

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 10

THURSDAY, 21 MARCH 2002

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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 PETITIONS

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

The President, from 989 petitioners, requesting that the Senate urge the Government of Vietnam to bring religious, cultural and political freedom to the people of Vietnam.

Senator Patterson, from 37 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.

3 VACANCIES IN THE REPRESENTATION OF TASMANIA—CHOICE OF RICHARD MANSELL COLBECK AND GUY BARNETT

The President informed the Senate that she had received, through the Governor-General, from the Governor of Tasmania, the certificates of the choice by the Parliament of Tasmania of Richard Mansell Colbeck as a senator to fill the vacancy caused by the resignation of Senator Newman and of Guy Barnett as a senator to fill the vacancy caused by the resignation of Senator Gibson.

The President tabled the certificates as follows:

Government House
Tasmania
14 March 2002

His Excellency the Right Reverend
Dr Peter Hollingworth AC OBE
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I have the honour to inform you that, pursuant to Sections 15 and 21 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Legislative Council and the House of Assembly was held on 12 March 2002 to fill the vacancy in the representation of the State of Tasmania in the Senate that arose from the resignation of Senator the Honourable Jocelyn Margaret Newman.

Based on the advice I have received from the Speaker of the House of Assembly who was the Presiding Officer at the Joint Sitting, I certify that Mr Richard Mansell Colbeck was chosen to fill the said vacancy.

Yours sincerely,
GSM Green
Governor.

Government House
Tasmania
14 March 2002

His Excellency the Right Reverend
Dr Peter Hollingworth AC OBE
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

I have the honour to inform you that, pursuant to Sections 15 and 21 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Legislative Council and the House of Assembly was held on 12 March 2002 to fill the vacancy in the representation of the State of Tasmania in the Senate that arose from the resignation of Senator Brian Francis Gibson.

Based on the advice I have received from the Speaker of the House of Assembly who was the Presiding Officer at the Joint Sitting, I certify that Mr Guy Barnett was chosen to fill the said vacancy.

Yours sincerely,
GSM Green
Governor.

4 NOTICES

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

- (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:

Genetic Privacy and Non-discrimination Bill 1998

Patents Amendment Bill 1996 [1998]

Republic (Consultation of the People) Bill 2001. (*general business notice of motion no. 54*)

Senator Sherry: To move 11 sitting days after today—That the Workplace Relations Amendment Regulations 2001 (No. 2), as contained in Statutory Rules 2001 No. 323 and made under the *Workplace Relations Act 1996*, be disallowed.

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

- (a) notes that:
 - (i) under a New South Wales government scheme, drivers could save \$2 000 in stamp duty costs if they purchased an environmentally friendly car, such as a petrol electric hybrid vehicle,
 - (ii) under the scheme, drivers purchasing new high-polluting vehicles will pay more stamp duty,

- (iii) hybrid vehicles are up to 50 per cent more fuel efficient and are far less polluting, and
- (iv) natural gas vehicles can produce more than 70 per cent less particulate matter than diesel vehicles;
- (b) congratulates:
 - (i) the New South Wales Government for developing the scheme, and
 - (ii) the Federal Government for its decision to allow senators and members to choose to drive hybrid vehicles; and
- (c) calls on all senators to consider using hybrid or alternative fuel vehicles as their electorate cars. (*general business notice of motion no. 55*)

Senator Murray: To move on 15 May 2002—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by the second sitting day of 2003:
 - (a) in relation to any government or non-government institutions, and fostering practices, established or licensed under relevant legislation to provide care and/or education for children:
 - (i) whether any unsafe, improper or unlawful care or treatment of children occurred in these institutions or places,
 - (ii) whether any serious breach of any relevant statutory obligation occurred at any time when children were in care or under protection, and
 - (iii) an estimate of the scale of any unsafe, improper or unlawful care or treatment of children in such institutions or places;
 - (b) the extent and impact of the long-term social and economic consequences of child abuse and neglect on individuals, families and Australian society as a whole, and the adequacy of existing remedies and support mechanisms;
 - (c) the nature and cause of major changes to professional practices employed in the administration and delivery of care compared with past practice;
 - (d) whether there is a need for a formal acknowledgement by Australian governments of the human anguish arising from any abuse and neglect suffered by children while in care;
 - (e) in cases where unsafe, improper or unlawful care or treatment of children has occurred, what measures of reparation are required;
 - (f) whether statutory or administrative limitations or barriers adversely affect those who wish to pursue claims against perpetrators of abuse previously involved in the care of children; and
 - (g) the need for public, social and legal policy to be reviewed to ensure an effective and responsive framework to deal with child abuse matters in relation to:
 - (i) any systemic factors contributing to the occurrences of abuse and/or neglect,
 - (ii) any failure to detect or prevent these occurrences in government and non-government institutions and fostering practices, and

- (iii) any necessary changes required in current policies, practices and reporting mechanisms.
- (2) In undertaking this reference, the committee is to direct its inquiries primarily to those affected children who were not covered by the 2001 report *Lost Innocents: Righting the Record*, inquiring into child migrants, and the 1997 report, *Bringing them Home*, inquiring into Aboriginal children.

Senator Conroy: To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer (Senator Minchin), by 28 May 2002, the following documents:

- (a) Australian Office of Financial Management (AOFM): Review of Foreign Currency Exposure, 2000-01, as cited in the AOFM Annual Report, 2000-01;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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';
- (f) File AOFM2000/00243 – Executive: Foreign Exchange Risk Management: Foreign Exchange Exposure Review Taskforce: CEO's working papers;
- (g) File AOFM2000/00381 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 1);
- (h) File AOFM2000/00382 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 2);
- (i) File AOFM2000/00383 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 3);
- (j) File AOFM2000/00384 – Debt Policy Unit: Debt Management Strategy: Development of Debt Management Strategy (Part 4);
- (k) File AOFM2000/00124 – Admin Unit: AOFM Advisory Board (Part 1);
- (l) File AOFM2000/00124 – Admin Unit: AOFM Advisory Board (Part 2);
- (m) File AOFM2001/00124 – Admin Unit: AOFM Advisory Board (Part 3);
- (n) File AOFM2001/00124 – Admin Unit: AOFM Advisory Board (Part 4);
- (o) File AOFM2000/00316 – Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 25 October 2000 meeting;
- (p) File AOFM2000/00147 – Debt Policy Unit: Foreign Exchange Risk Management: Report of the Taskforce on Commonwealth Foreign Exchange Risk Management;
- (q) File AOFM2000/00233 – Debt Policy Unit: Swaps Policy: Monthly Financial Reports for the Swaps Portfolio during 2000-01;
- (r) File AOFM2000/00234 – Debt Policy Unit: Swaps Policy: Notes Reporting on the Commonwealth of Australia's Swap Activities during 2000-01;

- (s) File AOFM2001/00015 – Portfolio Research Unit: Swaps Policy: Swap Counterparties Utilisation of Market Exposure Limits;
- (t) File AOFM2001/00017 - Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 10 January 2001 meeting; and
- (u) File AOFM2001/00152 – Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 2 May 2001 meeting. (*general business notice of motion no. 56*)

Senator Bartlett: To move on 16 May 2002—That the Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No. 2), as contained in Statutory Rules 2001 No. 306 and made under the *Environment Protection and Biodiversity Conservation Act 1999*, be disallowed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 8 Taxation Laws Amendment (Baby Bonus) Bill 2002.
- No. 9 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.
- Quarantine Amendment Bill 2002.
- No. 10 Financial Corporations (Transfer of Assets and Liabilities) Amendment Bill 2002.

Debate ensued.

Senator Ian Campbell, by leave, amended the list of government business orders to read as follows:

- No. 9 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.
- No. 10 Financial Corporations (Transfer of Assets and Liabilities) Amendment Bill 2002.
- Quarantine Amendment Bill 2002.
- No. 8 Taxation Laws Amendment (Baby Bonus) Bill 2002.

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 Thursday, 21 March 2002—

- (a) the hours of meeting shall be 9.30 am to 7.10 pm;
- (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) not be proceeded with;
- (c) the routine of business from not later than 4.30 pm till the adjournment shall be government business only;
- (d) divisions may take place after 6 pm; and
- (e) the question for the adjournment of the Senate shall be proposed at 6.30 pm.

Debate ensued.

Question put and passed.

7 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 15 May 2002.

Business of the Senate notice of motion no. 2 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 15 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 15 May 2002.

8 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—

- (1) That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 12 December 2002:
Recruitment and training in the Australian Public Service (APS).
- (2) That, in considering this matter, the committee examine and report on the following issues:
 - (a) recruitment, including:
 - (i) the trends in recruitment to the APS over recent years,
 - (ii) the trends, in particular, in relation to the recruitment to the APS of young people, both graduates and non graduates,
 - (iii) the employment opportunities for young people in the APS, and
 - (iv) the efficiency and effectiveness of the devolved arrangements for recruitment in the APS;
 - (b) training and development, including:
 - (i) the trends in expenditure on training and development in the APS over recent years,
 - (ii) the methods used to identify training needs in the APS,

- (iii) the methods used to evaluate training and development provided in the APS,
 - (iv) the extent of accredited and articulated training offered in the APS,
 - (v) the processes used in the APS to evaluate training providers and training courses,
 - (vi) the adequacy of training and career development opportunities available to APS employees in regional areas,
 - (vii) the efficiency and effectiveness of the devolved arrangements for training in the APS,
 - (viii) the value for money represented by the training and development dollars spent in the APS, and
 - (ix) the ways training and development offered to APS employees could be improved in order to enhance the skills of APS employees;
- (c) the role of the Public Service Commissioner pursuant to section 41(1)(i) of the *Public Service Act 1999* in coordinating and supporting APS-wide training and career development opportunities in the APS; and
 - (d) any other issues relevant to the terms of reference but not referred to above which arise in the course of the inquiry.

Question put and passed.

9 FOREIGN AFFAIRS—NORTHERN FRANCE—WORLD WAR I WAR GRAVES

Senator Mackay, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 46—That the Senate notes that:

- (a) the French Government plans to construct a new three runway airport, estimated to cost \$A19 billion, in Northern France covering eight World War I cemeteries containing 1 200 graves, including those of 61 Australians who fell in action;
- (b) these plans will also affect a large unknown number of those lost in action but never found;
- (c) this proposal has enormous consequences for the memories of many Australian families and therefore must be resisted;
- (d) the Australian Government has had significant prior notice of these plans and has been dilatory in protesting to the French;
- (e) the Australian Government has only in recent days made representations to the Commonwealth War Graves Commission; and
- (f) as yet no formal representations have been made to the French Government by the Australian Government to register Australian objection to the desecration of this land by such a development.

Question put and passed.

Statement by leave: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the motion.

10 SCRUTINY OF BILLS—STANDING COMMITTEE—LEAVE TO MEET

Senator Mackay, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 47—That the Standing Committee for the Scrutiny of Bills be authorised to hold a public hearing on the provisions of the Criminal Code Amendment (Espionage and Related Offences) Bill 2002, the Security Legislation Amendment (Terrorism) Bill 2002 [No. 2] and the Suppression of the Financing of Terrorism Bill 2002 for the purposes of clarifying points raised by the committee's legal adviser in relation to the above bills.

Question put and passed.

11 SENATE CHAMBER—PHOTOGRAPHS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 51—That photographs of any senator may be taken by the media in the chamber whenever that senator has the call.

Question put and passed.

12 GREAT BARRIER REEF MARINE PARK (BOUNDARY EXTENSION) AMENDMENT BILL 2002

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 48—That the following bill be introduced:

A Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975* to provide for an extension of the boundaries of the Marine Park.

Question put and passed.

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

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

13 HEALTH INSURANCE COMMISSION 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 *Health Insurance Commission Act 1973*, 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.

14 **HEALTH LEGISLATION AMENDMENT (PRIVATE HEALTH INDUSTRY MEASURES)
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. 2—That the following bill be introduced:

A Bill for an Act to amend legislation relating to health, 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.

15 **ENVIRONMENT—WORLD HERITAGE AREAS—COLTAN MINING**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 50—That the Senate—

(a) notes:

- (i) that illegal coltan mining in the World Heritage areas of Kahuzi-Biega National Park and the Okapi Reserve is destroying wildlife, forests and habitat, particularly the Grauer gorilla, the forest antelope, the elephant and the chimpanzee, in the Democratic Republic of the Congo,
- (ii) that world demand for coltan is exploding for use in the electronics industry, in particular for mobile phones,

- (iii) the call by the World Conservation Union to boycott coltan produced in World Heritage sites in the Democratic Republic of the Congo,
- (iv) the report to the United Nations (UN) Security Council by a UN-appointed panel of experts for a moratorium for a specific period on the purchase and importing of precious products such as coltan, diamonds, gold, copper, cobalt, timber and coffee originating in areas where foreign troops are present in the Democratic Republic of the Congo and in territories under the control of rebels, and
- (v) that the Democratic Republic of the Congo produces less than a quarter of the world's coltan while Australia currently meets 40 per cent of world demand and is capable of producing up to 60 per cent of world demand from reserves in Western Australia; and

(b) calls on the Government to ban the importation into Australia of all mobile phones and electronic goods that contain coltan produced outside Australia.

Question put and negatived.

16 PARLIAMENTARY ZONE—PROPOSED APPROVAL OF WORKS PROPOSAL

Motion determined as not formal: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Special Minister of State (Senator Abetz), asked that government business notice of motion no. 3 standing in the name of Senator Abetz for today, relating to the approval for works proposed for the Parliamentary Zone, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

17 VICTORIA AND TASMANIA—POWERLINES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 52—That the Senate considers that Basslink should be required to place powerlines underground in Victoria and Tasmania if it should proceed.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett

Bourne (Teller)
Brown

Cherry
Greig

Lees
Murray

NOES, 44

Senators—

Barnett	Conroy	Forshaw	Ray
Bishop	Cook	Hogg	Reid
Bolkus	Cooney	Hutchins	Schacht
Brandis	Crane	Knowles	Scullion
Buckland	Crossin	Lightfoot	Sherry
Calvert (Teller)	Crowley	Ludwig	Tchen
Campbell, George	Eggleston	Lundy	Tierney
Campbell, Ian	Ellison	Mackay	Troeth
Carr	Evans	Mason	Vanstone
Colbeck	Faulkner	McLucas	Watson
Collins	Ferguson	O'Brien	West

Question negatived.

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

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. 49—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 March 2002, from 4 pm, to take evidence for the committee's inquiry into the administration by the Department of Transport and Regional Services of Australian Motor Vehicle Standards under the *Motor Vehicles Standards Act 1989* and Regulations.

Question put and passed.

19 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business notice of motion no. 3 standing in the name of the Special Minister of State (Senator Abetz) for today, relating to the approval for works proposed for the Parliamentary Zone, be postponed till the next day of sitting.

Question put and passed.

20 HEALTH INSURANCE DETERMINATION—MOTION FOR DISALLOWANCE

Senator Evans, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

Statements by leave: Senator Evans, the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and Senator Lees, by leave, made statements relating to the disallowance motion.

Question put and passed.

21 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—110TH REPORT

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) tabled the following report:

Regulations and Ordinances—Standing Committee—110th report—Annual report 2000-01, dated March 2002.

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

Senator Tchen moved—That the Senate take note of the report.

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

22 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENTS

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) tabled the following documents:

Regulations and Ordinances—Standing Committee—

Delegated legislation monitor—Regulations and disallowable instruments tabled in the Senate in 2001, dated January 2002.

Ministerial correspondence relating to the scrutiny of delegated legislation, August 2001 to March 2002.

23 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT

The Chair of the Finance and Public Administration References Committee (Senator Forshaw) tabled the following report:

1. The Committee has met and considered references not disposed of at the end of the 39th Parliament and resolved to **recommend** to the Senate that the following inquiry of the 39th Parliament be **re-adopted**:

- Tabling of indexed lists of files of departments and agencies (referred 21 August 1996 pursuant to the order of 30 May 1996; readopted 1 December 1998).

2. The Committee resolved to recommend to the Senate that the following inquiry of the 39th Parliament **not be re-adopted**:

- Australian Public Service employment matters (*referred 28 June 1999*)

The Committee presented a report on one of the three original terms of reference in October 2000. At the same time the Committee also presented the full range of submissions received (19) on all aspects of the Committee's inquiry and the Hansard records of four public hearings. The Committee considers that, in the light of the lack of currency of the evidence received in 1999-2000, and in the light of other more pressing issues, it would recommend that the matter not be re-adopted. The Committee will, however, keep the matter under review, and if required, will seek an additional reference from the Senate.

3. The Committee resolved to advise the Senate that it is considering whether it will recommend the re-adoption of the following inquiry not disposed of in the 39th Parliament:

- The necessity for public accountability of all government services provided by government contractors (*referred 4 November 1996; amended 27 May 1997; readopted 1 December 1998*)

The Committee resolved to defer consideration of the re-adoption of this reference pending the government's response to its reports. Following receipt of these responses, the Committee will be better able to determine any future action in regard to this reference.

4. In accordance with the Order of the Senate for the production of lists of departmental and agency contracts, the Committee will also consider and report on the first year of operation of the Senate Order (*Senate Order of 20 June 2001, as amended on 27 September 2001; with effect on and after 1 July 2001*).

Senator Michael Forshaw
Chair
21 March 2002.

Senator Forshaw moved—That the report be adopted.

Question put and passed.

24 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE— ADDITIONAL INFORMATION—ESTIMATES 2001-02**

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled additional information received by the committee (Estimates 2001-02—vols 2 and 3).

25 **PUBLICATIONS COMMITTEE—1ST REPORT**

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

PUBLICATIONS COMMITTEE 1ST REPORT

The Publications Committee, having considered documents presented to the Parliament since 27 September 2001, recommends that the following be printed:

- Aboriginal and Torres Strait Islander Commission—Report for 2000-01.
- Aboriginal Hostels Limited—Report for 25 June 2000 to 23 June 2001.
- Administrative Appeals Tribunal—Report for 2000-01.
- Administrative Review Council—Report for 2000-01.
- Aged Care Act 1997*—Report for 2000-01 on the operation of the Act.
- Airservices Australia—Report for 2000-01.
- Albury-Wodonga Development Corporation—Report for 2000-01.
- Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2000-01.
- Anindilyakwa Land Council—Report for 2000-01.
- Attorney-General's Department—Report for 2000-01.
- Australia Council—Report for 2000-01.
- Australia New Zealand Food Authority—Report for 2000-01.
- Australian Broadcasting Authority—Report for 2000-01.

- Australian Broadcasting Corporation—Report for 2000-01.
- Australian Centre for International Agricultural Research—Report for 2000-01.
- Australian Centre for International Agricultural Research—Report for 2000-01—Erratum.
- Australian Communications Authority—Report for 2000-01.
- Australian Competition and Consumer Commission—Report for 2000-01.
- Australian Customs Service—Report for 2000-01.
- Australian Dairy Corporation—Report for 2000-01.
- Australian Electoral Commission—Report for 2000-01.
- Australian Federal Police—Report for 2000-01, including a report pursuant to *Complaints (Australian Federal Police) Act 1981*.
- Australian Film Commission—Report for 2000-01.
- Australian Film, Television and Radio School—Report for 2000-01.
- Australian Fisheries Management Authority—Report for 2000-01.
- Australian Government Solicitor—Report for 2000-01.
- Australian Greenhouse Office—Report for 2000-01.
- Australian Hearing Services (Australian Hearing)—Report for 2000-01.
- Australian Heritage Commission—Report for 2000-01.
- Australian Industrial Relations Commission and the Australian Industrial Registry—Report for 2000-01.
- Australian Industry Development Corporation—Report for 2000-01.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2000-01.
- Australian Institute of Criminology and the Criminology Research Council—Report for 2000-01.
- Australian Institute of Family Studies—Report for 2000-01.
- Australian Institute of Health and Welfare—Reports—
Australia's welfare 2001.
Report for 2000-01.
- Australian Institute of Marine Science—Report for 2000-01.
- Australian Law Reform Commission—Reports—
No. 92—The judicial power of the Commonwealth—A review of the *Judiciary Act 1903* and related legislation.
No. 93—Report for 2000-01.
- Australian Maritime Safety Authority—Report for 2000-01.
- Australian National Maritime Museum—Report for 2000-01.
- Australian National Training Authority—
Australian vocational education and training system—Report for 2000—Vols 1, 2 and 3.
Report for 2000-01.
- Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2000-01.
- Australian Pork Corporation—Report for 2000-01 [Final report].
- Australian Postal Corporation (Australia Post)—Report for 2000-01.

Australian Prudential Regulation Authority—Report for 2000-01.
Australian Radiation Protection and Nuclear Safety Agency—Report for 2000-01.
Australian Research Council—Report for 2000-01.
Australian Safeguards and Non-Proliferation Office—Report for 2000-01.
Australian Securities and Investments Commission—Report for 2000-01.
Australian Security Intelligence Organisation—Report for 2000-01.
Australian Sports Commission—Report for 2000-01.
Australian Sports Drug Agency—Report for 2000-01.
Australian Tourist Commission—Report for 2000-01.
Australian Trade Commission (AUSTRADE)—Report for 2000-01.
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2000-01.
Australian War Memorial—Report for 2000-01.
Australian Wine and Brandy Corporation—Report for 2000-01.
Bankruptcy Act 1966—Inspector-General in Bankruptcy—Report for 2000-01 on the operation of the Act.
Bureau of Meteorology—Report for 2000-01.
Central Land Council—Report for 2000-01.
Centrelink—Report for 2000-01.
Civil Aviation Safety Authority—Report for 2000-01.
Comcare—Report for 2000-01, including the report of QWL Corporation Pty Limited.
Comcare—Report for 2000-01, including the report of QWL Corporation Pty Limited—Addendum.
Commissioner for Complaints—Report for 2000-01.
Commissioner for Superannuation—Report for 2000-01, incorporating reports on the administration and operation of the *Papua New Guinea (Staffing Assistance) Act 1973* and the *Superannuation Act 1992*.
Commissioner of Taxation—Report for 2000-01.
Commonwealth Director of Public Prosecutions—Report for 2000-01.
Commonwealth Grants Commission—State revenue sharing relativities—Report—2002 update.
Commonwealth Ombudsman and Defence Force Ombudsman—Report for 2000-01, including a report to pursuant the *Complaints (Australian Federal Police) Act 1981*.
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2000-01.
Companies and Securities Advisory Committee—Report for 2000-01.
Copyright Agency Limited—Report for 2000-01.
Cotton Research and Development Corporation—Report for 2000-01.
Crimes Act 1914—Report for 2000-01 on controlled operations.
CSS Board—Commonwealth Superannuation Scheme—Report for 2000-01.
Dairy Research and Development Corporation—Report for 2000-01.
Defence—Report for 2000-01.

- Defence Force Retirement and Death Benefits Authority—Report for 2000-01.
- Defence Housing Authority—Report for 2000-01.
- Department of Agriculture, Fisheries and Forestry—Report for 2000-01—Vol. 1 and 2.
- Department of Communications, Information Technology and the Arts—Report for 2000-01.
- Department of Communications, Information Technology and the Arts—Report for 2000-01—Corrigenda.
- Department of Education, Training and Youth Affairs—Report for 2000-01.
- Department of Education, Training and Youth Affairs—Report for 2000-01—Corrigenda.
- Department of Employment, Workplace Relations and Small Business—Report for 2000-01.
- Department of Family and Community Services—Report for 2000-01.
- Department of Finance and Administration—Report for 2000-01.
- Department of Foreign Affairs and Trade—Report for 2000-01—
Volume 1—Department of Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).
- Department of Health and Aged Care—Report for 2000-01, including report on the administration and operation of the Therapeutic Goods Administration—Vols 1 and 2.
- Department of Immigration and Multicultural Affairs—Report for 2000-01, including reports pursuant to the *Immigration (Education) Act 1971* and the *Australian Citizenship Act 1948*.
- Department of Industry, Science and Resources—Report for 2000-01.
- Department of Reconciliation and Aboriginal and Torres Strait Islander Affairs—Report for the period 30 January to 30 June 2001.
- Department of the Environment and Heritage—Report for 2000-01, including the report of the Supervising Scientist and reports on the operations of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.
- Department of the Environment and Heritage—Report for 2000-01, including the report of the Supervising Scientist and reports on the operations of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*—Corrigendum.
- Department of the Prime Minister and Cabinet—Report for 2000-01.
- Department of the Treasury—Report for 2000-01.
- Department of Transport and Regional Services—Report for 2000-01.
- Director of National Parks—Report for 2000-01.
- Dried Fruits Research and Development Council—Report for 2000-01 [Final report].
- Employment Advocate—Report for 2000-01.
- Environment Protection and Biodiversity Conservation Act 1999*—Report for the period 16 July 2000 to 30 June 2001 on the operation of the Act.
- Equal Opportunity for Women in the Workplace Agency—Report for 1 June 2000 to 31 May 2001.

Export Finance and Insurance Corporation (EFIC)—Report for 2000-01.
Family Court of Australia—Report for 2000-01.
Family Law Council—Report for 2000-01.
Federal Court of Australia—Report for 2000-01.
Federal Police Disciplinary Tribunal—Report for 2000-01.
Film Australia Limited—Report for 2000-01.
Financial Reporting Council and Australian Accounting Standards Board—Report for 2000-01.
Fisheries Research and Development Corporation and Fisheries Research and Development Corporation Selection Committee—Report for 2000-01.
Foreign Investment Review Board—Report for 2000-01.
Forest and Wood Products Research and Development Corporation—Report for 2000-01.
Freedom of Information Act 1982—Report for 2000-01 on the operation of the Act.
Grains Research and Development Corporation—Report for 2000-01.
Grape and Wine Research and Development Corporation—Report for 2000-01.
Great Barrier Reef Marine Park Authority—Report for 2000-01.
Health Insurance Commission—Report for 2000-01.
Health Services Australia Ltd (HSA)—Report for 2000-01.
High Court of Australia—Report for 2000-01.
Human Rights and Equal Opportunity Commission—Report for 2000-01.
Indigenous Business Australia—Report for 2000-01, incorporating the final report of Aboriginal and Torres Strait Islander Commercial Corporation for the period 1 July 2000 to 17 April 2001.
Indigenous Land Corporation—Report for 2000-01.
Industrial Relations Court of Australia—Report for 2000-01.
Industry Research and Development Board—Report for 2000-01.
Inspector-General of Intelligence and Security—Report for 2000-01.
International Air Services Commission—Report for 2000-01.
Joint Coal Board—Report for 2000-01.
Land and Water Resources Research and Development Corporation—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.
Medibank Private—Report for 2000-01.
Members of Parliament (Staff) Act 1984—Report for 2000-01 on consultants engaged under section 4 of the Act.
Migration Agents Registration Authority—Report for 2000-01.
Migration Review Tribunal—Report for 2000-01.
Military Superannuation and Benefits Board of Trustees No. 1—Report for 2000-01.
National Archives of Australia and National Archives of Australia Advisory Council—Report for 2000-01.
National Capital Authority—Report for 2000-01.

- National Competition Council—Report for 2000-01.
National Environment Protection Council and NEPC Service Corporation—Report for 2000-01.
National Gallery of Australia—Report for 2000-01.
National Library of Australia—Report for 2000-01.
National Museum of Australia—Report for 2000-01.
National Native Title Tribunal—Report for 2000-01.
National Occupational Health and Safety Commission—Report for 2000-01.
National Oceans Office—Report for 2000-01.
National Registration Authority for Agricultural and Veterinary Chemicals—Report for 2000-01.
National Road Transport Commission—Report for 2000-01.
National Standards Commission—Report for 2000-01.
Native Title Act 1993—Native title representative bodies—Reports for 2000-01—
 Cape York Land Council.
 Central Queensland Land Council Aboriginal Corporation.
 Goldfields Land and Sea Council.
 Gurang Land Council (Aboriginal Corporation).
 Kimberley Land Council.
 Mirimbiak Nations Aboriginal Corporation.
 Ngaanyatjarra Council (Aboriginal Corporation).
 North Queensland Land Council Aboriginal Corporation.
 Queensland South Representative Body Aboriginal Corporation.
 Yamatji Land and Sea Council.
Northern Land Council—Report for 2000-01.
Office of Federal Privacy Commissioner—Report for 2000-01.
Office of Film and Literature Classification—Classification Board and Classification Review Board—Report for 2000-01.
Office of Parliamentary Counsel—Report for 2000-01.
Office of the Official Secretary to the Governor-General—Report for 2000-01.
Official Establishments Trust—Report for 2000-01.
Pig Research and Development Corporation—Report for 2000-01.
Pooled Development Funds Registration Board—Report for 2000-01.
Private Health Insurance Administration Council—
 Report for 2000-01.
 Report for 2000-01 on the operations of the registered health benefits organisations.
 Report for 2000-01 on the operations of the registered health benefits organisations—Errata.
Private Health Insurance Ombudsman—Report for 2000-01.
Productivity Commission—Reports—
 Report for 2000-01.
 No. 15—Cost recovery by government agencies, 16 August 2001.
 No. 15—Cost recovery by government agencies, 16 August 2001—Addendum.
 No. 16—Telecommunications competition regulation, 21 September 2001.

Professional Services Review—Report for 2000-01.
 PSS Board—Public Sector Superannuation Scheme—Report for 2000-01.
 Public Service Commissioner—Report for 2000-01, incorporating the report of the Merit Protection Commissioner.
 Refugee Review Tribunal—Report for 2000-01.
 Remuneration Tribunal—Report for 2000-01.
 Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 2000-01, including reports pursuant to the *Defence Service Homes Act 1918* and the *War Graves Act 1980*.
 Repatriation Medical Authority—Report for 2000-01.
 Royal Australian Mint—Report for 2000-01.
 Rural Industries Research and Development Corporation—Report for 2000-01.
 Safety, Rehabilitation and Compensation Commission—Report for 2000-01.
 ScreenSound Australia—Report for 2000-01.
 Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2000-01.
 Services Trust Funds—Report for 2000-01.
 Snowy Mountains Council—Report for 2000-01.
 Snowy Mountains Hydro-electric Authority—Report for 2000-01.
 Social Security Appeals Tribunal—Report for 2000-01.
 Special Broadcasting Service Corporation [SBS]—Report for 2000-01.
States Grants (Primary and Secondary Education Assistance) Act 1996—Report on financial assistance granted to each State in respect of 2000.
 Sugar Research and Development Corporation—Report for 2000-01.
 Telstra Corporation Limited—Report for 2000-01.
 Tiwi Land Council—Report for 2000-01.
 Tobacco Research and Development Corporation—Report for 2000-01.
 Torres Strait Protected Zone Joint Authority—Report for 1999-2000.
 Torres Strait Regional Authority—Report for 2000-01.
 Veterans' Review Board—Report for 2000-01.
 Wet Tropics Management Authority—Report for 2000-01.
 Wheat Export Authority—Report for 1 October 2000 to 30 September 2001.
Witness Protection Act 1994—Report for 2000-01 on the operation of the Act.

Senator Ross Lightfoot

Chairman

21 March 2002.

Senator Calvert moved—That the report be adopted.

Question put and passed.

26 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT

Senator Calvet, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled the following report:

1. The Committee has met and considered references not disposed of at the end of the 39th Parliament and resolved to **recommend** to the Senate that the following inquiries of the 39th Parliament be **re-adopted**:
 - Charter of Political Honesty Bill 2000, Electoral Amendment (Political Honesty) Bill 2000, Auditor of Parliamentary Allowances and Entitlements Bill 2000 [No. 2] and the provisions of the Government Advertising (Objectivity, Fairness and Accountability) Bill 2000 (*referred 29 November and 5 December 2000*) – with a reporting date of 27 June 2002.
 - Public Interest Disclosure Bill 2001 (*referred 8 August 2001*) – with a reporting date of 27 June 2002.
 - Portfolio Budget Statements (*referred 21 November 1996; readopted 2 December 1998*)
2. The Committee resolved to advise the Senate that it is **considering** whether it will recommend the re-adoption of the following inquiries not disposed of in the 39th Parliament:
 - Statutory Authorities—The continuing oversight of the establishment, operation, administration and accountability of bodies established pursuant to Commonwealth statute (*referred to the Standing Committee on Finance and Public Administration 6 October 1977; amended 8 October 1986; again referred 22 September 1987; transferred to Legislation Committee 10 October 1994; readopted 29 May 1996; readopted 2 December 1998*)
 - Non-statutory bodies—The continuing oversight of the establishment, operation, administration and accountability of bodies for which the Commonwealth is wholly or partly responsible, being bodies which are not departments (or parts of departments) nor statutory authorities (or sub-bodies of statutory authorities) nor incorporated companies nor incorporated associations (*referred to the Standing Committee on Finance and Public Administration 17 November 1983; amended 8 October 1986; again referred 22 September 1987; transferred to Legislation Committee 10 October 1994; readopted 29 May 1996; readopted 2 December 1998*)
 - Companies and associations—The continuing oversight of the establishment, operation, administration and accountability of incorporated companies and incorporated associations owned by the Commonwealth and of those in which the Commonwealth holds a major or substantial interest (*referred to the Standing Committee on Finance and Public Administration 8 October 1986; again referred 22 September 1987; transferred to Legislation Committee 10 October 1994; readopted 29 May 1996; readopted 2 December 1998*)

The Committee resolved to defer consideration of the possible re-adoption of these references in order to seek additional information from the responsible Minister and subject to the Minister's response, to satisfy itself whether the arrangements for monitoring and reporting on the existence of, and changes to, the proliferation of all types of Commonwealth bodies are adequate or not.

Senator Brett Mason
Chair
21 March 2002.

Senator Calvert moved—That the report be adopted.

Question put and passed.

27 SCRUTINY OF BILLS—STANDING COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT

Senator Buckland, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney), tabled the following report:

The Scrutiny of Bills Committee met on 20 February 2002 and considered references not disposed of at the end of the 39th Parliament and resolved to **recommend** to the Senate that:

The following inquiry of the 39th Parliament be **re-adopted**:

- Inquiry into the Application of Absolute and Strict Liability Offences in Commonwealth Legislation, with a reporting date of 29 August 2002.

Senator Barney Cooney
Chair
21 March 2002.

Senator Buckland moved—That the report be adopted.

Question put and passed.

**28 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2001-2002
APPROPRIATION BILL (NO. 3) 2001-2002
APPROPRIATION BILL (NO. 4) 2001-2002**

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

Message no. 39, dated 20 March 2002—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 40, dated 20 March 2002—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 41, dated 20 March 2002—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills be now read a second time.

On the motion of Senator Buckland the debate was adjourned.

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

29 **VETERANS' ENTITLEMENTS AMENDMENT (GOLD CARD EXTENSION) BILL 2002**
VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER BUDGET 2000 AND OTHER MEASURES) BILL 2002
QUARANTINE AMENDMENT BILL 2002

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

Message no. 42, dated 20 March 2002—A Bill for an Act to amend the *Veterans' Entitlements Act 1986*, and for related purposes.

Message no. 43, dated 20 March 2002—A Bill for an Act to amend the *Veterans' Entitlements Act 1986*, and for related purposes.

Message no. 45, dated 20 March 2002—A Bill for an Act to amend the *Quarantine Act 1908*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ian Campbell moved—That these bills be now read a second time.

On the motion of Senator Buckland the debate was adjourned.

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

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

Question put and passed.

30 **JOINT COMMITTEES—APPOINTMENT OF HOUSE MEMBERS**

A message from the House of Representatives was reported acquainting the Senate with the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 44, dated 20 March 2002—

Corporations and Financial Services—Joint Statutory Committee—Mr Byrne, Mr Ciobo, Mr Griffin, Mr Hunt and Mr McArthur

National Crime Authority—Joint Statutory Committee—Mr Baird, Mr Dutton, Mr Kerr, Mr Sercombe and Mr CP Thompson

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Mr Cobb, Dr Lawrence, Ms Panopoulos, Mr Secker and Mr Snowdon

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—Ms JS McFarlane and Mr Price

Public Accounts and Audit—Joint Statutory Committee—Mr Charles, Mr Ciobo, Mr Cobb, Mr Georgiou, Ms Grierson, Mr Griffin, Ms CF King, Mr PE King, Ms Plibersek and Mr Somlyay

Public Works—Joint Statutory Committee—Mr Jenkins, Mr Lindsay, Mr Lloyd, Mrs Moylan, Mr BPJ O'Connor and Mr Ripoll

Electoral Matters—Joint Standing Committee—Mr Danby, Mr Forrest, Mr Georgiou, Mrs Ley and Mr Melham

Foreign Affairs, Defence and Trade—Joint Standing Committee—Mr Baird, Mr Baldwin, Mr Beazley, Mr Bevis, Mr Brereton, Mr Edwards, Mr LDT Ferguson, Mrs Gash, Mr Hawker, Mr Jull, Mr Lindsay, Dr Martin, Mrs Moylan, Mr Nairn, Mr Price, Mr Prosser, Mr Scott, Mr Snowdon, Mr Somlyay and Mr CP Thompson

Migration—Joint Standing Committee—Mr LDT Ferguson, Ms Gambaro, Mrs Gash, Mrs Irwin, Mr Ripoll and Mr Schultz

National Capital and External Territories—Joint Standing Committee—Ms Ellis, Mr Johnson, Mr Neville, Mr Snowdon and Mr CP Thompson

Treaties—Joint Standing Committee—Mr Adams, Mr Baldwin, Mr Bartlett, Ms JI Bishop, Mr Ciobo, Mr Evans, Mr PE King, Mr Scott and Mr Wilkie.

31 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS

Pursuant to order, Senator Ferguson, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2002, dated March 2002—

Economics Legislation Committee.

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

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Legal and Constitutional Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

Reports ordered to be printed on the motion of Senator Ferguson.

32 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2001-02

Pursuant to order, Senator Ferguson, at the request of the chairs of the respective committees, tabled the following reports, dated March 2002, and documents:

2001-02 additional estimates—

Foreign Affairs, Defence and Trade Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Legal and Constitutional Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Rural and Regional Affairs and Transport Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Reports ordered to be printed on the motion of Senator Ferguson.

33 MIGRATION LEGISLATION AMENDMENT (TRANSITIONAL MOVEMENT) BILL 2002

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

Debate resumed.

Question put.

The Senate divided—

AYES, 43

Senators—

Barnett	Cooney	Hutchins	Patterson
Bishop	Crane	Knowles	Ray
Boswell	Crossin	Lightfoot	Schacht
Brandis	Crowley	Ludwig	Scullion
Buckland (Teller)	Eggleston	Lundy	Sherry
Calvert	Ellison	Macdonald, Sandy	Tchen
Campbell, George	Evans	Mackay	Tierney
Carr	Faulkner	Mason	Troeth
Colbeck	Ferguson	McGauran	Watson
Collins	Herron	McLucas	West
Conroy	Hogg	O'Brien	

NOES, 9

Senators—

Allison	Brown	Greig	Murphy
Bartlett	Cherry	Lees	Murray
Bourne (Teller)			

Question agreed to.

Bill read a third time.

34 POSTPONEMENT

Senator Murphy, by leave, moved—That general business notice of motion no. 10 standing in his name for today, relating to the establishment of a select committee on forestry and plantation matters, be postponed till the next day of sitting.

Question put and passed.

35 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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Murray moved the following amendment:

Page 3 (after line 8), at the end of the bill, add:

Schedule 2—Ministers of State Act 1952

1 At the end of the Act

Add:

Part 2—Post-retirement employment restrictions

7 Objects

The objects of this Part are:

- (a) to ensure that Ministers and ministerial advisers shall not act after they leave office in such a manner as to take improper advantage of their previous office; and
- (b) to enhance public confidence in the integrity of ministerial office holders and the independence of the decision-making processes of government by establishing clear rules of conduct respecting conflict of interest for, and post-employment practices applicable to, Ministers and ministerial advisers; and
- (c) to eliminate the possibilities of preferential treatment or privileged access to government being obtained from or through Ministers and ministerial advisers after they have left office.

8 Interpretation

In this Part, unless the contrary intention appears:

ceasing to be a Minister in relation to a Minister means ceasing to be a Minister in accordance with section 64 of the Constitution.

department or agency includes any body for which the Minister had ministerial responsibility during his or her term as Minister.

former Minister means a Minister who has ceased to be a Minister in accordance with section 64 of the Constitution.

former ministerial adviser means a person who has ceased in accordance with the *Members of Parliament (Staff) Act 1984* to be employed as a ministerial adviser.

Minister means a minister appointed in accordance with section 64 of the Constitution and includes a Parliamentary Secretary.

ministerial adviser means a person appointed as a member of staff of an office-holder in accordance with Part III of the *Members of Parliament (Staff) Act 1984*, where that appointment is to the level, or is remunerated at the level equivalent to, officers appointed as Senior Executive Service Officers in accordance with Part 4, Division 2 of the *Public Service Act 1999*.

9 Conduct relating to employment before ceasing to be a Minister or a ministerial adviser

Ministers and ministerial advisers shall not allow themselves to be influenced in the conduct of their official duties and responsibilities by plans for or offers of employment or other remuneration for when they cease to be Ministers or ministerial advisers.

10 Conduct relating to employment after ceasing to be a Minister

A former Minister shall not, within two years after ceasing to be a Minister:

- (a) provide advice for personal profit or for commercial advantage on any aspect of the work of any department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or
- (b) accept employment with a person or entity, association or union or an appointment to the board of directors or equivalent body of an entity that had significant dealings with a department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or
- (c) enter into a contract for services with any commercial entity which had significant commercial dealings with any department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister; or
- (d) make representations in return for any consideration for or on behalf of any other person or entity to a department or agency for which the former Minister had ministerial responsibility for any period of time during the last two years of service as a Minister.

11 Conduct relating to employment after ceasing to be a ministerial adviser

A former ministerial adviser shall not, within two years after ceasing to be employed as a ministerial adviser:

- (a) provide advice for personal profit or for commercial advantage on any aspect of the work of any department or agency for which the ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (b) accept employment with a person or entity, association or union or an appointment to the board of directors or equivalent body of an entity that had significant dealings with a department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (c) enter into a contract for services with any commercial entity which had significant commercial dealings with any department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister; or
- (d) make representations in return for any consideration for or on behalf of any other person or entity to a department or agency for which the former ministerial adviser's Minister had ministerial responsibility for any period of time during the ministerial adviser's last two years of employment with the Minister.

12 Exceptions

Sections 10 and 11 do not prevent a former Minister or former ministerial adviser from taking action on behalf of or engaging in the service of:

- (a) a charitable organisation; or
- (b) official duties on behalf of the Commonwealth; or
- (c) duties on behalf of an international organisation in which the Commonwealth participates, where the Minister of Foreign Affairs certifies that such duty is in the interests of the Commonwealth; or
- (d) duties on behalf of a foreign government or an instrumentality of a foreign government, where the Minister of Foreign Affairs certifies that such duty is in the interests of the Commonwealth; or
- (e) a political party.

13 Offences and penalties

A person who contravenes section 9, 10 or 11 is guilty of an offence.

Penalty: Imprisonment for two years or a fine not exceeding \$250,000.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

36 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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Murray moved the following amendments together by leave:

Clause 2, page 2, table item 2, omit the item, substitute:

2. Schedule 1 The day on which this Act receives the
 Royal Assent

Heading to Schedule 1, page 3 (line 3), omit “**16 October 2001**”, substitute “**Royal Assent**”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time.

37 TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 1) 2002
INCOME TAX (SUPERANNUATION PAYMENTS WITHHOLDING TAX) BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Forestry and Conservation (Senator Ian Macdonald)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills, taken together and as a whole by leave, agreed to.

The Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 to be reported without amendment and the Income Tax (Superannuation Payments Withholding Tax) Bill 2002 to be reported without requests for amendments.

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

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

38 THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2002
THERAPEUTIC GOODS AMENDMENT (MEDICAL DEVICES) BILL 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That these bills be now read a second time.

Debate resumed.

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

Therapeutic Goods Amendment (Medical Devices) Bill 2002—Copy of document, *Refusing to bite the bullet* [Professor John Dwyer, AO].

Debate continued.

Question put and passed.

Bills read a second time.

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

In the committee

Bills, taken together and as a whole by leave, agreed to.

Bills to be reported without amendment.

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

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

39 VETERANS' ENTITLEMENTS AMENDMENT (GOLD CARD EXTENSION) 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 Bartlett moved the following amendment:

At the end of the motion, add “, but the Senate calls on the Government, having recognised Australian veterans aged 70 or over who have qualifying service post World War II, to extend the same full Repatriation Health Care (Gold Card) entitlement to all World War II veterans whether or not they have qualifying service”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

40 VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER BUDGET 2000 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.

Senator Bishop moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to remove the anomaly whereby veterans’ disability pensions are assessed as income for social security purposes”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

41 **FINANCIAL CORPORATIONS (TRANSFER OF ASSETS AND LIABILITIES) 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.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

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

42 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 8 (Taxation Laws Amendment (Baby Bonus) Bill 2002).

Question put and passed.

43 **TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Conroy moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) notes that the Government’s proposal is unfair and a poor instrument for supporting families because, even though families face similar costs in raising children, the Baby Bonus provides greater support to high income families and, as a result women earning \$50 000 will receive five times more assistance than those earning \$25 000; and
- (b) further notes that in addition to being unfair, the Baby Bonus is:
 - (i) ineffective in meeting its stated objectives, because it is paid as a lump sum at the end of the financial year, not during the year when families need it,

- (ii) contradictory to the claimed aim of the New Tax System of simplifying payments to families, because it introduces a separate rebate, and
- (iii) complex, and therefore it is likely that many women will miss out on their entitlement”.

Debate ensued.

—————

At 2 pm—

44 QUESTIONS

Questions without notice were answered.

45 MINISTER FOR REVENUE AND ASSISTANT TREASURER—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked today.

Debate ensued.

Question put and passed.

46 ECONOMICS LEGISLATION COMMITTEE—DOCUMENT—TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 1) 2002 [AND] INCOME TAX (SUPERANNUATION PAYMENTS WITHHOLDING TAX) BILL 2002

Senator Calvert, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following document:

Economics Legislation Committee—Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 [and] Income Tax (Superannuation Payments Withholding Tax) Bill 2002—*Hansard* record of the committee’s proceedings.

47 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) Act—Family Assistance (Immunisation Requirements Exemption) Amendment Determination 2002 (No. 1).

Christmas Island Act—List of applied Western Australian Acts for the period 22 September 2001 to 21 March 2002.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 22 September 2001 to 21 March 2002.

Quarantine Act—Quarantine Service Fees Amendment Determinations 2002 (No. 1).

Social Security Act—Social Security (Threshold Rates) Determination 2002.

48 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—

- Administrative Appeals Tribunal.
- Attorney-General's Department.
- Australian Accounting Standards Board.
- Australian Bureau of Statistics [nil return].
- Australian Competition and Consumer Commission.
- Australian Competition Tribunal [nil return].
- Australian Customs Service.
- Australian Federal Police.
- Australian Institute of Criminology and the Criminology Research Council.
- Australian Law Reform Commission.
- Australian Office of Financial Management.
- Australian Prudential Regulation Authority.
- Australian Securities and Investments Commission.
- Australian Taxation Office.
- Australian Transaction Reports and Analysis Centre.
- Axiss Australia.
- Commonwealth Director of Public Prosecutions.
- Companies and Securities Advisory Committee.
- Companies Auditors and Liquidators Disciplinary Board [nil return].
- Department of the Prime Minister and Cabinet.
- Department of the Treasury.
- Environment and Heritage portfolio.
- Family Court of Australia.
- Federal Court of Australia.
- High Court of Australia.
- Human Rights and Equal Opportunity Commission.
- Insolvency Trustee Service of Australia.
- National Crime Authority.
- National Native Title Tribunal.
- Office of Film and Literature Classification.
- Office of Parliamentary Counsel.
- Royal Australian Mint.
- Superannuation Complaints Tribunal.
- Takeovers Panel.

49 **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 National Audit Office.
Department of the Prime Minister and Cabinet.
Office of National Assessment.
Office of the Commonwealth Ombudsman.
Office of the Official Secretary to the Governor-General.
Public Service and Merit Protection Commission.

50 **COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education References Committee—

Substitute member: Senator Conroy to replace Senator Carr for the committee's inquiry into small business employment

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Participating member: Senator Conroy

Finance and Public Administration References Committee—

Substitute member: Senator Allison to replace Senator Ridgeway for the committee's inquiry into recruitment and training in the Australian Public Service

National Crime Authority—Joint Statutory Committee—

Appointed: Senator Hutchins

Discharged: Senator George Campbell.

Question put and passed.

51 **HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—RESPONSE—DOCUMENTS**

In accordance with an undertaking by the President, the Deputy President (Senator West) tabled the original letter and statement from His Honour Justice Michael Kirby (*see entry no. 8, 19 March 2002*).

52 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 8 Taxation Laws Amendment (Baby Bonus) Bill 2002.

No. 6 Taxation Laws Amendment Bill (No. 1) 2002.

Quarantine Amendment Bill 2002.

No. 5 Therapeutic Goods Amendment Bill (No. 1) 2002.

States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002, consideration in committee of the whole of any message from the House of Representatives.

Appropriation (Parliamentary Departments) Bill (No. 2) 2001-2002 and 2 related bills.

No. 7 Advance to the Finance Minister as a final charge for the year ended 30 June 2001.

Question put and passed.

53 TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time—and on the amendment moved by Senator Conroy (see entry no. 43).

Debate resumed.

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

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to cease its band-aid approach to the assistance of Australian working women of child-bearing age and instead establish a national paid maternity leave scheme for all Australian working women”.

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 14), omit “5”, substitute “3”.

Schedule 1, item 2, page 4 (line 31), omit “5”, substitute “3”.

Schedule 1, item 2, page 6 (line 24), omit “5”, substitute “3”.

Schedule 1, item 2, page 6 (line 26), omit “5”, substitute “3”.

Schedule 1, item 2, page 9 (line 25), omit “5”, substitute “3”.

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

Senator Murray moved the following amendments together by leave:

Schedule 1, item 2, page 9 (line 5), omit “\$2,500”, substitute “\$1,500”.

Schedule 1, item 2, page 9 (line 11), omit “\$500”, substitute “\$1,000”.

Schedule 1, item 2, page 9 (line 12), omit “\$500”, substitute “\$1,000”.

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

On the motion of Senator Murray the following amendment was agreed to:

Schedule 1, page 11 (after line 14), at the end of the Schedule, add:

8 Review of operation of Schedule

- (1) The Minister must cause a review of the operation of this Schedule to be undertaken jointly by the Departments of Employment and Workplace Relations and the Treasury.
- (2) The review is to conduct an assessment of the operation of the first child tax offset (baby bonus) with particular reference to the:
 - (a) benefits derived from the payments; and
 - (b) analysis of the benefits by income, gender, household structure and other relevant indicators.
- (3) A report of the review conducted in accordance with this item must be tabled in both Houses of the Parliament before the expiration of the 2005 financial year.

Bill, as amended, further debated and agreed to.

Bill to be reported with an amendment.

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

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

54 TAXATION LAWS AMENDMENT BILL (NO. 1) 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Brown moved the following amendment:

Omit all words after “That”, substitute “further consideration of the bill be an order of the day for the first day after approval is obtained for the taxation arrangements proposed by the bill, in accordance with the *Environment Protection and Biodiversity Conservation Act 1999*”.

Debate ensued.

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

Main question put and passed. Senator Brown, pursuant to standing order 100, recorded his vote for the noes.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Schedule 1, item 1, page 3 (line 14), after “2 October 2001”, insert “and on or before 30 June 2006”.

Schedule 1, item 9, page 8 (line 5), after “2 October 2001”, insert “and on or before 30 June 2006”.

Schedule 1, item 9, page 8 (line 10), at the end of subitem (3), add “and before the taxpayer’s income year that includes 1 July 2006”.

Senator Murray moved the following amendment:

Schedule 1, item 1, page 3 (after line 25), after paragraph (a), insert:

- (aa) the agreement must certify that no areas of native forest, at the time of commencement of this provision, are included in any plantations or parts of plantations;

Note: For the purposes of this paragraph, *native forest* means any area of forest or area of native regrowth subject to a Regional Forest Agreement or the *Regional Forest Agreements Act 2002*.

Debate ensued.

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

Senator Brown moved the following amendments together by leave:

Schedule 1, item 1, page 3 (after line 25), after paragraph (a), insert:

- (aa) the agreement must certify that no significant native vegetation will be destroyed for the purpose of carrying out the seasonally dependent agronomic activity for which the expenditure is incurred; and
- (ab) the agreement must certify that the land on which the seasonally dependent agronomic activities are to be carried out did not carry significant native vegetation in the five years prior to the activities being undertaken;

Note: For the purposes of paragraphs (aa) and (ab), *significant native vegetation* means:

- (a) any area of vegetation primarily composed of plants that are indigenous to the land in question, including trees, shrubs, herbs and grasses, greater than 0.2 hectares in extent; and
- (b) native trees with significant value as nesting, roosting or feeding sites for native animals.

Schedule 1, item 1, page 3 (after line 25), after paragraph (a), insert:

- (ac) the agreement must certify that employees and contractors engaged to undertake the seasonally dependent agronomic activities will receive all payments and other benefits to which they are entitled if their employment or contract is terminated; and

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Bill, as amended, agreed to.
Bill to be reported with amendments.

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

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That the report from the committee be adopted.

Debate ensued.

Question put and passed.

Senator Ian Macdonald moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

55 QUARANTINE 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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Brown moved the following amendments together by leave:

Schedule 1, item 1, page 3 (lines 11 to 17), omit subsection (2A), substitute:

- (2A) If the Governor-General is satisfied that the epidemic or danger of an epidemic to which a proclamation issued under subsection (1) relates has the potential so to affect an industry or ecological community of national significance that it calls for the exercise of coordinated response powers in accordance with section 3, the Governor-General may, in the proclamation issued under subsection (1), declare it to be a proclamation to which section 3 applies.

Schedule 1, item 6, page 7 (after line 9), before the definition of *industry of national significance*, insert:

ecological community of national significance means any ecological community the disruption of which would be a matter of national significance.

Debate ensued.

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

On the motion of Senator O'Brien the following amendment was agreed to:

Schedule 1, Part 1, page 9 (after line 30), at the end of the Part, add:

17A Amendments made by items 1 to 17 cease to have effect in certain circumstances

The amendments made by items 1 to 17 of this Schedule cease to operate at the expiration of 18 months after the commencement of this Part unless the Commonwealth, within that period:

- (a) has developed, in consultation with all of the States, the Australian Capital Territory and the Northern Territory, agreed guidelines for a cooperative approach between the Commonwealth, those States and those Territories, for the control and eradication of epidemics, and the removal of the danger of epidemics, including guidelines for the exercise of quarantine measure or measures incidental to quarantine in accordance with the *Quarantine Act 1908* for that purpose; and
- (b) has laid a copy of the guidelines before each House of the Parliament.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

56 THERAPEUTIC GOODS AMENDMENT BILL (NO. 1) 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Lees moved the following amendments together by leave:

Schedule 1, page 3 (after line 13), after subsection (1), insert:

- (1A) An exemption in accordance with subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Schedule 1, page 5 (after line 13), after subsection (8), insert:

- (8A) A variation made in accordance with subsection (8) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Schedule 1, page 5 (lines 24 to 31), omit subclause (10), substitute:

- (10) The Secretary must cause a document setting out particulars of:
(a) an exemption under subsection (1); and
(b) a revocation or variation under subsection (8);

to be published in the *Gazette* within 5 working days after the day on which the Minister makes the exemption, revocation or variation. An exemption, or a revocation or variation, is invalid if it fails to comply with this subsection.

Schedule 1, page 5 (line 33) to page 6 (line 5), omit subclause (11), substitute:

- (11) The Minister must cause a document setting out particulars of:
(a) an exemption under subsection (1); and
(b) a revocation or variation under subsection (8);

to be tabled before each House of the Parliament within 5 sitting days of that House after the day on which the Minister makes the exemption, revocation or variation. An exemption, or a revocation or variation, is invalid if it fails to comply with this subsection.

Debate ensued.

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

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

Schedule 1, item 1, page 5 (after line 22), after subsection (9), insert:

Exemption etc. to be disallowable

- (9A) An exemption covered by paragraph (2)(a), and a revocation or variation under subsection (8) of an exemption covered by paragraph (2)(a), are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Schedule 1, item 1, page 5 (lines 25 and 26), omit paragraphs (10)(a) and (b), substitute:

- (a) an exemption covered by paragraph (2)(b); and
- (b) a revocation or variation under subsection (8) of an exemption covered by paragraph (2)(b);

Schedule 1, item 1, page 5 (lines 34 and 35), omit paragraphs (11)(a) and (b), substitute:

- (a) an exemption covered by paragraph (2)(b); and
- (b) a revocation or variation under subsection (8) of an exemption covered by paragraph (2)(b);

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

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

A message from the House of Representatives was reported as follows:

Message no. 46, dated 21 March 2002—States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002, agreeing to amendment no. 10 made by the Senate and disagreeing to amendments nos 1 to 9.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), that the message be considered in committee of the whole immediately.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH
THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(1) Dem (1) [Sheet 2440 Revised]

Schedule 1, page 3 (after line 5), before item 1, insert:

1A After paragraph 15(b)

Insert:

- (ba) The prescribed requirements for performance information to be reported in accordance with paragraph 15(b) shall include a requirement to report annually on progress being made to implement the detailed plan setting out the procedures for dealing with the physical, sexual and emotional abuse of students required by section 15A.

(2) Dem (2) [Sheet 2440 Revised]

Schedule 1, page 3 (after line 5), before item 1, insert:

1B After section 15

Insert:

15A Specific condition: responsibilities of States in dealing with abuse of students

- (1) A further condition is that a State must do each of the following not later than a date or dates determined by the Minister for the purposes of each paragraph:
 - (a) provide to the Minister a report on the administration of such legislation as is administered by the State relating to the protection of children and young persons in government and non-government schools;
 - (b) provide to the Minister a detailed plan setting out the procedures for and responsibilities of government schools in dealing with the physical, sexual and emotional abuse of students, either within or outside schools.
- (2) A plan provided in accordance with paragraph (1)(b) must:
 - (a) indicate the ways in which government schools will seek to create an anti-abuse environment; and
 - (b) indicate the means by which government schools will communicate with students about their rights in relation to abuse; and
 - (c) indicate how the plan will be implemented; and
 - (d) be reviewed at least every four years by the Minister, with the first review being completed before the expiration of the 2008 program year; and
 - (e) be approved by the Minister; and
 - (f) be in accordance with the standards set out in the regulations to this Act.
- (3) A further condition is that a State must have enacted legislation requiring the protection of children and young persons to receive grants in accordance with this Act.
- (4) A further condition is that a current law of the State must require that teachers promptly report instances of abuse of students of which they become aware in the course of their employment.
- (5) The requirement in subsection (4) to report may be either a requirement to report to the police or to a relevant government department or agency.
- (6) The Minister shall consult with the relevant State Ministers about the application of the legislation referred to in subsection (4) to other employees of schools in addition to teachers.
- (7) The conditions in this section are to apply to payments made to a State from the beginning of the program year 2003.
- (8) This section is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

(3) **Dem (R3) [Sheet 2440 Revised]**

Schedule 1, page 3 (after line 5), before item 1, insert:

1C After paragraph 23(b)

Insert:

- (ba) The prescribed requirements for performance information to be reported in accordance with paragraph 23(b) shall include a requirement to report annually on progress being made to implement the detailed plan setting out the procedures for dealing with the physical, sexual and emotional abuse of students required by section 23A.

(4) **Dem (4) [Sheet 2440 Revised]**

Schedule 1, page 3 (after line 5), before item 1, insert:

1D After section 23

Insert:

23A Specific condition: responsibilities of relevant authorities in dealing with abuse of students

- (1) A section 18 agreement must require the relevant authority to provide to the Minister not later than a date determined by the Minister a detailed plan setting out the procedures for and responsibilities of schools for which it is the relevant authority for the purpose of this section (*relevant schools*) in dealing with the physical, sexual and emotional abuse of students, either within or outside schools.
- (2) A plan provided in accordance with subsection (1) must:
- (a) indicate the ways in which the relevant schools will seek to create an anti-abuse environment; and
 - (b) indicate the means by which the relevant schools will communicate with students about their rights in relation to abuse; and
 - (c) indicate how the plan will be implemented; and
 - (d) be reviewed at least every four years by the Minister, with the first review being completed before the expiration of the 2008 program year; and
 - (e) be approved by the Minister; and
 - (f) be in accordance with the standards set out in the regulations to this Act.
- (3) The conditions in this section are to apply to payments to a State from the beginning of the program year 2003.
- (4) This section is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

(5) **Opp (1) [Sheet 2442]**

Schedule 1, item 1, page 4 (after line 9), after subsection (4), insert:

- (4A) Where the Minister varies the list in accordance with this section, the Minister must do so in accordance with such criteria for the identification of a new school as shall be prescribed.

(6) Opp (3) [Sheet 2442]

Schedule 1, item 1, page 4 (lines 16 to 21), omit the definition of *establishment amount*, substitute the following definition:

establishment amount for the program year is as prescribed in accordance with the principle that the amount of a grant allocated to each school will be in direct proportion to the SES score for the school set out in Schedule 4 of this Act so that the largest grant is made to the school with the lowest ranked SES score and the smallest grant is made to the school with the highest ranked SES score.

(7) Opp (4) [Sheet 2442]

Schedule 1, item 1, page 4 (line 28) to page 5 (line 2), omit the definition of *establishment amount*, substitute the following definition:

establishment amount for the program year is as prescribed in accordance with the principle that the amount of a grant allocated to each school will be in direct proportion to the SES score for the school set out in Schedule 4 of this Act so that the largest grant is made to the school with the lowest ranked SES score and the smallest grant is made to the school with the highest ranked SES score.

(8) Opp (2) [Sheet 2442]

Schedule 1, item 1, page 5 (after line 2), after subsection (6), insert:

- (7) Expenditure of a payment made in accordance with this section shall be restricted to the purposes of such recurrent establishment costs as may be prescribed.

(9) Opp (5) [Sheet 2442]

Schedule 1, item 1, page 5 (after line 2), after subsection (6), insert:

- (8) A school is ineligible for establishment grant funding where:
- (a) the school derives income from student fees; and
 - (b) the average level of the amount of fees derived by a school in paragraph (a) is equal to or in excess of the amount equivalent to per capita AGSRC.

Senator Troeth moved—That the committee does not insist on amendments nos 1 to 9 made by the Senate to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Watson) resumed the chair and the Chair of Committees (Senator West) reported that the committee had considered message no. 46 from the House of Representatives relating to the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002 and had resolved not to insist on amendments nos 1 to 9 made by the Senate to which the House of Representatives had disagreed.

On the motion of Senator Troeth the report from the committee was adopted.

58 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2001-2002
APPROPRIATION BILL (NO. 3) 2001-2002
APPROPRIATION BILL (NO. 4) 2001-2002

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

Debate resumed.

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

Appropriation Bills—University of New South Wales—Educational Testing Centre—
 Copies of—

Education—Investigation concerning the conduct of the University in its consideration of a protected disclosure alleging maladministration within the Educational Testing Centre—Final report.

Performance audit report—University of New South Wales Educational Testing Centre.

Debate continued.

Question put and passed.

Bills read a second time.

On the motion of the Special Minister of State (Senator Abetz) the bills were read a third time.

59 ADVANCE TO THE FINANCE MINISTER—2000-01

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

In the committee

The Special Minister of State (Senator Abetz) moved—That the committee approves the statement of Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2001.

Question put and passed.
Resolution to be reported.

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

On the motion of Senator Abetz the report from the committee was adopted.

60 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REFERENCES

The Special Minister of State (Senator Abetz), by leave, moved—That

- (a) the provisions of the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 3 May 2002; and
- (b) the provisions of the Broadcasting Services Amendment (Media Ownership) Bill 2002 be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 3 June 2002.

Question put and passed.

61 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

The Deputy President (Senator West) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Special Minister of State (Senator Abetz), by leave, moved—That Senator Bourne replace Senator Bartlett on the Environment, Communications, Information Technology and the Arts Legislation Committee for the consideration of the provisions of the Broadcasting Services Amendment (Media Ownership) Bill 2002.

Question put and passed.

62 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL

The Special Minister of State (Senator Abetz), by leave, moved government business notice of motion no. 3 (*see entries nos 16 and 19*)—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority and the Canberra Tourism and Events Corporation, for temporary works within the Parliamentary Zone, associated with the National Capital Canberra 400 V8 Supercar race carnival.

Debate ensued.

Question put and passed.

63 REGIONAL FOREST AGREEMENTS BILL 2002

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 47, dated 21 March 2002—Regional Forest Agreements Bill 2002.

64 JOINT COMMITTEES—APPOINTMENT OF HOUSE MEMBERS

A message from the House of Representatives was reported acquainting the Senate with the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 48, dated 21 March 2002—

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—
Mr Forrest, Mrs Gash and Mr Lindsay

ASIO, ASIS and DSD—Joint Statutory Committee—Mr Jull, Mr Beazley,
Mr McLeay and Mr McArthur.

At 6.30 pm—

65 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.06 pm till Tuesday, 14 May 2002 at 2 pm.

66 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate