of whom were volunteers, for their efforts and sacrifices and, in particular, acknowledges the bravery of those who risked their lives in fighting the fires; and
- (d) recognises that the way that the community heroically pulled together in a time of crisis truly demonstrates the strength of the Australian spirit.

Question put and passed.

17 PETITIONS

The following 7 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 23 petitioners, requesting that the Senate take action to repeal the goods and services tax legislation and instigate an inquiry to investigate alternative taxation regimes.

Senator Bartlett, from 22 petitioners, requesting that the Senate oppose the resumption of the live animal export market.

Senator Bishop, from 15 petitioners, requesting that the Senate reject the Government's proposed plans to fully privatise Telstra.

Senator Brown, from 1 491 petitioners, requesting that the Senate call on the Government to comply with international human rights agreements with regard to detaining children and to implement an alternative detention model for asylum seekers.

Senator Kemp, from 23 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senator Kemp, from 56 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

Senator McKiernan, from 16 petitioners, requesting that the Senate take action to conduct a plebiscite on whether Australia should become a republic with an Australian as head of state in place of the Queen.

18 NOTICES

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

- (a) expresses its concern about the significant increase in public liability insurance premiums and the effect it is having on the viability of many small businesses and community and sporting organisations;
- (b) condemns the Government for its inaction; and
- (c) urges the Minister to propose a solution to this pressing issue, as quickly as possible, not just look at the problem. (*general business notice of motion no. 12*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That, upon their introduction in the House of Representatives, the provisions of the Proceeds of Crime Bill 2002 and the provisions of the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002 be referred to the Legal and Constitutional Legislation Committee for report by 14 March 2002.

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

- (a) notes that:
 - (i) Victorian school principals are struggling to fill teaching vacancies for the 2002 school year,
 - (ii) Victoria has a shortage of mathematics, science, information technology, languages other than English, accounting and woodwork teachers, and
 - (iii) schools in regional areas and country towns experience the greatest difficulty filling teacher vacancies; and
- (b) urges the Government to do more to increase the number of available teachers by improving conditions and incentives for teachers, particularly in rural areas, and by increasing university places and funding for teacher education. (*general business notice of motion no. 13*)

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

- (1) That a select committee, to be known as the Select Committee on the Lindeberg Grievance, be appointed to inquire into and report, by 30 June 2002, on the following matters:
 - (a) whether any false or misleading evidence was given to the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases or the Committee of Privileges in respect of its 63rd and 71st reports;
 - (b) whether any contempt was committed in that regard, having regard to previous inquiries by Senate committees relating to the shredding of the Heiner documents, the fresh material that has subsequently been revealed by the Dutney Memorandum, and Exhibits 20 and 31 tabled at the Forde Commission of Inquiry into the Abuse of Children in Queensland Institutions, and any other relevant evidence; and
 - (c) whether this matter should be taken into account in framing the proposed legislation on whistleblower protection recommended by the Select Committee on Public Interest Whistleblowing.
- (2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, 1 nominated by the One Nation Party and 1 nominated by the Australian Greens or Senator Harradine.

- (3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (4) That:
 - (a) the chair of the committee be elected by and from the members of the committee;
 - (b) in the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate;
 - (c) the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair;
 - (d) the deputy chair act as chair when there is no chair or the chair is not present at a meeting; and
 - (e) in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.
- (5) That the quorum of the committee be a majority of the members of the committee.
- (6) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken, and such interim recommendations as it may deem fit.
- (7) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of the subcommittee be a majority of the members appointed to the subcommittee.
- (8) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint investigative staff and persons, including senior counsel, with specialist knowledge for the purposes of the committee, with the approval of the President.
- (9) That the committee have access to, and have power to make use of, the evidence and records of the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases and the Committee of Privileges in respect of its 63rd and 71st reports.
- (10) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 14*)

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

- (a) notes the death in custody of Aboriginal Australian Douglas Bruce Scott in Darwin on 5 July 1985;
- (b) expresses its regret and condolences to his widow, Mrs Letty Scott, and their family;
- (c) notes that Mrs Scott considers inquiries into her husband's death to have been flawed and inadequate, and that this matter is currently the subject of litigation; and

- (d) calls on the Government to work with Mrs Scott to open a fresh investigation into Mr Scott's death, through which all the evidence can be considered. (*general business notice of motion no. 15*)

Senator Brown: To move on 12 March 2002—That the following bill be introduced: A Bill for an Act to establish a Parliamentary Commission of Inquiry into Forestry Tasmania, the Forest Practices Board and Private Forests Tasmania, and for related purposes. ***Parliamentary Commission of Inquiry into Forestry Tasmania Bill 2002.*** (*general business notice of motion no. 16*)

19 ROUTINE OF BUSINESS—VARIATION

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

- (1) That consideration of government documents not be proceeded with today.
- (2) That valedictory statements relating to Senators Gibson and Newman may be made from 5 pm to 7.20 pm today.
- (3) That in making valedictory statements, a senator shall not speak for more than 10 minutes.

Question put and passed.

20 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, postponed till 14 February 2002.

General business notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to a request to the Inspector-General of Intelligence and Security to investigate certain actions in relation to the MV *Tampa*, postponed till 14 February 2002.

General business notice of motion no. 3 standing in the name of Senator Bourne for today, relating to the forthcoming presidential election in Zimbabwe, postponed till 14 February 2002.

General business notice of motion no. 4 standing in the name of Senator Bourne for today, relating to the Dalai Lama, postponed till 14 February 2002.

General business notice of motion no. 2 standing in the name of Senator Allison for today, relating to the establishment of a select committee on superannuation, postponed till 14 February 2002.

General business notice of motion no. 5 standing in the name of Senator Ridgeway for today, relating to the proposed incorporation of Indigenous protocols in the procedures for the opening of Parliament, postponed till 14 February 2002.

General business notice of motion no. 10 standing in the name of Senator Murphy for today, relating to the establishment of a select committee on forestry and plantation matters, postponed till 11 March 2002.

21 LEAVE OF ABSENCE

Senator Calvert, by leave, moved—That leave of absence be granted to Senator Crane for the period 12 February to 14 February 2002, on account of ill health.

Question put and passed.

Senator Mackay, by leave, moved—That leave of absence be granted to Senator Bishop for the period 12 February to 14 February 2002, on account of parliamentary business overseas.

Question put and passed.

22 BILLS—RESTORATION TO NOTICE PAPER

Senator Bourne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 6—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:

ABC Amendment (Online and Multichannelling Services) Bill 2001
 Air Navigation Amendment (Extension of Curfew and Limitation of Aircraft Movements) Bill 1995 [1998]
 Anti-Genocide Bill 1999
 Australian Broadcasting Corporation Amendment Bill 1999
 Charter of Political Honesty Bill 2000
 Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001
 Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000
 Corporate Code of Conduct Bill 2000
 Electoral Amendment (Political Honesty) Bill 2000
 Freedom of Information Amendment (Open Government) Bill 2000
 Parliamentary Approval of Treaties Bill 1995 [1998]
 Public Interest Disclosure Bill 2001
 Reconciliation Bill 2001
 State Elections (One Vote, One Value) Bill 2001.

Question put and passed.

23 FOREIGN AFFAIRS—INDONESIA—DEATH OF MR THEYS ELUAY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 9—That the Senate—

- (a) expresses its grave concern at the death of West Papuan leader, Theys Eluay; and
- (b) calls on the Australian Government to request that the Indonesian Government conduct a full and independent inquiry into Mr Eluay's death.

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 30

Senators—

Abetz	Ferguson	Macdonald, Ian	Scullion
Alston	Ferris	Macdonald, Sandy	Tchen
Boswell	Gibson	Mason	Tierney
Brandis	Heffernan	McGauran	Troeth
Calvert (Teller)	Herron	Minchin	Vanstone
Campbell, Ian	Hill	Patterson	Watson
Chapman	Kemp	Payne	
Eggleston	Knowles	Reid	

Question agreed to.

24 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—
Exemptions Nos CASA EX04/2002 and CASA EX05/2002.
Instrument No. CASA 32/02.

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Water and Sewerage
Services Fees Determination No. 1 of 2001.

Veterans' Entitlements Act—

Veterans' Entitlements (Attribution of Income) Principles 2002.

Veterans' Entitlements (Modification of Asset Deprivation Rules) Principles 2002.

Veterans' Entitlements (Modification of Income Deprivation Rules) Principles
2002.

**25 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—PRESIDENT'S
REPORT ON GOVERNMENT RESPONSES**

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

Government response to the schedule of government responses outstanding to
parliamentary committee reports tabled by the President of the Senate on 28 June 2001,
dated 13 February 2002.

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

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

Debate resumed.

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

Environment—Groundwater resources—Copy of graphical summaries of the major groundwater resources located on the Eyre Peninsula, South Australia.

On the motion of the Minister for Defence (Senator Hill) the debate was adjourned till a later hour.

27 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—APPOINTMENT

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved general business notice of motion no. 8—

- (1) That a select committee, to be known as the Select Committee on a Certain Maritime Incident, be appointed to inquire into and report by 16 May 2002 on the following matters:
 - (a) the so-called 'children overboard' incident, where an Indonesian vessel was intercepted by HMAS *Adelaide* within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001;
 - (b) issues directly associated with that incident, including:
 - (i) the role of Commonwealth agencies and personnel in the incident, including the Australian Defence Force, Customs, Coastwatch and the Australian Maritime Safety Authority,
 - (ii) the flow of information about the incident to the Federal Government, both at the time of the incident and subsequently,
 - (iii) Federal Government control of, and use of, information about the incident, including written and oral reports, photographs, videotapes and other images, and
 - (iv) the role of Federal Government departments and agencies in reporting on the incident, including the Navy, the Defence Organisation, the Department of Immigration and Multicultural Affairs, the Department of the Prime Minister and Cabinet, and the Office of National Assessments; and
 - (c) in respect of the agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the 'Pacific Solution':
 - (i) the nature of negotiations leading to those agreements,
 - (ii) the nature of the agreements reached,

- (iii) the operation of those arrangements, and
 - (iv) the current and projected cost of those arrangements.
- (2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.
 - (3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
 - (4) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
 - (5) That the deputy chair of the committee be elected by the committee from the members nominated by the Leader of the Government in the Senate.
 - (6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
 - (7) That, in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.
 - (8) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
 - (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
 - (10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
 - (11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Debate ensued.

Senator Brown moved the following amendment:

At end of paragraph (1), add:

- (d) how information from the Defence Signals Directorate was conveyed to and used by the Government during and since the *Tampa* crisis.

Debate ensued.

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

Senator Murphy moved the following amendment:

Omit paragraph (2), substitute:

- (2) That the committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Australian Democrats, and 1 nominated by independent senators.

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

Main question, as amended, put.

The Senate divided—

AYES, 35

Senators—

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

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Senators—

Abetz	Eggleston	Hill	Patterson
Alston	Ellison	Kemp	Payne
Boswell	Ferguson	Lightfoot	Reid
Brandis	Ferris	Macdonald, Ian	Scullion
Calvert	Gibson	Macdonald, Sandy	Tchen
Campbell, Ian	Harris	Mason	Tierney
Chapman	Heffernan	McGauran (Teller)	Vanstone
Coonan	Herron	Minchin	Watson

Question agreed to.

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After 5 pm—

28 VALEDICTORY STATEMENTS

Senators made statements relating to the retirement of Senators Newman and Gibson.

29 COMMITTEES—APPOINTMENT OF MEMBERS

The President informed the Senate that the President had received letters nominating senators to be members of various committees.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell), by leave, moved—That senators be appointed to committees as follows:

Appropriations and Staffing—Standing Committee—

Appointed: Senators Boswell, Bourne, Heffernan, Ian Macdonald, Ray and Schacht

Community Affairs Legislation Committee—

Appointed: Senators Allison, Bishop, Denman, Herron, Knowles and Tchen

Participating members:

Senator Harradine

Senator Lees for matters relating to the Health portfolio

Senator Cherry for matters relating to the Family and Community Services portfolio

Community Affairs References Committee—

Appointed: Senators Crowley, Gibbs, Knowles, Lees, McLucas and Tchen

Participating members:

Senators Bartlett and Harradine

Senator Cherry for matters relating to the Family and Community Services portfolio

Economics Legislation Committee—

Appointed: Senators Brandis, Chapman, Collins, Murray, Schacht and Watson

Participating members: Senators Harradine and Ridgeway

Substitute member: Senator Allison to replace Senator Murray for matters relating to the Resources portfolio

Economics References Committee—

Appointed: Senators Bolkus, Collins, Cook, Ridgeway

Participating members: Senators Harradine and Murray

Substitute member: Senator Allison to replace Senator Ridgeway for matters relating to the Resources portfolio

Employment, Workplace Relations and Education Legislation Committee—

Appointed: Senators Brandis, George Campbell, Carr, Ferris, Stott Despoja and Tierney

Participating member: Senator Harradine

Substitute members:

Senator Murray to replace Senator Stott Despoja for matters relating to the Workplace Relations portfolio

Senator Lees to replace Senator Stott Despoja for matters relating to the Training portfolio

Senator Cherry to replace Senator Stott Despoja for matters relating to the Employment portfolio

Senator Allison to replace Senator Stott Despoja for matters relating to the Schools portfolio

Employment, Workplace Relations and Education References Committee—

Appointed: Senators Brandis, George Campbell, Carr, Crossin, Stott Despoja and Tierney

Participating member: Senator Harradine

Substitute members:

Senator Murray to replace Senator Stott Despoja for matters relating to the Workplace Relations portfolio

Senator Lees to replace Senator Stott Despoja for matters relating to the Training portfolio

Senator Cherry to replace Senator Stott Despoja for matters relating to the Employment portfolio

Senator Allison to replace Senator Stott Despoja for matters relating to the Schools portfolio

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

Appointed: Senators Bartlett, Calvert, Eggleston, Lundy, Mackay and Tchen

Participating members:

Senators Harradine and Lees

Senators Allison and Bourne for matters relating to the Communications portfolio

Senator Stott Despoja for matters relating to the Information Technology portfolio

Senator Ridgeway for matters relating to the Arts portfolio

Substitute member: Senator Greig to replace Senator Bartlett for matters relating to the Information Technology portfolio

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

Appointed: Senators Allison, Lundy, Mackay, McLucas, Tchen and Tierney

Participating members:

Senators Harradine and Lees

Senators Bartlett for matters relating to the Environment portfolio

Senators Greig and Stott Despoja for matters relating to the Information Technology portfolio

Senator Ridgeway for matters relating to the Arts portfolio

Finance and Public Administration Legislation Committee—

Appointed: Senators Brandis, Faulkner, Forshaw, Lightfoot, Mason and Murray

Participating members: Senators Harradine and Ridgeway

Finance and Public Administration References Committee—

Appointed: Senators Forshaw, Lightfoot, Lundy, Ridgeway, Schacht and Watson

Participating members:

Senators Harradine and Murray

Senators Allison for matters relating to public service issues

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed: Senators Bourne, Evans, Ferguson, Hogg, Sandy Macdonald and Payne

Participating member: Senator Harradine

Foreign Affairs, Defence and Trade References Committee—

Appointed: Senators Bourne, Hogg, Hutchins, Lightfoot, Sandy Macdonald and West

Participating member: Senator Harradine

House—Standing Committee—

Appointed: Senators Brandis, Calvert, Carr, Collins, Gibbs and Knowles

Legal and Constitutional Legislation Committee—

Appointed: Senators Cooney, Greig, McKiernan, Mason, Payne and Scullion

Participating members:

Senator Harradine

Senator Bartlett for matters relating to the Immigration and Multicultural Affairs portfolio

Substitute member: Senator Lees to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

Legal and Constitutional References Committee—

Appointed: Senators Cooney, Greig, Ludwig and McKiernan

Participating members:

Senator Harradine

Senator Bartlett for matters relating to the Immigration and Multicultural Affairs portfolio

Substitute member: Senator Lees to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

Library—Standing Committee—

Appointed: Senators Crowley, Mackay and Sherry

Privileges—Standing Committee—

Appointed: Senators Eggleston, Evans, Knowles, McGauran, Payne, Ray and Sherry

Procedure—Standing Committee—

Appointed: Senators Bourne, Ian Campbell, Eggleston, Ferguson, Ludwig and Ray

Publications—Standing Committee—

Appointed: Senators Bishop, Calvert, Chapman, Hutchins, Lightfoot, McLucas and McKiernan

Regulations and Ordinances—Standing Committee—

Appointed: Senators Bartlett, Buckland and Ludwig

Rural and Regional Affairs and Transport Legislation Committee—

Appointed: Senators Buckland, Cherry, Crane, Ferris, McGauran and O'Brien

Participating members:

Senator Harradine

Senator Bartlett for matters relating to animal welfare issues

Senator Greig for matters relating to the Fisheries and Transport portfolios

Rural and Regional Affairs and Transport References Committee—

Appointed: Senators Buckland, Crane, Ferris, Mackay, O'Brien and Ridgeway

Participating members:

Senator Harradine

Senators Bartlett for matters relating to animal welfare issues

Senator Greig for matters relating to the Fisheries and Transport portfolios

Scrutiny of Bills—Standing Committee—

Appointed: Senators Cooney, Crane, Crossin, Ferris, Mason and Murray

Selection of Bills—Standing Committee—

Appointed: Senators Buckland, Ian Campbell, Crossin and Ferris

Senators' Interests—Standing Committee—

Appointed: Senators Allison, Brandis, Bolkus, Collins, Denman, Forshaw, Herron and Lightfoot.

Question put and passed.

At 7.20 pm—

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.48 pm till Thursday, 14 February 2002 at 9.30 am.

31 ATTENDANCE

Present, all senators except Senators Bishop* and Crane* (* on leave).

HARRY EVANS
Clerk of the Senate