

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 5

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1 **MEETING OF SENATE**

The Senate met at 2 pm. The Deputy President (Senator West) took the chair and read prayers.

2 **GOVERNMENT DOCUMENTS**

The following government documents were tabled:

- Administrative Review Council—Report for 2000-01.
- Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2000-01.
- Australia-Indonesia Institute—Report for 2000-01.
- Australian Centre for International Agricultural Research—Report for 2000-01—Erratum.
- Australian Submarine Corporation Pty Limited—Report for 2000-01.
- Bundanon Trust—Report for 2000-01.
- Christmas Island Casino Surveillance Authority—Report for 2000-01.
- Commonwealth Grants Commission—Report—State revenue sharing relativities—2002 update.
- Copyright Agency Limited—Report for 2000-01.
- Local Government (Financial Assistance) Act 1995*—National Office of Local Government—Report for 2000-01 on the operation of the Act.
- National Australia Day Council—Report for 2000-01.
- National Environment Protection Council and NEPC Service Corporation—Report for 2000-01.
- Native Title Act 1993*—Native title representative bodies—Reports for 2000-01—
 - Cape York Land Council.
 - Gurang Land Council (Aboriginal Corporation).
 - Kimberley Land Council.
 - Mirimbiak Nations Aboriginal Corporation.
 - Ngaanyatjarra Council (Aboriginal Corporation).
 - Queensland South Representative Body Aboriginal Corporation.
- Official Establishments Trust—Report for 2000-01.
- Productivity Commission—Report for 2000-01.
- Remuneration Tribunal—Report for 2000-01.
- ScreenSound Australia—National Screen and Sound Archive—Report for 2000-01.
- Treaties—
 - Bilateral*—
 - Text, together with national interest analysis and regulation impact statement—
Agreement between the Government of Australia and the Government of the United States of America on Social Security, done at Canberra on 27 September 2001.

Exchange of Letters, done at Canberra on 27 September–25 October 2001, constituting an Agreement between the Government of Australia and the Government of New Zealand amending the Agreement between the Government of Australia and the Government of New Zealand Establishing a System for the Development of Joint Food Standards of 1995.

Protocol, done at Canberra on 27 September 2001, amending the Convention between the Government of Australia and the Government of the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, done at Sydney on 6 August 1982.

Text, together with national interest analysis—

Agreement between Australia and Uruguay on the Promotion and Protection of Investments, done at Punta del Este, Uruguay, on 3 September 2001.

Agreement between the Commonwealth of Australia and the Kingdom of the Netherlands on Mutual Administrative Assistance for the proper application of Customs law and for the prevention, investigation and combating of Customs offences, done at The Hague on 24 October 2001.

Agreement between the Government of Australia and the Government of the Arab Republic of Egypt on the Promotion and Protection of Investments, done at Cairo on 3 May 2001.

Agreement between the Government of Australia and the Government of the Kyrgyz Republic concerning the Status of Australian Forces in the Kyrgyz Republic, done at Bishkek on 14 February 2002.

Agreement between the Government of Australia and the Government of the Republic of France on Employment of Dependants of Agents of Official Missions of one of the two States in the other State, done at Adelaide on 2 November 2001.

Exchange of Notes Amending the Agreement on Social Security between the Government of Australia and the Government of New Zealand, done at Canberra on 28 March 2001.

Multilateral—Text, together with national interest analysis—

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement And Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, done at The Hague on 19 October 1996.

Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, done at Lisbon on 11 April 1997.

International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997.

Pacific Agreement on Closer Economic Relations (PACER), done at Nauru on 18 August 2001.

3 VICTORIAN LEGISLATIVE COUNCIL—DELEGATION—DISTINGUISHED VISITORS

The Deputy President (Senator West) welcomed members of a delegation from the Victorian Legislative Council led by its President, the Honourable Bruce Chamberlain, MLC, and thanked the President and members of the Legislative Council for the hospitality afforded the Senate during the Centenary of Federation commemorative sittings in Melbourne in May 2001.

4 QUESTIONS

Questions without notice were answered.

5 ECONOMY—DEBT MANAGEMENT—ANSWER TO QUESTION

Senator Conroy moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Conroy today relating to debt management and currency swaps.

Debate ensued.

Question put and passed.

6 EXECUTIVE ACCOUNTABILITY—ANSWERS TO QUESTIONS

Senator Bartlett moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked by the Leader of the Australian Democrats (Senator Stott Despoja) and Senator Bartlett today relating to aspects of executive accountability.

Question put and passed.

7 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Forshaw, from 451 petitioners, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

Senators McGauran and Tchen, each from 53 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.

8 NOTICES

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister for Defence (Senator Hill), no later than immediately after motions to take note of answers on 20 March 2002, the following documents:

R225.040	Health Physics - Tolerances Ingested and Inhaled Materials
R225.041	Health Physics - External Radiations
R216.010	Chemical Warfare Testing Sites - Report by Joint Aus/US Survey Team
R217.025	Effect on Personnel of Atomic Testing at Maralinga
R100.018	DCMO Brisbane and Amberley
R208.010	Certificates for wounds and hurts
R065.015	Likelihood of Clandestine Introduction of Nuclear Weapons into Australia
R065.046	UK Testing at Woomera of Missiles with Nuclear Warheads
R210.004	Radiation Dose Records
R010.002	Comparison of UK Personnel Listings Against Exposure Records in Australia
R228.022	Safety Procedures and Health Effects - Investigations
R009.011	Weapons Atomic Test Program Investigation of Safety and Health Effect. (<i>general business notice of motion no. 31</i>)

Senator Carr: To move on the next day of sitting—That there be laid on the table, by the Minister for Health and Ageing (Senator Patterson), no later than immediately after motions to take note of answers on Tuesday, 19 March 2002, the following documents:

- (a) all documents provided by Australian Nuclear Science and Technology Organisation (ANSTO) officials based in Argentina to ANSTO or the Government since September 2001, including but not restricted to matters of the financial condition of INVAP, its capacity to fully deliver the current contract, its repeated applications for Argentinian government loans and any discussion of renegotiated financial arrangements for the Lucas Heights contract;
- (b) all documents relating to discussions between the CEO of ANSTO and other senior ANSTO staff and INVAP or any other Argentinian government agency, including but not restricted to the financial circumstances of INVAP, its capacity to fully deliver the current Lucas Heights contract, its repeated applications for Argentinian government loans and any discussion or consideration of renegotiated financial arrangements for the contract;
- (c) all documents relating to the termination provisions in the contract entered into with INVAP;
- (d) all documents substantiating the claims made by the Minister for Science (Mr Peter McGauran) on the Radio National Earthbeat program on 23 February 2002 that, ‘We are constantly monitoring the situation, through our Ambassador specifically’ and ‘We are alert to any flow on effects from the difficulties of the Argentinian economy, but INVAP is insulated, to all intents and purposes, from those problems’; and
- (e) all documents relating to:
 - (i) any variations in the specifications and capacity of the proposed new reactor since formal negotiations with INVAP were commenced,
 - (ii) any amendment to the provision of neutron beam assemblies, specifically any amendment to the provision of two thermal neutron beam assemblies and an additional beam assembly for a hot neutron source, and
 - (iii) project cost revisions consequent on such variations, as well as documents relating to the effect of any such variations on the research capacity and potential of the reactor. (*general business notice of motion no. 32*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—

- (1) That the Employment, Workplace Relations and Education References Committee inquire into the education of students with disabilities, including learning disabilities, throughout all levels and sectors of education, with particular reference to:
 - (a) whether current policies and programs for students with disabilities are adequate to meet their education needs, including, but not limited to:
 - (i) the criteria used to define disability and to differentiate between levels of handicap,
 - (ii) the accuracy with which students’ disability-related needs are being assessed,

- (iii) the particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds, and from rural and remote areas,
 - (iv) the effectiveness and availability of early intervention programs,
 - (v) access to and adequacy of funding and support in both the public and private sectors,
 - (vi) the nature, extent and funding of programs that provide for full or partial learning opportunities with mainstream students,
 - (vii) teacher training and professional development, and
 - (viii) the legal implications and resource demands of current Commonwealth and state and territory legislation; and
- (b) what the proper role of the Commonwealth and states and territories should be in supporting the education of students with disabilities.

(2) That the committee report to the Senate by the last sitting day in October 2002.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg): To move on the next day of sitting—

(1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 2 December 2002:

Whether the current materiel acquisition and management framework of the Department of Defence is effective in meeting the organisation's equipment requirements.

- (2) In considering this matter, the committee is to examine and report on the following issues:
- (a) whether the current materiel acquisition and through-life support system is meeting, and will continue to meet, the needs of Defence and Defence industries in a timely, cost-effective and qualitative manner;
 - (b) the impact of the Defence Materiel Organisation acquisition reform program on materiel acquisition and management;
 - (c) the current status of major equipment projects in meeting the organisation's requirements;
 - (e) the impact of the creation of decentralised System Program Offices on materiel acquisition and management; and
 - (f) any other issues relevant to the effectiveness of the current acquisitions framework which arise in the course of the inquiry.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg): To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 2 December 2002:

Australia's relationship with Papua New Guinea and the island states of the south-west Pacific (known as Oceania or the South Pacific), with particular reference to:

- (a) the current state of political relations between regional states and Australia and New Zealand;
- (b) economic relations, including trade, tourism and investment;

- (c) development cooperation relationships with the various states of the region, including the future direction of the overall development cooperation program; and
- (d) the implications for Australia of political, economic and security developments in the region.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Plant Breeder's Rights Act 1994*, and for related purposes. ***Plant Breeder's Rights Amendment Bill 2002.***

9 LEAVE OF ABSENCE

Senator Mackay, by leave, moved—That leave of absence be granted to Senators McKiernan and Gibbs for the period 13 March to 21 March 2002, on account of parliamentary business overseas.

Question put and passed.

10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 16 standing in the name of Senator Brown for today, relating to the introduction of the Parliamentary Commission of Inquiry into Forestry Tasmania Bill 2002, postponed till 20 March 2002.

General business notice of motion no. 4 standing in the name of Senator Bourne for today, relating to the Dalai Lama, postponed till 13 March 2002.

General business notice of motion no. 29 standing in the name of Senator Allison for today, relating to tobacco advertising at the Australian Grand Prix, postponed till 13 March 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 13 March 2002.

General business notice of motion no. 30 standing in the name of Senator Brown for today, relating to the business appointments of ministers after leaving office, postponed till 13 March 2002.

11 FINANCIAL CORPORATIONS (TRANSFER OF ASSETS AND LIABILITIES) AMENDMENT BILL 2002

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 the following bill be introduced:

A Bill for an Act to amend the *Financial Corporations (Transfer of Assets and Liabilities) Act 1993*, 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.

12 HOURS OF MEETING—VARIATION

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 on Tuesday, 12 March 2002:

- (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to 11.10 pm;
- (b) the routine of business from 7.30 pm to 10.30 pm shall be the consideration of the address-in-reply;
- (c) if a division is called for after 7.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate; and
- (d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

Statements by leave: Senators Ludwig, Ian Campbell, Mackay and Brown and the Leader of the Australian Democrats (Senator Stott Despoja), by leave, made statements relating to the motion.

Question put and passed.

13 ADVANCE TO THE FINANCE MINISTER—CONSIDERATION

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. 3—That consideration of the Advance to the Finance Minister as a final charge for the year ended 30 June 2001 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the Advance.

Question put and passed.

14 LUCAS HEIGHTS REACTOR—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Australian Democrats (Senator Stott Despoja), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 25—That there be laid on the table, by the Minister for Health and Ageing (Senator Patterson), no later than immediately after motions to take note of answers on Tuesday, 19 March 2002, the following documents:

- (a) the post-September 11 security review of the nuclear reactor at Lucas Heights carried out by the Australian Nuclear Science and Technology Organisation; including the original analysis, and review documents from the Australian Safeguards and Non-Proliferation Office, and the Australian Radiation Protection and Nuclear Safety Office;

- (b) all documents relating to the modelling and analysis of a deliberate large aircraft crash into the nuclear reactor at Lucas Heights;
- (c) all documents relating to the claim made by John Loy at Senate estimates hearings on 20 February 2002, that should the reactor at Lucas Heights be breached, the ‘doses to any individual would be relatively small’ and that ‘the total collective radiation dose that is figured in that would be comparable to, but a little in excess of, the collective dose that was in the reference accident in the siting licence assessment for the Lucas Heights site, but not dramatically so’, including any documentation modelling this claim;
- (d) any documents relating to the financial capacity and viability of INVAP since 1 January 2002;
- (e) all documents relating to the selection of INVAP through the tender process; and
- (f) all documents relating to guarantees made by the Argentinian Government in relation to INVAP’s tender and subsequent contract to construct the Lucas Heights reactor.

Question put and passed.

15 DEATH OF SERGEANT ANDREW RUSSELL

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for Defence (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—That the Senate—

- (a) records its deep regret at the death, on 17 February 2002, of Sergeant Andrew Russell during active service in Afghanistan;
- (b) notes with appreciation the efforts of all Australian military personnel engaged in the war against terrorism;
- (c) recognises the major risks our defence forces are prepared to take to reduce the risk to Australians and our friends of harm through terrorist attacks; and
- (d) extends its sincere condolences to the wife and family of the late Sergeant Andrew Russell.

Question put and passed.

16 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSALS

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. 5—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 the refurbishment of the former Communications Centre in the John Gorton Building.

Question put and passed.

Senator Ian Campbell, pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 6—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 the construction of two outdoor playgrounds for the childcare centre in the Treasury Building.

Question put and passed.

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

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 19—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002. Question put and passed.

**18 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—EXTENSION OF
TIME TO REPORT**

Senator Calvert, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 20—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002. Question put and passed.

**19 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—LEAVE TO MEET
DURING SITTING**

Senator Calvert, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 21—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 12 March 2002, from 6 pm to 7.30 pm, to take evidence for the committee's inquiry on the 2001-02 additional estimates for the Department of Veterans' Affairs. Question put and passed.

**20 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO
REPORT**

Senator Calvert, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 27—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002. Question put and passed.

**21 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING
SITTING**

Senator Calvert, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 28—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 12 March 2002, from 7 pm, to take evidence for the committee's inquiry on the 2001-02 additional estimates. Question put and passed.

**22 ECONOMICS LEGISLATION COMMITTEE—DIRECTION TO MEET—WITNESSES—
EXTENSION OF TIME TO REPORT**

Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 22—

(1) That the Senate—

- (a) instructs the Economics Legislation Committee to reconvene for the consideration of additional estimates on 13 March 2002, from 9 am until no later than 1 pm, to hear further evidence from the Minister representing the Treasurer and relevant officers concerning the responsibilities of the Australian Office of Financial Management (AOFM);
- (b) directs the Minister to ensure that relevant officers, including Mr Michael Allen, Dr Martin Parkinson and officers serving on the Australian Office of Financial Management Advisory Board, appear before the committee at that hearing for that purpose; and
- (c) directs the Minister to ensure that the relevant officers bring to the hearing and make available to the committee for inspection and use, relevant documentation, including:
 - (i) copies of all reviews undertaken since 1996 of the management program for the Commonwealth debt portfolio, including but not limited to:
 - (A) AOFM: Review of Foreign Currency Exposure, 2000-01, as cited in the AOFM Annual Report, 2000-01,
 - (B) UBS: A Benchmark for the Commonwealth Debt Portfolio, May 1996, as cited on page 48 of Auditor-General's report no. 14 of 1999-2000,
 - (C) UBS: Review of the Benchmark, June 1998, as cited on page 50 of Auditor-General's report no. 14 of 1999-2000,
 - (D) Department of the Treasury: Review of the Benchmark, December 1996, as cited on page 54 of Auditor-General's report no. 14 of 1999-2000,
 - (E) Department of the Treasury: Review of the Benchmark, November 1997, as cited on page 54 of Auditor-General's report no. 14 of 1999-2000,
 - (F) Department of the Treasury: Review of the Benchmark, August 1998, as cited on page 54 of Auditor-General's report no. 14 of 1999-2000,
 - (G) Bankers Trust, Carmichael Consulting and Cooper's & Lybrand, Review of the Benchmark, 1997, as cited by the Treasurer in his press conference of 4 March 2002, and
 - (H) AOFM, Review of the Benchmark, November 1999, as cited in the AOFM submission to the Joint Committee of Public Accounts and Audit 'Audit Recommendations and Status of Action as at End April 2000',
 - (ii) File AOFM2000/00243 – Executive: Foreign Exchange Risk Management: Foreign Exchange Exposure Review Taskforce: CEO's working papers,

- (iii) File AOFM2000/00381 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 1),
- (iv) File AOFM2000/00382 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 2),
- (v) File AOFM2000/00383 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 3),
- (vi) File AOFM2000/00384 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 4),
- (vii) File AOFM2000/00124 – Admin Unit: AOFM Advisory Board (Part 1),
- (viii) File AOFM2000/00124 - Admin Unit: AOFM Advisory Board (Part 2),
- (ix) File AOFM2001/00124 – Admin Unit: AOFM Advisory Board (Part 3),
- (x) File AOFM2001/00124 – Admin Unit: AOFM Advisory Board (Part 4),
- (xi) File AOFM2000/00316 – Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 25 October 2000 meeting,
- (xii) File AOFM2000/00147 – Debt Policy Unit: Foreign Exchange Risk Management: Report of the Taskforce on Commonwealth Foreign Exchange Risk Management,
- (xiii) File AOFM2000/00233 – Debt Policy Unit: Swaps Policy: Monthly Financial Reports for the Swaps Portfolio during 2000-01,
- (xiv) File AOFM2000/00234 – Debt Policy Unit: Swaps Policy: Notes Reporting on the Commonwealth of Australia's Swap Activities during 2000-01,
- (xv) File AOFM2001/00015 – Portfolio Research Unit: Swaps Policy: Swap Counterparties Utilisation of Market Exposure Limits,
- (xvi) File AOFM2001/00017 – Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 10 January 2001 meeting, and
- (xvii) File AOFM2001/00152 – Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 2 May 2001 meeting.

- (2) That the time for the presentation of the report of the Economics Legislation Committee on the 2001-02 additional estimates be extended to 19 March 2002.

Senator Cherry, by leave, moved the following amendment:

At the end of paragraph (1), add:

- (d) directs the Minister to ensure that relevant officers of the Australian Prudential Regulation Authority's Insurance and Superannuation Statistics Unit appear before the committee at the hearing to provide evidence on general insurance industry statistics.

Statements by leave: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and Senators Ludwig and Ray, by leave, made statements relating to the motion.

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

Main question, as amended, put.

The Senate divided—

AYES, 34

Senators—

Allison	Conroy	Gibbs	McLucas
Bartlett	Cook	Greig	Murphy
Bishop	Cooney	Hogg	Murray
Bolkus	Crossin	Hutchins	O'Brien
Bourne	Crowley	Lees	Ray
Brown	Denman	Ludwig	Stott Despoja
Buckland	Evans	Lundy	West
Carr	Faulkner	Mackay (Teller)	
Cherry	Forshaw	McKiernan	

NOES, 29

Senators—

Abetz	Crane	Lightfoot	Scullion
Alston	Ellison	Macdonald, Ian	Tchen
Barnett	Ferris	Macdonald, Sandy	Tierney
Boswell	Harradine	Mason	Troeth
Brandis	Heffernan	McGauran (Teller)	Watson
Calvert	Herron	Minchin	
Campbell, Ian	Kemp	Patterson	
Colbeck	Knowles	Payne	

Question agreed to.

23 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—HUMAN RIGHTS (MANDATORY SENTENCING FOR PROPERTY OFFENCES) BILL 2000

The Chair of the Legal and Constitutional References Committee (Senator McKiernan) tabled the following report and documents:

Legal and Constitutional References Committee—Human Rights (Mandatory Sentencing for Property Offences) Bill 2000—Report, dated March 2002, *Hansard* record of the committee's proceedings [4 vols], documents presented to the committee and submissions [91].

Report ordered to be printed on the motion of Senator McKiernan.

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

Debate ensued.

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

24 DOCUMENTS

The following documents were tabled by the Clerk:

Broadcasting Services Act—Broadcasting Services (Events) Notice No. 1 of 1994 (Amendment No. 3 of 2001).

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 2/02 [2 dispensations].

25 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2001—Statements of compliance—

Agriculture, Fisheries and Forestry portfolio.

Commonwealth Ombudsman.

26 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2001-02

Senator McGauran, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald), tabled additional information received by the committee (Estimates 2001-02—vol. 1).

27 COMMITTEES—APPOINTMENT OF MEMBER

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

The Minister for Forestry and Conservation (Senator Ian Macdonald), by leave, moved—That Senator Murphy be appointed as a participating member of all legislation and references committees.

Question put and passed.

28 REGIONAL FOREST AGREEMENTS 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—*and of the amendment moved by Senator Brown:*

Clause 4, page 3 (lines 31 to 35), omit paragraphs (b) and (c) of the definition of *RFA* or *Regional Forest Agreement*, substitute:

(b) the agreement includes legally binding provisions for the establishment of a comprehensive, adequate and representative reserve system;

(c) the agreement includes a legally binding commitment to the ecologically sustainable management and use of forested areas in the region or regions;

Debate resumed.

Question—That the amendment be agreed to—put and negatived. Senator Brown, pursuant to standing order 100, recorded his vote for the ayes.

Senator Brown moved the following amendment:

Clause 5, page 5 (after line 4), at the end of the clause, add:

- (2) Provisions of an RFA expressed to be non-binding are binding in so far as they relate to protection of threatened species and communities, World Heritage, ecologically sustainable forest management, CAR reserves, monitoring and review.

Debate ensued.

At 6.30 pm: The Acting Deputy President (Senator Calvert) resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported progress.

At 7.30 pm—

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

Order of the day read for the adjourned debate on the motion—That the address-in-reply be agreed to (*see entry no. 11, 13 February 2002*)—and on the amendment moved by the Leader of the Australian Democrats (Senator Stott Despoja):

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 resumed.

Documents: Senator Heffernan, by leave, tabled the following documents:

Law and Justice—

Judicial legitimacy—Copy of speech by the Honourable Murray Gleeson, AC, Chief Justice of Australia to the Australian Bar Association Conference, New York, 2 July 2000.

Same-sex relationships: Some Australian legal developments—Copy of speech by the Honourable Justice Michael Kirby, AC, CMG to the University of London, King's College School of Law, Conference on Legal Recognition of Same-sex Partnerships, 3 July 1999.

Debate continued.

At 10.30 pm: Debate was interrupted while Senator Forshaw was speaking.

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.48 pm till Wednesday, 13 March 2002 at 9.30 am.

31 **ATTENDANCE**

Present, all senators except Senators Chapman*, Ferguson*, Reid* and Ridgeway (* on leave).

HARRY EVANS
Clerk of the Senate