

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 8

TUESDAY, 19 MARCH 2002

Contents

1	Meeting of Senate.....	215
2	Government Documents.....	215
3	Questions	215
4	High Court Judge—Remarks by Senator Heffernan—Answers to Questions ..	215
5	Sexuality Discrimination—Answer to Question.....	215
6	Hours of Meeting and Routine of Business—Variation	216
7	High Court Judge—Remarks by Senator Heffernan—Statement by Leave— Senator Heffernan—Censure	216
8	High Court Judge—Remarks by Senator Heffernan—Documents	217
9	Lucas Heights Reactor—Order for Production of Documents—Documents ...	217
10	Petition.....	218
11	Notices	218
12	Postponements.....	222
13	Leave of Absence	222
14	National Library of Australia—Exhibition	223
15	Victoria—Powerlines	223
16	Community Development Employment Projects Achievement Awards	223
17	Foreign Affairs—Burma	224
18	Auditor-General—Audit Report No. 37 of 2001-02—Document.....	224
19	Auditor-General—Audit Report No. 38 of 2001-02—Document.....	225
20	Economics Legislation Committee—Report—Additional Estimates 2001-02.	225
21	Documents.....	225
22	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents	225
23	Departmental and Agency Contracts—Order for Production of Documents— Documents	226
24	Committees—Changes in Membership	226

25	States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002	227
26	Ministers of State Amendment Bill 2002.....	227
27	Disability Services Amendment (Improved Quality Assurance) Bill 2002	227
28	Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002.....	228
29	Adjournment.....	228
30	Attendance	228

1 MEETING OF SENATE

The Senate met at 2 pm. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Airservices Australia—

Equity and diversity program—Report for 2000-01.

Sydney Airport—Maximum movement limit compliance statement for the period 1 July to 30 September 2001.

Broadcasting Services Act 1992—Report—Review of spectrum allocation powers of the Australian Broadcasting Authority, March 2002.

Environment Protection and Biodiversity Conservation Act 1999—

Australian State of the Environment Committee—Report—Australia—State of the environment 2001.

Report for the period 16 July 2000 to 30 June 2001 on the operation of the Act.

Product Stewardship (Oil) Act 2000—Product stewardship arrangements for waste oil—Report for the period 1 January to 30 June 2001.

Productivity Commission—Report—No. 15—Cost recovery by government agencies, 16 August 2001.

Roads to Recovery Act 2000—Roads to recovery programme—Report for the period 21 December 2000 to 30 June 2001 on the operation of the Act.

3 QUESTIONS

Questions without notice were answered.

4 HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—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) and the Special Minister of State (Senator Abetz) to questions without notice asked today relating to remarks made by Senator Heffernan concerning a judge of the High Court of Australia.

Debate ensued.

Question put and passed.

5 SEXUALITY DISCRIMINATION—ANSWER TO QUESTION

Senator Greig moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Greig today relating to sexuality discrimination.

Debate ensued.

Question put and passed.

6 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That, on Tuesday, 19 March 2002:

- (a) the hours of meeting shall be 2 pm to 6.30 pm, and 7.30 pm to midnight;
- (b) the routine of business from 7.30 pm to 11.20 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11.20 pm.

Question put and passed.

7 HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—STATEMENT BY LEAVE—SENATOR HEFFERNAN—CENSURE

Senator Heffernan, by leave, made a statement apologising for, and withdrawing, remarks he made during the debate on the address-in-reply on 12 March 2002 concerning a judge of the High Court of Australia.

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—That the Senate—

- (a) notes that:
 - (i) on 13 March 2002 the Deputy President (Senator West) ruled that the speech of the then Parliamentary Secretary to Cabinet (Senator Heffernan) on the address-in-reply debate on 12 March 2002 was in breach of standing order 193, in that it contained offensive words, imputations of improper motives and personal reflections on a judicial officer, and
 - (ii) the ruling recorded that Senator Heffernan's speech was so structured that it was impossible for the chair to detect that the speech was in breach of the standing orders until the very end of the speech; and
- (b) censures Senator Heffernan for:
 - (i) breaching standing order 193 by his reckless and highly disorderly attack on a judicial officer,
 - (ii) making such serious allegations on the basis of insubstantial evidence,
 - (iii) failing to refer all the alleged evidence in his possession to the proper authorities for investigation prior to making his allegations in the Parliament,
 - (iv) recklessly disregarding resolution 9 of the Senate's Privileges Resolutions (of 25 February 1988) which requires senators to balance their responsibilities with the rights of others, and
 - (v) abusing the trust of senators by speaking in such a manner that neither the chair nor senators could detect that he was in the process of breaching standing order 193.

Debate ensued.

Senator Brown moved the following amendment:

At the end of the motion, add:

- (c) censures the Prime Minister (Mr Howard) for not preventing Senator Heffernan's reckless and abusive actions in the Senate and for not acting immediately, after 12 March 2002, to reverse the effect of those actions.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

Allison	Carr	Evans	Mackay
Bartlett	Cherry	Faulkner	Murray
Bishop	Collins	Greig	O'Brien
Bolkus	Cook	Hogg	Ray
Bourne	Cooney	Hutchins	Ridgeway
Brown	Crossin (Teller)	Lees	Schacht
Buckland	Crowley	Ludwig	West
Campbell, George	Denman	Lundy	

NOES, 30

Senators—

Abetz	Crane	Knowles	Reid
Alston	Eggleston	Lightfoot	Tchen
Barnett	Ellison	Macdonald, Ian	Tierney
Boswell	Harradine	Macdonald, Sandy	Troeth
Brandis	Harris	Mason	Vanstone
Calvert (Teller)	Heffernan	McGauran	Watson
Colbeck	Herron	Patterson	
Coonan	Hill	Payne	

Question agreed to.

Main question, as amended, put and passed.

8 **HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—DOCUMENTS**

The President informed the Senate that she had received copies of a letter and a statement from His Honour Justice Michael Kirby. With the concurrence of the Senate the letter and statement were incorporated in *Hansard*.

9 **LUCAS HEIGHTS REACTOR—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, made a statement relating to the orders of the Senate of 12 March and 14 March 2002 for the production of documents relating to the Lucas Heights reactor and, pursuant to those orders, tabled the following documents:

Lucas Heights reactor—Copies of—

Australian Radiation Protection and Nuclear Safety Agency—

Assessment of physical protection and security arrangements—Statement by Dr John Loy, dated 12 November 2001 and media release.

Facsimile message from Project Director, INVAP to Project Manager, RRRP, ANSTO covering Article 109 of the Argentine budget together with an English translation.

Letters from—

RRRP Project Manager (G Seabourne) to Chief Executive Officer, ARPANSA (Dr Loy), dated 1 February 2002 and covering sheet.

Chief Executive Officer, ARPANSA (Dr Loy) to Executive Director, ANSTO (Professor Garnett), dated 12 March 2002.

Loss prevention in the process industries: Hazard identification, assessment and control, Vol. 2, Chapter 16—Fire.

Modelling and analysis of a deliberate large aircraft crash into a nuclear reactor—Documents [20].

Security plan for ANSTO's replacement research reactor: Joint ASNO and ARPANSA acceptance criteria, dated December 2001.

Lucas Heights reactor—INVAP contract—Copies of—

Facsimile message from INVAP to ANSTO covering Article 109 of the Argentine budget together with an English translation.

Termination provisions of contract.

Australian Nuclear Science and Technology Organisation (ANSTO)—

Application to ARPANSA for a facility licence, construction authorisation for the ANSTO replacement research reactor facility, dated May 2001.

Media release, dated 8 March 2002.

Statement by leave: Senator Bartlett, by leave, made a statement relating to the documents.

Senator Carr, by leave, moved—That the Senate take note of the statement made by Senator Troeth.

Debate adjourned till the next day of sitting, Senator Carr in continuation.

10 PETITION

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

From 109 petitioners, requesting that the Senate reject the Government's proposed plans to fully privatise Telstra.

11 NOTICES

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 19 November 2002:

Small business employment, with particular reference to:

- (a) the effect of government regulation on employment in small business, specifically including the areas of workplace relations, taxation, superannuation, occupational health and safety, local government, planning and tenancy laws;
- (b) the special needs and circumstances of small businesses, and the key factors that have an effect on the capacity of small businesses to employ more people;
- (c) the extent to which the complexity and duplication of regulation by Commonwealth, state and territory governments inhibits growth or performance in the small business sector; and
- (d) measures that would enhance the capacity of small businesses to employ more people.

Senator Evans: To move on 21 March 2002—That Health Insurance Determination HS/5/01, made under section 3C of the *Health Insurance Act 1973* and published in the Commonwealth *Gazette* of 30 October 2001, be disallowed.

The Chair of the Standing Committee of Privileges (Senator Ray): To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

The desirability and efficacy of engaging counsel to represent the Senate in court and other tribunal proceedings on questions involving parliamentary privilege affecting the Senate or senators.

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 *Health Insurance Commission Act 1973*, and for related purposes. ***Health Insurance Commission Amendment Bill 2002.***

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 legislation relating to health, and for related purposes. ***Health Legislation Amendment (Private Health Industry Measures) Bill 2002.***

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

(a) notes that:

- (i) Sane Australia, a national charity helping people affected by mental illness, said in the week beginning 17 March 2002 that despite two national mental health plans and a 30 per cent increase in funding in the 1990s, there has been very little real progress in the care of people with mental illness,
- (ii) many Australians are not receiving effective treatment from public mental health systems, often leading to tragic situations,
- (iii) there is no coherent Australia-wide system of rehabilitation for people with a psychiatric disability,
- (iv) there are few specialist programs to help those with a mental illness and coexisting alcohol and drug problems,
- (v) family and other carers are not routinely provided with education and support,
- (vi) Australia still has eight different Mental Health Acts not in harmony with each other, and
- (vii) Australia spends only 5 per cent of its health budget on psychiatric services while other Organisation for Economic Co-operation and Development countries allocate closer to 10 per cent; and

(b) urges the Federal Government to take a national approach to seriously address these issues. (*general business notice of motion no. 41*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That, on Wednesday, 20 March 2002:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to midnight;
- (b) the routine of business from 7.30 pm to 11.20 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11.20 pm.

The Chair of the Community Affairs References Committee (Senator Crowley): To move on the next day of sitting—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 March 2002, from 3.30 pm, to take evidence for the committee's inquiry into nursing. (*general business notice of motion no. 42*)

Senator Bartlett: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on Thursday, 21 March 2002, all documents used by Environment Australia as part of the assessment under the Environment Protection and Biodiversity and Conservation Act of the proposed Paradise Dam, including:

- (a) a copy of the report, 'Ecology and demographics of lungfish: *Neoceratodus forsteri* and general fish communities in the Burnett River Queensland with reference to the Impacts of Walla Weir and future water infrastructure developments—Draft lungfish scientific report' (Queensland DPI, SG Brooks & T Kind, 2001); and
- (b) a copy of the Queensland Treasury Department report, 'Treasury comments on economic viability of water allocation scenarios for the Burnett Basin' (Queensland Treasury Department, 2000). (*general business notice of motion no. 43*)

Senator Bartlett: To move on the next day of sitting—That the Migration Legislation Amendment (Transitional Movement) Bill 2002 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 22 April 2002.

The Minister for the Arts and Sport (Senator Kemp): To move on the next day of sitting—That the Senate—

- (a) recognises the outstanding success of the Australian Winter Olympic and Paralympic teams competing at the 2002 Salt Lake City Olympics and Paralympics;
- (b) congratulates the Australian Winter Olympic and Paralympic teams for their outstanding effort in achieving the best ever result for Australian teams in these competitions;
- (c) conveys, on behalf of all Australians, the nation's pride and congratulations for the performances of all athletes who represented Australia at these games, particularly the outstanding performances of our medal winners;
- (d) expresses thanks and gratitude to the Australian Olympic Committee, the Australian Paralympic Committee and the team support staff and others who have worked so hard to prepare Australia's most successful Winter Olympic and Paralympic teams to date; and
- (e) notes the role of the Commonwealth in supporting the preparation of Australian athletes for the Winter Olympic and Paralympic Games, through the Australian Sports Commission and the Australian Institute of Sport.

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

- (a) notes:
 - (i) that Princess Margaret Hospital is the only major children's hospital in Australia without a magnetic resonance imaging (MRI) machine,
 - (ii) the unsatisfactory situation in which 200 Western Australian children are awaiting MRI appointments at another public hospital without specialist services for children,

- (iii) that the Western Australian Government has agreed to fund the purchase of an MRI machine at a cost of \$2 million, provided the Commonwealth provides a Medicare licence for it,
 - (iv) the refusal of the Minister for Health and Ageing (Senator Patterson) to provide a Medicare licence for an MRI machine at Princess Margaret Hospital, and
 - (v) that the Commonwealth has provided four Medicare licences for MRI machines to private health providers in Western Australia and only two to public hospitals, none of which provide specialist paediatric services; and
- (b) calls on the Minister to alleviate the chronic need for the provision of an MRI machine at Princess Margaret Hospital by immediately providing a Medicare licence for such an MRI machine. (*general business notice of motion no. 44*)

Senator Brown: To move on the next day of sitting—That the Senate does not require media representatives in the Senate gallery, or senators' advisers, to wear coats. (*general business notice of motion no. 45*)

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Migration Legislation Amendment (Transitional Movement) Bill 2002, allowing it to be considered during this period of sittings.

Document: Senator Troeth tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Migration Legislation Amendment (Transitional Movement) Bill 2002 in the 2002 autumn sittings.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Appropriation (Parliamentary Departments) Bill (No. 2) 2001-2002
- Appropriation Bill (No. 3) 2001-2002
- Appropriation Bill (No. 4) 2001-2002
- Financial Corporations (Transfer of Assets and Liabilities) Amendment Bill 2002
- Quarantine Amendment Bill 2002
- Taxation Laws Amendment (Baby Bonus) Bill 2002
- Taxation Laws Amendment Bill (No. 1) 2002
- Therapeutic Goods Amendment Bill (No. 1) 2002
- Therapeutic Goods (Charges) Amendment Bill 2002
- Therapeutic Goods Amendment (Medical Devices) Bill 2002
- Veterans' Entitlements Amendment (Gold Card Extension) Bill 2002
- Veterans' Affairs Legislation Amendment (Further Budget 2000 and Other Measures) Bill 2002.

Documents: Senator Troeth tabled the following documents:

Consideration of legislation—Statements of reasons [9] for introduction and passage of certain bills in the 2002 autumn sittings.

12 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 Legal and Constitutional References Committee, postponed till 21 March 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 May 2002.

General business notice of motion no. 24 standing in the name of Senator Bourne for today, relating to measures to resolve tensions between India and Pakistan, postponed till 20 March 2002.

General business notice of motion no. 14 standing in the name of Senator Harris for today, relating to the establishment of a select committee on the Lindeberg grievance, postponed till 20 March 2002.

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the reference of matters to the Standing Committee of Privileges, postponed till 20 March 2002.

General business notice of motion no. 35 standing in the name of Senator Greig for today, relating to the jurisdiction for settlement of property issues for de facto couples, postponed till 20 March 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 20 March 2002.

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Economics References Committee (Senator Collins) for today, relating to the reference of a matter to the committee, postponed till 20 March 2002.

General business notice of motion no. 31 standing in the name of Senator Allison for today, proposing an order for the production of documents by the Minister for Defence (Senator Hill), postponed till 20 March 2002.

13 LEAVE OF ABSENCE

Senator Bartlett, by leave, moved—That leave of absence be granted to Senator Stott Despoja for the period 19 March to 21 March 2002, on account of ill health.

Question put and passed.

14 NATIONAL LIBRARY OF AUSTRALIA—EXHIBITION

Senator Tierney, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 40—That the Senate—

- (a) recognises the outstanding triumph of the National Library of Australia's 'Treasures from the World's Great Libraries' exhibition, which saw 161 exhibits from 24 countries fascinate and intrigue the nation;
- (b) congratulates Library Director-General, Jan Fullerton, and Director of Exhibitions, Nat Williams, on the exhibition and its outstanding success;
- (c) appreciates the good fortune Australians had to experience exhibits first hand, which included the first ever book published in English, part of Martin Luther King Jnr's 'I have a Dream' speech, one of Beethoven's music manuscripts, and letters from Florence Nightingale, John Keats, and Groucho Marx;
- (d) applauds the National Library of Australia for attracting a record 115 081 people to the exhibition; and
- (e) encourages the National Library of Australia to organise similarly innovative exhibitions in the future.

Question put and passed.

15 VICTORIA—POWERLINES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 37—That the Senate considers that, if Basslink proceeds, the associated powerlines in Victoria should be placed underground.

Question put and negatived. Senator Brown, pursuant to standing order 100, recorded his vote for the ayes.

16 COMMUNITY DEVELOPMENT EMPLOYMENT PROJECTS ACHIEVEMENT AWARDS

Senator Bartlett, at the request of Senator Ridgeway and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 33—That the Senate—

- (a) recognises the Community Development Employment Projects (CDEP) Achievement Awards as highlighting individual and organisational achievement in a scheme which now covers more than 36 000 Indigenous people working in urban, rural and remote locations on a diverse range of projects and enterprises right across Australia;
- (b) congratulates the following recipients of National CDEP Achievement Awards for the outstanding contributions they have made to their communities and to the nation:

Workforce Aboriginal Corporation, Launceston, Tasmania – Training Award

Ellimatta Housing Aboriginal Corporation, Coonamble, New South Wales – Community Development Award

Ngunnawal Aboriginal Corporation, Canberra – Employment Award

East Gippsland ACDEP Co-op Ltd, Bairnsdale, Victoria – Business Development Award

Barriekneal Housing and Community Ltd, Lightning Ridge, New South Wales – Business Development Award

Yarnteen Aboriginal and Torres Strait Islanders Corporation, Newcastle, New South Wales – Innovation Award

Kurrachee Co-operative Society Ltd, Coraki, New South Wales – Cultural Maintenance Award

Lombadina Aboriginal Corporation, Lombadina, Western Australia – Capacity Building Award

Glen Oliver, Tangentyere CDEP, Alice Springs – Individual Participant Award, Male

Rosemary Lennon, Bungala CDEP, Port Augusta – Individual Participant Award, Female

Wunan Regional Council, Kununurra, Western Australia – Regional Council Award for increased training opportunities; and

- (c) recognises that unemployment is an inter-generational problem in most Indigenous communities and that CDEP projects play a key role in restoring pride in Indigenous communities and individuals as they see the tangible results and benefits of their work.

Question put and passed.

17 FOREIGN AFFAIRS—BURMA

Senator Bourne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 39—That the Senate—

- (a) notes that:
- (i) 13 March 2002 was Burma's 14th Human Rights Day and marks the killing of student, Phone Maw, in 1988, and
 - (ii) earlier in March 2002, the United States' State Department released its 2001 report on human rights, in which it was noted that Burma's record remains extremely poor and includes disappearances, forced labour, torture, forced relocations, arbitrary detention, and severe restrictions on freedom of political expression and religion; and
- (b) calls upon the State Peace and Development Council to:
- (i) take immediate steps to end violations of human rights, and
 - (ii) restore the rule of law in Burma.

Question put and passed.

18 AUDITOR-GENERAL—AUDIT REPORT NO. 37 OF 2001-02—DOCUMENT

The Deputy President (Senator West) tabled the following document received on 15 March 2002:

Auditor-General—Performance audit—Purchase of hospital services from state governments: Follow-up audit—Department of Veterans' Affairs (Report no. 37 of 2001-02).

19 AUDITOR-GENERAL—AUDIT REPORT NO. 38 OF 2001-02—DOCUMENT

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

Auditor-General—Performance audit—Management of Australian Defence Force deployments to East Timor—Department of Defence (Report no. 38 of 2001-02).

20 ECONOMICS LEGISLATION COMMITTEE—REPORT—ADDITIONAL ESTIMATES 2001-02

Pursuant to order, Senator Calvert, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Additional estimates 2001-02—Report, dated March 2001 and *Hansard* record of the committee's proceedings [4 vols].

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

21 DOCUMENTS

The following documents were tabled by the Clerk:

Airports Act—Determination under subsection 192(4B), dated 13 February 2002.

Australian Bureau of Statistics Act—Proposal No. 7 of 2002.

Class Ruling CR 2002/12.

Commonwealth Services Delivery Agency Act—Commonwealth Services Delivery Agency Directions 2001.

Environment Protection and Biodiversity Conservation Act—Instruments under section 303DC amending list of exempt native specimens, dated 5 February 2002 [3].

Fisheries Management Act—

Northern Prawn Fishery Management Plan 1995—Directions Nos NPDF 57-63.

Southern Bluefin Tuna Fishery Management Plan Amendment 2002 (No. SBT 04).

Native Title Act—Recognition of Representative Aboriginal/Torres Strait Islander Bodies (No. 4: 2001).

Ozone Protection Act—Notice of Grant of Exemptions under section 40, dated 20 February 2002.

Product Ruling PR 2002/24 (Addendum).

Taxation Rulings TR 2002/5 and TR 2002/6.

22 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 3 December 1998:

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

Centrelink.

Comcare.

Department of Family and Community Services.

Department of Veterans' Affairs.

Industry, Tourism and Resources portfolio.

23 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—
 Australian Electoral Commission.
 Commonwealth Grants Commission.
 ComSuper.
 Department of Finance and Administration.
 Department of Veterans' Affairs.

24 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—

Substitute member: Senator Allison to replace Senator Murray for the consideration of the Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 and a related bill

Employment, Workplace Relations and Education Legislation Committee—

Appointed: Senator Barnett
 Discharged: Senator Brandis

Employment, Workplace Relations and Education References Committee—

Appointed: Senator Barnett
 Discharged: Senator Brandis

House—Standing Committee—

Appointed: Senator Colbeck
 Discharged: Senator Brandis

National Capital and External Territories—Joint Standing Committee—

Appointed: Senator Colbeck
 Discharged: Senator Watson

Rural and Regional Affairs and Transport Legislation Committee—

Appointed: Senator Colbeck from 25 March 2002
 Discharged: Senator McGauran from 25 March 2002

Senators' Interests—Standing Committee—

Appointed: Senator Barnett
 Discharged: Senator Brandis

Superannuation—Select Committee—

Appointed: Senators Buckland, Hogg and Sherry.

Question put and passed.

25 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

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

Debate resumed.

Senator Allison moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to undertake that from 2003 the Commonwealth will establish a Planned Educational Resource Allocation Committee to assess applications for funding for the establishment of new schools in each state and territory, and this committee:

- (a) will comprise representatives of the Commonwealth Department of Education, Science and Training, government and non-government school employing authorities, parents and teacher unions;
- (b) shall advise the Minister on the funding of new schools, taking into consideration the following:
 - (i) the duplication of educational services in an area,
 - (ii) the impact of the establishment of the new school on surrounding schools,
 - (iii) the willingness of the school to cooperate with other schools in the sharing of resources,
 - (iv) the level of determined community need for the new school,
 - (v) the financial viability of the new school,
 - (vi) the size of the new school, and
 - (vii) specific local, community or educational needs; and
- (c) shall provide an annual report to Parliament on its assessments”.

Debate ensued.

On the motion of the Minister for Justice and Customs (Senator Ellison) the debate was adjourned till the next day of sitting.

26 MINISTERS OF STATE AMENDMENT BILL 2002

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

Debate resumed.

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

27 DISABILITY SERVICES AMENDMENT (IMPROVED QUALITY ASSURANCE) BILL 2002

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

Debate resumed.

On the motion of the Special Minister of State (Senator Abetz) the debate was adjourned till the next day of sitting.

28 CRIMINAL CODE AMENDMENT (ANTI-HOAX AND OTHER MEASURES) BILL 2002

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

Debate resumed.

On the motion of the Special Minister of State (Senator Abetz) the debate was adjourned till the next day of sitting.

29 ADJOURNMENT

The Special Minister of State (Senator Abetz) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.43 pm till Wednesday, 20 March 2002 at 9.30 am.

30 ATTENDANCE

Present, all senators except Senators Chapman*, Ferris*, Gibbs*, McKiernan* and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate