

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 21

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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 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—REFERENCE**

The President made a statement relating to a matter of privilege raised by the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) concerning the unauthorised disclosure of a report of the committee and indicated that the committee had investigated the matter in accordance with the order of the Senate of 20 June 1996.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, she had determined that a motion relating to the matter may have precedence of all other business today.

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*Document:* The President tabled the following document:

Privileges—Standing Committee—Reference—Letter from Senator Eggleston to the President, dated 26 June 2002 and attachment.

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Senator Eggleston moved—That the following matter be referred to the Committee of Privileges:

Having regard to the matter raised by the Environment, Communications, Information Technology and the Arts Legislation Committee in its letter of 26 June 2002 to the President, whether there was an unauthorised disclosure of a report of that committee, and whether any contempt was committed in that regard.

Question put and passed.

**3 EXECUTION OF SEARCH WARRANT—PERSONAL EXPLANATION**

Senator Crane, by leave, made a personal explanation relating to allegations concerning the execution of search warrants in his electorate office in 1998.

**4 PETITION**

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

From 348 petitioners, requesting that the Senate prohibit any stem cell research which results in the destruction of human life.

**5 NOTICES**

Senator Murray: To move on 27 August 2002—That the following matters be referred to the Economics References Committee for inquiry and report by 29 May 2003, and that, in its recommendations, the committee take into account a preference to maintain overall budget neutrality within the alcohol taxation sector:

- (1) The efficiency, equity and complexity of the existing structure (and relevant history) of Commonwealth, state and territory alcohol taxation (excluding goods

and services tax) and related rebates, subsidies and grants being applied to each category of alcohol product, including:

- (a) beer (low-, mid- and full-strength beer, in packaged and draught form);
  - (b) ready to drink alcohol products (below 10% alcohol by volume (abv)) currently taxed as 'other excisable beverages' under the *Excise Tariff Act 1921*);
  - (c) wine, wine products and cider (currently subject to the wine equalisation tax (WET));
  - (d) spirits (including brandy) and 'other excisable beverages exceeding 10% abv'; and
  - (e) any other alcohol products.
- (2) Identification of the amount of Commonwealth taxation revenue collected in the 2001-02 financial year (and forecast to be collected over the next 10 years) on each category of alcohol product, including:
- (a) the quantity of customs duty, excise duty and WET collected;
  - (b) the amounts of rebates, subsidies and grants paid; and
  - (c) the amounts of drawback of customs and excise duty paid on re-exports and exports.
- (3) The effectiveness of the existing alcohol administration arrangements relating to taxation collection, including whether or not the collection should be administered by a single administration agency.
- (4) For the purpose of implementing alcohol taxation policy, the extent to which there is substitution between the various categories of alcoholic beverages, including (but not restricted to) issues such as whether substitution between alcoholic beverages is the same for each category of alcoholic beverage.
- (5) The impact of the existing alcohol taxation arrangements for:
- (a) the economy, employment, the environment and industry;
  - (b) beverage pricing and cost structures;
  - (c) the patterns of consumption, including the abuse, of the various categories of alcohol product;
  - (d) the health and welfare of regional, rural and remote communities (including the funding of alcohol rehabilitation and education); and
  - (e) the flexibility and sustainability of government revenue.
- (6) An examination of selected international alcohol taxation regimes (and recent overseas tax reviews) in order to identify the best options for alcohol taxation policy, legislation and administration in Australia.

Senator Bartlett: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on Wednesday, 21 August 2002, the following documents:

- (a) the Livestock Officer's report on the voyage of the *Maysora*, a Jordanian flagged vessel, travelling from Australia on 28 February 2001 carrying live cattle; and
- (b) the Master's reports from the same voyage. (*general business notice of motion no. 116*)

**6 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. 12 International Criminal Court Bill 2002 and a related bill.
- No. 13 Australian Protective Service Amendment Bill 2002.
- No. 14 International Tax Agreements Amendment Bill (No. 1) 2002.
- No. 15 Taxation Laws Amendment Bill (No. 2) 2002.
- No. 16 Therapeutic Goods and Other Legislation Amendment Bill 2002.
- No. 17 Health Insurance Commission Amendment Bill 2002.
- No. 18 Statute Law Revision Bill 2002.
- No. 19 Bankruptcy Legislation Amendment Bill 2002 and a related bill.
- No. 20 Disability Discrimination Amendment Bill 2002.

Debate ensued.

Question put and passed.

**7 CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the Bankruptcy Legislation Amendment Bill 2002 and the Bankruptcy (Estate Charges) Amendment Bill 2002 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**8 POSTPONEMENTS**

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Sherry for today, relating to the disallowance of the Workplace Relations Amendment Regulations 2002 (No. 2), postponed till 19 August 2002.

Business of the Senate notice of motion no. 2 standing in the name of Senator Murray for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 21 August 2002.

General business notice of motion no. 56 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Treasurer (Senator Minchin), postponed till 20 August 2002.

General business notice of motion no. 109 standing in the name of Senator Sherry for today, relating to the reference of matters to the Select Committee on Superannuation, postponed till 19 August 2002.

General business notice of motion no. 110 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to Australia's involvement in any pre-emptive military action, postponed till 20 August 2002.

Senator Bartlett, by leave, moved—That general business notice of motion no. 113 standing in his name for today, relating to mobile phone towers, be postponed till the next day of sitting.

Question put and passed.

9 **HEALTH—TOBACCO—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 107—That the Senate—

- (a) notes the report tabled in the Senate on 6 May 2002 from the Australian Competition and Consumer Commission (ACCC) on the performance of its functions under the *Trade Practices Act 1974* (the Act) with regard to tobacco and related matters, as required by the order of the Senate of 24 September 2001;
- (b) notes that the Senate may require the ACCC to provide it with information in accordance with section 29 of the Act;
- (c) requires the ACCC to report, as soon as possible, on the following issues:
  - (i) whether Australian tobacco companies have engaged in misleading or deceptive conduct in their use of the terms ‘mild’ and ‘light’, and
  - (ii) whether there has been any misleading, deceptive or unconscionable conduct in breach of the Act by British American Tobacco and/or Clayton Utz with regard to document destruction for the purpose of withholding information relevant to possible litigation;
- (d) requests the ACCC to engage in consultation with interested parties and stakeholders over the perceived inadequacies in its response to the order of the Senate of 24 September 2001 and requires the ACCC to report on those consultations as soon as possible;
- (e) notes that once the Senate has had the opportunity to consider the ACCC’s further reports on the use of the terms ‘mild’ and ‘light’, whether there has been misleading, deceptive or unconscionable conduct in relation to document destruction, and the ACCC’s consultations, it will consider whether a further report should be sought from the ACCC in response to the order of the Senate of 24 September 2001;
- (f) calls on the Commonwealth Government to pursue the possibility of a Commonwealth/state public liability action against tobacco companies to recover healthcare costs to the Commonwealth and the states caused by the use of tobacco; and
- (g) calls on the Commonwealth to address the issue of who should have access to the more than \$200 million collected in respect of tobacco tax and licence fees by tobacco wholesalers but not passed on to Government (see *Roxborough v. Rothmans*) by introducing legislation to retrospectively recover that amount for the Commonwealth and/or to establish a fund on behalf of Australian consumers and taxpayers, and in either case for the moneys to be used for the purpose of anti-smoking and other public health issues.

Question put and passed.

**10 HEALTH—MAMMARY PROSTHESES**

Senator Crossin, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 114—That the Senate—

- (a) notes the recommendations of the February 1995 report of the House of Representatives Standing Committee on Community Affairs to amend the Medicare rebate schedule to include the provision of mammary prostheses;
- (b) recognises:
  - (i) the ongoing cost (financial, physical and emotional) of wearing required prostheses and shell/breast forms, and acknowledges the strain on muscles and posture following the loss of a breast or a significant part of the breast, and
  - (ii) the ongoing cost of prostheses and acknowledges that there is no Commonwealth Government scheme to reduce the financial burden faced by women following breast surgery for those in need of prosthetics;
- (c) notes the *Canberra Times* article, 'Dead Women's Breast Prostheses Resold', appearing on 3 June 2002, detailing the reuse of mammary prostheses amongst breast cancer patients facing financial hardship; and
- (d) calls on the Government to provide mammary prostheses through the Medicare rebate schedule.

Question put and passed.

**11 DEFENCE—MILITARY INVOLVEMENT**

The Leader of the Australian Democrats (Senator Stott Despoja) amended her notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 98—That the Senate—

- (a) notes comments by the Minister for Defence (Senator Hill) in relation to a possible first strike against Iraq; and
- (b) calls upon the Government, in the event of a decision to commit Australian troops overseas to a military action under Chapter 7 of the United Nations Charter or other war-like operation, to:
  - (i) immediately brief opposition parliamentary parties,
  - (ii) refer the issue to the Joint Standing Committee on Foreign Affairs, Defence and Trade for consideration and report to the Parliament, and
  - (iii) put the issue before the Parliament for debate, at the first opportunity, and no later than 50 days from the decision to commit troops to military action overseas.

Question put and passed.



**12 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
REFERENCE**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of Minister for Forestry and Conservation (Senator Ian Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 12 December 2002, taking into account the findings of the Private Forests Consultative Committee's review of the 'Plantations for Australia: The 2020 Vision' strategy which is due to report to the Primary Industries Ministerial Council in November 2002:

- (a) whether there are impediments to the achievement of the aims of 'Plantations for Australia: The 2020 Vision' strategy;
- (b) whether there are elements of the strategy which should be altered in light of any impediments identified;
- (c) whether there are further opportunities to maximise the benefits from plantations in respect of their potential to contribute environmental benefits, including whether there are opportunities to:
  - (i) better integrate plantations into achieving salinity and water quality objectives and targets,
  - (ii) optimise the environmental benefits of plantations in low rainfall areas, and
  - (iii) address the provision of public good services (environmental benefits) at the cost of private plantation growers;
- (d) whether there is the need for government action to encourage longer rotation plantations, particularly in order to supply sawlogs; and
- (e) whether other action is desirable to maintain and expand a viable and sustainable plantation forest sector, including the expansion of processing industries to enhance the contribution to regional economic development.

Question put and passed.

**13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
REFERENCE**

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 business of the Senate notice of motion no. 4—That the following matters be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 31 October 2002:

- (a) performance and appropriateness of the existing government advisory structures in the Australian meat industry; and
- (b) the most effective arrangements for the allocation of export quotas for Australian meat, both to the United States and Europe.

Question put and passed.

**14 HOURS OF MEETING—VARIATION**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, on Monday, 19 August 2002, the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment.

Question put and passed.

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

Senator Calvert, at the request of Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 111—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission be extended to 22 August 2002.

Question put and passed.

**16 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2001-02**

Senator Calvert, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Additional estimates 2001-02—vol. 1).

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—INTERIM REPORTS—EXTENSIONS OF TIME TO REPORT**

Senator Calvert, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled the following reports:

Rural and Regional Affairs and Transport Legislation Committee—

Administration of the Civil Aviation Safety Authority—Interim report, dated June 2002.

Proposed importation of fresh apple fruit from New Zealand—Interim report, dated June 2002.

Administration of AusSAR in relation to the search for the *Margaret J*—Interim report, dated June 2002.

Senator Calvert, by leave, moved—That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport Legislation Committee be extended to the last sitting day in 2002:

- (a) the administration of the Civil Aviation Safety Authority;
- (b) the import risk assessment on New Zealand apples; and
- (c) the administration of AusSAR in relation to the search for the *Margaret J*.

Question put and passed.

Senator Calvert moved—That the Senate take note of the reports.

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

**18 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT—DOCUMENTS**

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

Scrutiny of Bills—Standing Committee—6th report of 2002—Application of absolute and strict liability offences in Commonwealth legislation—Documents presented to the committee and submissions [12].

**19 SCRUTINY OF BILLS—STANDING COMMITTEE—REPORT—WORK OF THE COMMITTEE NOVEMBER 1998 TO OCTOBER 2001**

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

Scrutiny of Bills—Standing Committee—Work of the committee during the 39th Parliament, November 1998 to October 2001.

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

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

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

**20 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—389TH REPORT**

Senator Calvert, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—389th report—Review of Auditor-General's reports 2000-2001: Fourth quarter—Australian Defence Force Reserves; Assessment of new claims for the age pension by Centrelink; Family and Community Services' oversight of Centrelink's assessment of new claims for the age pension; Performance information for Commonwealth financial assistance under the Natural Heritage Trust, dated June 2002.

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

Question put and passed.

**21 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—BUDGET ESTIMATES 2002-03**

Pursuant to order, Senator Calvert, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—2002-03 Budget estimates—Report, dated June 2002, *Hansard* record of proceedings [6 vols], and documents presented to the committee.

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

**22 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
PROPOSED REFERENCES—BUSINESS OF THE SENATE ORDERS OF THE DAY  
DISCHARGED**

Senator O'Brien, by leave, moved—That business of the Senate order of the day no. 5, relating to the proposed reference of a matter to the Rural and Regional Affairs and Transport References Committee, be discharged from the *Notice Paper*.

Question put and passed.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That business of the Senate order of the day no. 6, relating to the proposed reference of matters to the Rural and Regional Affairs and Transport References Committee, be discharged from the *Notice Paper*.

Debate ensued.

Question put and passed.

**23 CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Migration Legislation Amendment (Procedural Fairness) Bill 2002, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

**24 MIGRATION LEGISLATION AMENDMENT (PROCEDURAL FAIRNESS) BILL 2002**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 105, dated 26 June 2002—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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.

On the motion of Senator Mackay 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.

25 **SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]**  
**SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002**  
**CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002**  
**BORDER SECURITY LEGISLATION AMENDMENT BILL 2002**  
**TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002**

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

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*In the committee*

**SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002—**

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Brown:

Schedule 3, item 1, page 17 (after line 21), after subsection (7), insert:

- (8) A listing under subsection (1) or (3) must be tabled in each House of the Parliament within 15 sitting days of the listing.
- (9) A listing under subsection (1) or (3) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate resumed.

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*Documents:* The Minister for Justice and Customs (Senator Ellison) tabled the following documents:

Suppression of the Financing of Terrorism Bill 2002—Copies of lists of persons and entities mentioned in paragraph 1(c) of United Nations Security Council Resolution 1373—

Charter of the United Nations Act—Charter of the United Nations (Anti-terrorism Measures) Regulations 2001—

Charter of the United Nations (Anti-terrorism—Persons and Entities) Amendment (No. 1).

Charter of the United Nations (Anti-terrorism—Persons and Entities) Amendment 2002 (No. 2).

Charter of the United Nations (Anti-terrorism—Persons and Entities) List 2001.

Charter of the United Nations (Anti-terrorism—Persons and Entities) List 2001 (No. 2).

Charter of the United Nations (Anti-terrorism—Persons and Entities) List 2002 (No. 1).

Charter of the United Nations (Anti-terrorism—Persons and Entities) List 2002 (No. 2).

Charter of the United Nations (Anti-terrorism—Persons and Entities) List 2002 (No. 3).

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Debate continued.

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

Senator Brown moved the following amendments together by leave:

Clause 2, page 2 (table item 6), omit the table item, substitute:

5A. Schedule 3, 30 days after the day on which this Act receives the Royal  
item 1A Assent

6. Schedule 3, A single day to be fixed by Proclamation, subject to subsection  
items 1B and 1 (5)

Schedule 3, item 1, page 18 (lines 28 to 33), omit subsection (3).

Schedule 3, page 16 (before line 6), before item 1, insert:

**1A After section 6**

Insert:

**6A Repeal of Charter of the United Nations (Anti-terrorism Measures) Regulations**

The *Charter of the United Nations (Anti-terrorism Measures) Regulations 2001* are repealed.

Schedule 3, page 16 (before line 6), before item 1, insert:

**1B After section 6**

Insert:

**6B Repeal of Charter of the United Nations (Anti-terrorism—Persons and Entities) Lists**

The Charter of the United Nations (Anti-terrorism—Persons and Entities) Lists are repealed.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 12

Senators—

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

## NOES, 51

Senators—

Barnett	Cooney	Hill	O'Brien
Bishop	Crane	Hogg	Patterson
Boswell	Crossin (Teller)	Hutchins	Payne
Brandis	Crowley	Knowles	Reid
Buckland	Denman	Lightfoot	Schacht
Calvert	Eggleston	Ludwig	Scullion
Campbell, George	Ellison	Lundy	Sherry
Carr	Evans	Macdonald, Sandy	Tchen
Chapman	Ferguson	Mackay	Tierney
Colbeck	Forshaw	Mason	Vanstone
Collins	Gibbs	McGauran	Watson
Cook	Heffernan	McKiernan	West
Coonan	Herron	McLucas	

Question negated.

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

Title, page 1 (line 2), after “1995,” insert “**the Extradition Act 1988,**”.

Clause 2, page 2 (table item 4, 2nd column), omit “The day on which”, substitute “Immediately after the start of the day after”.

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

7. Schedule 4                      Immediately after the start of the day after this Act  
receives the Royal Assent

Schedule 3, item 1, page 21 (after line 10), after section 22, insert:

**22A Regulations on procedures relating to freezable assets**

- (1) The Governor-General may make regulations relating to procedures relating to assets that are, may be or may become freezable assets.
- (2) The regulations may provide for procedures relating to information (including personal information) relating to such assets in circumstances involving:
  - (a) a listing, or proposed listing, of a person, entity, asset or class of asset under section 15; or
  - (b) a question whether an asset is or may become a freezable asset; or
  - (c) an application for, or grant of, permission under section 22.
- (3) Subsection (2) does not limit subsection (1).

Page 22 (after line 23), at the end of the bill, add:

**Schedule 4—Amendment of the Extradition Act 1988**

**1 Section 5 (after subparagraph (a)(ii) of the definition of *political offence*)**

Insert:

- (iia) Article 2 of the International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999; or

Bill, as amended, agreed to.

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**CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002—**

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

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**BORDER SECURITY LEGISLATION AMENDMENT BILL 2002—**

Bill taken as a whole by leave.

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

Schedule 4, item 14, page 14 (lines 20 to 29), omit the definition of *terrorist act*, substitute:

*terrorist act* means an action or threat of action where:

- (a) the action falls within subsection (4) and does not fall within subsection (4A); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
  - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
  - (ii) intimidating the public or a section of the public.

It is immaterial whether the action or threat, or any part of the action or threat or anyone or anything affected by the action or threat is within or outside Australia.

Schedule 4, item 15, page 15 (line 3), after “serious harm”, insert “that is physical harm”.

Schedule 4, item 15, page 15 (after line 4), after paragraph (4)(b), insert:

- (ba) causes a person’s death; or

Schedule 4, item 15, page 15 (after line 17), after subsection (4), insert:

- (4A) For the purposes of the definition of *terrorist act* in subsection (1), action falls within this subsection if it:
  - (a) is advocacy, protest, dissent or industrial action; and
  - (b) is not intended:
    - (i) to cause serious harm that is physical harm to a person; or
    - (ii) to cause a person’s death; or
    - (iii) to endanger the life of a person, other than the person taking the action; or



- (iv) to create a serious risk to the health or safety of the public or a section of the public.

Schedule 4, item 15, page 15 (line 18), omit “subsection (4)”, substitute “subsections (4) and (4A)”.

On the motion of the Leader of the Opposition in the Senate (Senator Faulkner) the following amendment was agreed to:

Schedule 4, item 15, page 15 (lines 3 and 4), omit paragraphs (a) and (b), substitute:

- (a) causes serious harm that is physical harm to a person; or
- (b) causes serious damage to property; or

Bill, as amended, agreed to.

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### **TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002—**

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 1, item 15.

Schedule 1, item 15 debated.

Question—That Schedule 1, item 15 stand as printed—put and negatived.

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

Clause 2, page 2 (table item 2, column 1), omit “items 1 to 22”, substitute “items 1 to 14 and 16 to 22”.

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

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

- |                |  |
|----------------|--|
| 14. Schedule 3 | The day on which this Act receives the<br>Royal Assent |
|----------------|--|

Page 19 (after line 11), at the end of the bill, add:

### **Schedule 3—Amendment of the Telecommunications (Interception) Act 1979 relating to emergency services calls**

#### **1 After subsection 6(2)**

Insert:

*Communications to emergency services numbers*

(2A) In this section, an *emergency services number* is a telephone number:

- (a) on which assistance in emergencies may be sought from:
  - (i) a police force or service; or
  - (ii) a fire service; or
  - (iii) an ambulance service; and

- (b) that is specified in regulations made for the purposes of this paragraph, or is in a class of numbers specified in regulations made for the purposes of this paragraph.
- (2B) If a person who is lawfully engaged in duties relating to the receiving and handling of communications to an emergency services number listens to or records a communication passing over a telecommunications system to the emergency services number, the listening or recording does not, for the purposes of this Act, constitute the interception of the communication.

Senator Greig moved the following amendment:

Page 19 (after line 11), at the end of the bill, add:

**Schedule 4—Amendments relating to public interest monitors**

***Telecommunications (Interception) Act 1979***

**1 Subsection 5(1)**

Insert:

*public interest monitor* means a public interest monitor appointed under section 48B.

**2 After section 48**

Insert:

**48A Public interest monitors to test the validity of applications**

- (1) Subject to subsection (2), before issuing a warrant a Judge or nominated AAT member must allow a public interest monitor to test the validity of an application for a warrant by:
- (a) presenting questions for the applicant to answer, either orally or by affidavit; and
  - (b) cross-examining any witness; and
  - (c) making submissions on the appropriateness of granting the application.
- (2) The Judge or nominated AAT member is not required to comply with subsection (1) if, in the opinion of the Judge or nominated AAT member, the circumstances of the case are such that it would be contrary to the interests of justice to allow a public interest monitor to test the validity of the application. However, if the Judge or nominated AAT member does not comply with subsection (1), the Judge or nominated AAT member must send a copy of the affidavit and the warrant to a public interest monitor.

**48B Public interest monitors**

- (1) Public interest monitors are to be appointed by the Governor-General on the advice of the Minister. There must be at least one public interest monitor appointed in each State and Territory.

- (2) The Governor-General may, on the advice of the Minister, fix the terms and conditions of the public interest monitors.
- (3) A person must not be appointed as a public interest monitor unless he or she is enrolled as a barrister or as a barrister and solicitor, and has been so for not less than 5 years.
- (4) A public interest monitor must not be a person who is, or is a member of, or who is employed in or by or to assist, any of the following:
  - (a) the Director of Public Prosecutions of the Commonwealth or of a State or Territory;
  - (b) a commission of a State or Territory formed for the purpose of combating crime or corruption or for protecting the criminal justice system;
  - (c) the police service of the Commonwealth or of a State or Territory.
- (5) The functions of a public interest monitor are:
  - (a) to monitor compliance with Part V and Part VI; and
  - (b) to test the validity of an application for a warrant by:
    - (i) presenting questions for the applicant to answer either orally or by affidavit; and
    - (ii) cross-examining any witness; and
    - (iii) making submissions on the appropriateness of granting the application; and
  - (c) to gather statistical information about the use and effectiveness of search warrants; and
  - (d) whenever a public interest monitor considers it appropriate—to give to the Minister a report on any non-compliance by members with Part V or Part VI; and
  - (e) to provide for the annual reports information about the performance of his or her functions during the period covered by the report.
- (6) An annual report must not include information that:
  - (a) discloses or may lead to the disclosure of the identity of any person who has been, is being or is to be investigated; or
  - (b) indicates a particular investigation has been, is being, or is to be conducted.

**3 After paragraph 50(1)(c):**

Add:

; and (d) send a copy of the warrant to a public interest monitor.

Debate ensued.

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

Bill, as amended, agreed to.

---

The Security Legislation Amendment (Terrorism) Bill 2002 [No. 2], the Border Security Legislation Amendment Bill 2002 and the Telecommunications Interception Legislation Amendment Bill 2002 to be reported with amendments, the Suppression of the Financing of Terrorism Bill 2002 to be reported with amendments and with an amendment to the title, and the Criminal Code Amendment (Suppression of Terrorist Bombings) Bill 2002 to be reported without amendments.

---

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

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

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

Debate ensued.

The question for the third reading was divided—

Question—That the Criminal Code Amendment (Suppression of Terrorist Bombings) Bill 2002 be now read a third time—put and passed.

Question—That the remaining bills be now read a third time—put.

The Senate divided—

#### AYES, 51

Senators—

Abetz	Cook	Gibbs	O'Brien
Barnett	Coonan	Harradine	Patterson
Bishop	Crane	Herron	Payne
Bolkus	Crossin	Hill	Ray
Brandis	Crowley	Hogg	Reid
Buckland	Denman	Hutchins	Schacht
Calvert	Eggleston	Kemp	Scullion
Campbell, George	Ellison	Knowles	Sherry
Carr	Evans	Ludwig	Tchen
Chapman	Faulkner	Lundy	Troeth
Colbeck	Ferguson	Mackay	Watson
Collins	Ferris (Teller)	Mason	West
Conroy	Forshaw	McLucas	

#### NOES, 12

Senators—

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

Question agreed to.

Bills read a third time.

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*After 12.45 pm—*

**26 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That government business order of the day no. 12 (International Criminal Court Bill 2002 and a related bill) be postponed till after consideration of government business order of the day no. 15 (Taxation Laws Amendment Bill (No. 2) 2002).

Debate ensued.

Question put and passed.

**27 AUSTRALIAN PROTECTIVE SERVICE 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**28 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time. Senator Harris, pursuant to standing order 100, recorded his vote for the noes.

**29 TAXATION LAWS AMENDMENT BILL (NO. 2) 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 second time.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**30 INTERNATIONAL CRIMINAL COURT BILL 2002****INTERNATIONAL CRIMINAL COURT (CONSEQUENTIAL AMENDMENTS) BILL 2002**

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Vanstone)—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.

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*In the committee*

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

Bills to be reported without amendment.

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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 Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bills read a third time. Senator Harris, pursuant to standing order 100, recorded his vote for the noes in respect of the question for the third reading.

**31 THERAPEUTIC GOODS AND OTHER LEGISLATION AMENDMENT BILL 2002**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**32 HEALTH INSURANCE COMMISSION 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That the bill be now read a third time.

Debate ensued.

Question put and passed.

**33 STATUTE LAW REVISION 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**34 BANKRUPTCY (ESTATE CHARGES) 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**35 DISABILITY DISCRIMINATION 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

*Suspension of sitting:* On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

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*At 2 pm—*

**36 QUESTIONS**

Questions without notice were answered.

**37 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATIONS**

Senator Sherry, pursuant to standing order 74, asked the Minister for Revenue and Assistant Treasurer (Senator Coonan) for an explanation of answers not being provided to questions on notice nos 303 to 307 (notice given 14 May 2002) relating to superannuation.

Senator Coonan indicated that answers would be provided.

Senator Sherry moved—That the Senate take note of the minister's response.

Question put and passed.

Senator Cook, pursuant to standing order 74, asked the Minister for Revenue and Assistant Treasurer (Senator Coonan) for an explanation of an answer not being provided to question on notice no. 333 (notice given 16 May 2002) relating to mass-marketed tax effective schemes.

Senator Coonan indicated that an answer would be provided.

Senator Cook moved—That the Senate take note of the minister's response.

Debate ensued.

Question put and passed.

**38 MINISTER FOR REVENUE AND ASSISTANT TREASURER—ANSWERS TO QUESTIONS**

Senator Sherry 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.

**39 SCIENCE AND TECHNOLOGY—STEM CELL RESEARCH—FUNDING—ANSWER TO QUESTION**

Senator Harradine moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Harradine today relating to the funding of stem cell research.

Question put and passed.

**40 DEPARTMENT OF THE SENATE—TRAVELLING ALLOWANCE—DOCUMENT**

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

Department of the Senate—Travelling allowance—Payments to senators and members, July to December 2001, dated June 2002.



**41 DEPARTMENT OF THE SENATE—SENATE SENIOR OFFICERS' TRAVELLING ALLOWANCE—DOCUMENT**

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

Department of the Senate—Senate senior officers' travelling allowance payment details 2000-01, dated June 2002.

**42 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT'S REPORT—GOVERNMENT RESPONSES OUTSTANDING**

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

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 27 June 2002.

**43 AUDITOR-GENERAL—AUDIT REPORT NO. 63 OF 2001-02—DOCUMENT**

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

Auditor-General—Performance audit—Management of the DASFLEET tied contract (Report no. 63 of 2001-02).

**44 AUSTRALIAN PARLIAMENTARY DELEGATION TO FINLAND AND GERMANY—DOCUMENT**

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

Finland and Germany—Report of the Australian parliamentary delegation, 7 to 19 April 2002, dated June 2002.

Senator Mackay, by leave, moved—That the Senate take note of the document.

Question put and passed.

**45 GOVERNMENT DOCUMENTS**

The Special Minister of State (Senator Abetz) tabled the following government documents:

Australian Institute of Health and Welfare—Australia's health 2002—Eighth biennial report.

Department of Finance and Administration—

Former parliamentarians' travel paid by the Department of Finance and Administration—July to December 2001, June 2002.

Parliamentarians' travel paid by the Department of Finance and Administration—July to December 2001, June 2002.

Human Rights and Equal Opportunity Commission—Report—No. 17—Inquiry into a complaint by the Asylum Seekers Centre concerning changes to the Asylum Seekers Assistance Scheme.

**46 ASEAN INTER-PARLIAMENTARY ORGANISATION—22ND GENERAL ASSEMBLY—DOCUMENT**

Senator Calvert, by leave, tabled the following document:

ASEAN Inter-Parliamentary Organisation (AIPO)—Report of the Australian parliamentary delegation to the 22nd General Assembly, Thailand, 2 to 5 September 2001, visits and briefings, Bangkok, 6 to 8 September 2001 and bi-lateral visit to Singapore, 9 to 13 September 2001.

Senator Calvert, by leave, moved—That the Senate take note of the document.

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

**47 DOCUMENTS**

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—Regulations—Statutory Rules 2002 No. 136.

Australian Meat and Live-stock (Quotas) Act—Regulations—Statutory Rules 2002 No. 137.

Customs Act—CEO Instruments of Approval Nos 18-23 of 2002.

Export Market Development Grants Act—

Export Market Development Grants (Close Relationships—Events Promoters) Determination 2002.

Export Market Development Grants (Close Relationships—General) Determination 2002.

**48 NOTICES OF MOTION WITHDRAWN**

The Special Minister of State (Senator Abetz), at the request of the respective senators, withdrew the following government business and general business notices of motion:

Government business notices of motion—3, 1 (for 21 August 2002).

General business notices of motion—1, 7, 14, 43, 55, 58, 59, 77, 83, 91.

**49 VALEDICTORY STATEMENTS**

Pursuant to order, senators made statements relating to the retirement of certain senators.

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*Document:* Senator Cooney, by leave, tabled the following document:

Parliament—Parliament House communications directory—Fortieth Parliament, dated March 2002.

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Statements continued.

*Suspension of sitting:* On the motion of the Minister for Defence (Senator Hill) the sitting of the Senate was suspended till 9.25 pm.

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*At 9.25 pm—*

**50 COMMITTEES—CHANGES IN MEMBERSHIP**

The President informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Family and Community Services (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees, with effect from 1 July 2002, as follows:

**Appropriations and Staffing—Standing Committee—**

Appointed: Senators Allison, Bolkus and Herron

Discharged: Senator Ian Macdonald

**Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—**

Appointed: Senators Ferris and Stephens

Discharged: Senator Knowles

**Community Affairs Legislation Committee—**

Appointed: Senators Barnett and Hutchins

Discharged: Senators Bishop and Herron

Participating members: Senators Bishop and Moore

**Community Affairs References Committee—**

Appointed: Senators Barnett, Hutchins and Moore

Discharged: Senator Tchen

**Corporations and Financial Services—Joint Statutory Committee—**

Appointed: Senator Wong

**Economics Legislation Committee—**

Appointed: Senator Webber

Participating members: Senators Kirk and Lundy

**Economics References Committee—**

Appointed: Senator Webber

Discharged: Senator Bolkus

Participating member: Senator Kirk

**Employment, Workplace Relations and Education Legislation Committee—**

Appointed: Senator Johnston

Discharged: Senator Ferris

Participating member: Senator Nettle

Substitute members:

Senator Crossin to replace Senator George Campbell for the consideration of the provisions of the Higher Education Funding Amendment Bill 2002

Senator Crossin to replace Senator Carr for the consideration of the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002

**Employment, Workplace Relations and Education References Committee—**

Participating member: Senator Nettle

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

Appointed: Senator Tierney

Discharged: Senator Calvert

Participating member: Senator Wong

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

Appointed: Senator Wong

Discharged: Senator McLucas

Substitute member: Senator Buckland to replace Senator Wong for the committee's inquiry into environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations

**Finance and Public Administration Legislation Committee—**

Appointed: Senator Heffernan

Discharged: Senator Lightfoot

Participating member: Senator Marshall

**Finance and Public Administration References Committee—**

Appointed: Senators Heffernan, Marshall and Wong

Discharged: Senators Lightfoot and Lundy

**Foreign Affairs, Defence and Trade—Joint Standing Committee—**

Appointed: Senators Bartlett, Bishop, Bolkus, Eggleston and O'Brien

Discharged: Senators Chapman and Hutchins

**Foreign Affairs, Defence and Trade Legislation Committee—**

Appointed: Senator Ridgeway

Participating members: Senators Cook, Marshall and Nettle

**Foreign Affairs, Defence and Trade References Committee—**

Appointed: Senators Bishop, Johnston, Marshall and Ridgeway

Discharged: Senators Hutchins and Lightfoot

Participating members: Senators Cook and Nettle

**House—Standing Committee—**

Appointed: Senators Lightfoot and Stephens

Discharged: Senator Knowles

**Legal and Constitutional Legislation Committee—**

Appointed: Senators Bolkus and Ludwig

Discharged: Senator Ludwig as participating member

Participating members: Senators Kirk, McLucas, Nettle and Stephens

**Legal and Constitutional References Committee—**

Appointed: Senators Bolkus, Kirk and Stephens

Discharged: Senator Ludwig

Discharged: Senator Bolkus as participating member

Participating members: Senators Ludwig and Nettle

**Library—Standing Committee—**

Appointed: Senators Herron, Kirk, Ludwig and Wong

Discharged: Senators Boswell, Mackay and Sherry

**Migration—Joint Standing Committee—**

Appointed: Senators Kirk and Tchen

Discharged: Senator Tierney

**National Capital and External Territories—Joint Standing Committee—**

Appointed: Senator Scullion

Discharged: Senator Colbeck

**Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—**

Appointed: Senator Scullion

Discharged: Senator Mason

**Privileges—Standing Committee—**

Appointed: Senator Johnston

Discharged: Senator McGauran

**Procedure—Standing Committee—**

Appointed: Senators Allison and Brandis

Discharged: Senator Ian Campbell

**Public Accounts and Audit—Joint Statutory Committee—**

Appointed: Senator Moore

**Publications—Standing Committee—**

Appointed: Senators Colbeck, Johnston, Kirk, Marshall and Moore

Discharged: Senators Bishop, Chapman, Lightfoot and McLucas

**Regulations and Ordinances—Standing Committee—**

Appointed: Senators Barnett, Marshall and Moore

Discharged: Senators Brandis, Buckland and Ludwig

**Rural and Regional Affairs and Transport Legislation Committee—**

Appointed: Senator Heffernan

Participating member: Senator Stephens

**Rural and Regional Affairs and Transport References Committee—**

Appointed: Senators Heffernan, McGauran and Stephens

Discharged: Senators Ferris and Mackay

**Scrutiny of Bills—Standing Committee—**

Appointed: Senators Barnett, Johnston and McLucas

Discharged: Senator Ferris

**Selection of Bills—Standing Committee—**

Appointed: Senator Ludwig

Discharged: Senator Crossin

**Senators' Interests—Standing Committee—**

Appointed: Senators Webber and Wong

Discharged: Senators Bolkus, Collins and Herron

**Treaties—Joint Standing Committee—**

Appointed: Senators Barnett, Kirk, Marshall and Stephens

Discharged: Senators Ludwig and McGauran.

Question put and passed.

Senator Vanstone, by leave, moved—That senators be discharged from and appointed to committees as follows:

**Economics Legislation Committee—**

Substitute member: Senator Bartlett to replace Senator Murray for the consideration of the Space Activities Amendment Bill 2002

**Employment, Workplace Relations and Education References Committee—**

Substitute member: Senator Murray to replace Senator Cherry for the committee's inquiry into small business employment for public hearings in Western Australia and Melbourne

**Foreign Affairs, Defence and Trade Legislation and References Committees—**

Participating member: Senator Bartlett.

Question put and passed.

51 **SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (DISPOSAL OF ASSETS—INTEGRITY OF MEANS TESTING) 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 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.

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*In the committee*

Bill taken as a whole by leave.

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

Schedule 1, item 15, page 7 (line 25), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 15, page 9 (line 16), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 15, page 12 (line 5), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 18, page 15 (line 19), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 25, page 18 (line 20), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 25, page 21 (line 10), omit "\$25,000", substitute "\$30,000".

Schedule 1, item 28, page 24 (line 9), omit "\$25,000", substitute "\$30,000".

Schedule 2, item 19, page 32 (line 3), omit "\$25,000", substitute "\$30,000".

Schedule 2, item 19, page 34 (line 24), omit "\$25,000", substitute "\$30,000".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Family and Community Services (Senator Vanstone) the report from the committee was adopted and the bill read a third time.

**52 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Family and Community Services (Senator Vanstone) moved—That intervening business be postponed till after consideration of government business order of the day no. 9 (Workplace Relations Amendment (Fair Dismissal) Bill 2002).

Question put and passed.

**53 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) 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, debated.

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

Schedule 1, page 3 (before line 4), before item 1, insert:

**1A Subsection 42(3)**

Omit “A party”, substitute “Subject to subsection (3A), a party”.

Schedule 1, page 3 (before line 4), before item 1, insert:

**1B After subsection 42(3)**

Insert:

(3A) The Commission must not grant leave under subsection (3) to a counsel, solicitor or agent acting for a fee or reward in a conciliation under Subdivision B of Division 3 of Part VIA of this Act unless it is satisfied that it would assist the just and expeditious resolution of the proceeding, having regard to:

- (a) the complexity of the proceeding; and
- (b) the capacity of another party to the proceeding to secure representation; and
- (c) the likely cost of such representation; and
- (d) any other matter the Commission considers relevant.

Senator Sherry moved the following amendments together by leave:

Schedule 1, page 3 (before line 4), before item 1, insert:

**1C After subsection 42(3A)**

Insert:

- (3B) A party may not be represented by an agent in a proceeding under Subdivision B of Division 3 of Part VIA of this Act unless:
- (a) the agent is a registered industrial agent within the meaning of section 42A of this Act; or
  - (b) the agent is not a registered industrial agent within the meaning of section 42A of this Act but is a member, officer or employee of an organisation registered under this Act; or
  - (c) the agent is not a registered industrial agent within the meaning of section 42A of this Act but the Commission is satisfied that the agent is not acting for reward.

Schedule 1, page 3 (before line 4), before item 1, insert:

**1D After section 42**

Insert:

**42A Register of industrial agents**

- (1) In this Act:  
*registered industrial agent* means a person who is registered as an industrial agent in the register of industrial agents referred to in subsection (2).
- (2) The Industrial Registrar must create and maintain a register of industrial agents in accordance with the regulations.
- (3) The regulations must prescribe:
  - (a) the manner in which the Industrial Registrar must create and maintain the register of industrial agents;
  - (b) the conditions, including qualifications and experience, an applicant must meet for registration;
  - (c) a code of conduct with which registered industrial agents must comply;
  - (d) the manner in which the Industrial Registrar may remove or suspend a person from the register of industrial agents.

Debate ensued.

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

Senator Sherry moved the following amendment:

Schedule 1, page 3 (before line 4), before item 1, insert:

**1E At the end of section 98**

Add:

- (2) The regulations may prescribe an indicative time frame for the progress and resolution of a proceeding under Subdivision B of Division 3 of Part VIA of this Act.

Debate ensued.

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



Senator Sherry moved the following amendment:

Schedule 1, page 3 (before line 4), before item 1, insert:

**1F After section 170CA**

Insert:

**170CAA Minister to publish information to assist employers and employees**

- (1) The Minister, in consultation with the relevant Minister of each State and Territory, must publish information, which may include practical examples, to assist employers and employees to comply with this Part.
- (2) After publishing information under subsection (1), the Minister must promote the publication in workplaces and make it readily available free of charge.

Senator Murphy moved the following amendment to Senator Sherry's proposed amendment:

Omit "publish information", substitute "publish factual information about the relevant Industrial Relations Acts".

On the motion of Senator Sherry further consideration of the amendments was postponed.

Senator Sherry moved the following amendment:

Schedule 1, item 1, page 3 (lines 4 to 6), omit the item, substitute:

**1G After subsection 170CE(1)**

Insert:

- (1A) The Commission must not accept an application seeking relief on the ground that the termination was harsh, unjust or unreasonable if the applicant seeks only financial compensation, unless the applicant satisfies the Commission that exceptional circumstances exist for not seeking a restoration of the employment relationship.
- (1B) Before rejecting an application under subsection (1A), the Commission must give the applicant a reasonable opportunity to be heard. The party named as respondent need not be present at any such hearing.

Note: *Reasonable opportunity* includes providing such assistance to the applicant as may be necessary to overcome any language difficulties that may confront the applicant.

Debate ensued.

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

Consideration resumed of the amendments postponed earlier today.

Debate resumed.

Question—That Senator Murphy's amendment to Senator Sherry's proposed amendment be agreed to—put and negatived.

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

Senator Sherry moved the following amendment:

Schedule 1, page 3 (after line 6), after item 1, insert:

**1H Subsection 170CE(3)**

Repeal the subsection, substitute:

- (3) If:
- (a) an employee's employment has been terminated by the employer; or
  - (b) more than one employee's employment has been terminated by the employer at the same time or for related reasons; and
- a trade union's rules entitle it to represent the industrial interests of the employee or employees the union may, on behalf of the employee or employees, apply to the Commission for relief:
- (c) on the ground that the termination was harsh, unjust or unreasonable; or
  - (d) on the ground of an alleged contravention of section 170CK, 170CL, 170CM or 170CN; or
  - (e) on a ground or on any combination of grounds in paragraph (b), and the ground in paragraph (a).

Debate ensued.

Senator Murray moved the following amendment to Senator Sherry's proposed amendment:

Omit "and a trade union's rules entitle it to represent the industrial interests of the employee or employees the union may", substitute "a representative of the employee or employees may".

Debate ensued.

Question—That Senator Murray's amendment to Senator Sherry's proposed amendment be agreed to—put and passed.

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

Senator Sherry moved the following amendment:

Schedule 1, item 3, page 3 (line 28) to page 4 (line 28), omit the item, substitute:

**3 After subsection 170CF(1)**

Insert:

- (1A) The Commission may, on the application of a party or of its own motion, conduct a conciliation conference by telephone or other electronic medium, subject to such conditions as it considers appropriate.
- (1B) In determining whether to conduct a conciliation conference by telephone or other electronic medium, the Commission must consider:
  - (a) whether it is impractical or inconvenient for a party to attend a conciliation conference in person for reasons including cost, distance, physical or other disability, the nature of the relationship between the parties, or the nature of the party's business or employment commitments; and
  - (b) whether the party applying to appear by telephone or other electronic medium has made reasonable attempts to obtain the consent of all other parties to the matter; and
  - (c) any other matter the Commission considers relevant.

Debate ensued.

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

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

Schedule 1, item 2, page 3 (lines 7 to 27), omit the item, substitute:

**2 Subsection 170CE(6)**

Omit “, (3)”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 4, 5 and 6.

Schedule 1, items 4, 5 and 6 debated.

Question—That Schedule 1, items 4, 5 and 6 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

---

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee was adopted and the bill read a third time.

**54 TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 2) 2002  
SUPERANNUATION GUARANTEE CHARGE 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 these bills be now read a second time.

Debate resumed.

Senator Allison moved the following amendment in respect of the Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002:

At the end of the motion, add “but the Senate is of the view that:

- (a) requiring employers to make at least quarterly superannuation guarantee contributions on behalf of their employees does not provide for full protection of employee entitlements against business failure;
- (b) a more frequent contribution payment for businesses would:
  - (i) strengthen employer compliance with the superannuation guarantee and assist with protecting employee entitlements against business failure, and
  - (ii) contributions would earn more interest in the fund as they would be invested sooner; and
- (c) the Government should redraft the provisions of Schedule 1 to provide monthly contribution periods and forwarding of superannuation guarantee funds”.

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*The Senate continued to sit till midnight—*  
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Debate ensued.

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

Senator Sherry moved the following amendment in respect of the Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002:

At the end of the motion, add “whilst noting that the Liberal Government has withdrawn the proposed surcharge tax reduction for high-income earners from this bill, the Senate is of the opinion that the surcharge measure, along with the proposal to allow splitting of superannuation contributions and the closure of the public sector funds, should not proceed and that the Government should instead provide for a fairer contributions tax cut that will boost retirement incomes for millions of superannuation fund members to assist in preparing the nation for the ageing population”.

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

Main question, as amended, put and passed.

Bills read a second time.

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

---

*In the committee*

**TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 2) 2002—**

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 1, item 126.

Schedule 1, item 126 debated.

Question—That Schedule 1, item 126 stand as printed—put and negated.

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*Explanatory memorandum:* The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

---

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put and negated.

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

Clause 2, page 2 (table items 4, 5 and 6), omit the table items.

Senator Allison moved the following amendment:

Schedule 3, item 3, page 49 (after line 33), after subsection (6), insert:

(6A) Subsections (4) and (5) are limited in their application to persons whose pre-tax income is less than \$150,000.

Debate ensued.

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

Senator Allison moved the following amendments together by leave:

Schedule 4, item 1, page 51 (lines 8 to 12), omit sub-subparagraph (D), substitute:

(D) if that other person is less than 18 years old—contributions made to a complying superannuation fund for the benefit of that other person that are not contributions made by or on behalf of an employer of that other person, the sum of which is limited to not more than \$30,000 over a period of 3 years;

Schedule 4, item 2, page 51 (lines 20 to 23), omit sub-subparagraph (B), substitute:

(B) if that other person is less than 18 years old—contributions made for the benefit of that other person that are not contributions made by or on behalf of an employer of that other person, the sum of which is limited to not more than \$30,000 over a period of 3 years; and

Debate ensued.

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

Senator Sherry moved the following amendment:

Page 54 (after line 24), at the end of the bill, add:

## **Schedule 7—Amendments of the Superannuation Industry (Supervision) Act 1993**

### **1 Subsection 229(1)**

Repeal the subsection, substitute:

(1) If a fund suffers an eligible loss after the commencement of this Part the trustee may apply to the Minister for a grant of financial assistance for the fund.

### **2 Section 231 (heading)**

Repeal the heading, substitute:

### **231 Minister must grant financial assistance**

#### **3 Subsection 231(1)**

Repeal the subsection, substitute:

(1) If, after considering the application, any additional information given by the trustee, and APRA's advice under section 230A, the Minister is satisfied that the fund has suffered an eligible loss as mentioned in

subsection 229(1), the Minister must determine in writing that a grant of financial assistance equal to the eligible loss should be made to the trustee for the purposes of the fund.

**4 After subsection 231(2)**

Insert:

- (3) This section applies to all determinations made after 1 June 2002, regardless of the date of the eligible loss or of the application.

**5 Section 232**

Repeal the section.

Debate ensued.

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

Bill, as amended, agreed to.

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**SUPERANNUATION GUARANTEE CHARGE AMENDMENT BILL 2002—**

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

---

The Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002 to be reported with amendments and the Superannuation Guarantee Charge Amendment Bill 2002 to be reported without amendments.

---

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

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

**55 NEW BUSINESS TAX SYSTEM (CONSOLIDATION) BILL (NO. 1) 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 Conroy moved the following amendment:

Omit all words after “That”, substitute “further consideration of the bill be postponed until an order of the day for the second reading of bills determined by the Senate to be associated with the bill is called on”.

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.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the following amendment was agreed to:

Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

**2 Commencement**

This Act commences on the day on which the *New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Act 2002* receives the Royal Assent.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

---

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

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

**56 NEW BUSINESS TAX SYSTEM (IMPUTATION) BILL 2002**  
**NEW BUSINESS TAX SYSTEM (OVER-FRANKING TAX) BILL 2002**  
**NEW BUSINESS TAX SYSTEM (FRANKING DEFICIT TAX) 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 these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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*Explanatory memorandum:* The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a correction to the explanatory memorandum relating to the New Business Tax System (Imputation) Bill 2002.

---

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of Senator Coonan the bills were read a third time.

**57 TAXATION LAWS AMENDMENT BILL (NO. 4) 2002**

Order of the day read for the adjourned debate on the motion of the Minister for Forestry and Conservation (Senator Ian Macdonald)—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.

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*In the committee*

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 3.

Schedule 3 debated.

Question—That Schedule 3 stand as printed—put and negatived.

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*Explanatory memorandum:* The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a correction to the explanatory memorandum relating to the bill.

---

Bill, as amended, agreed to.

Bill to be reported with an amendment.

---

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

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

**58 DIESEL FUEL REBATE SCHEME AMENDMENT BILL 2002**

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

Debate resumed.

Senator Brown moved the following amendment:

Omit all words after “That”, substitute “further consideration of the bill be an order of the day for the day after the order of the Senate of 26 June 2002 for the production of environment and greenhouse gas emissions documents is complied with”.

Debate ensued.

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



Senator O'Brien moved the following amendment:

At the end of the motion, add "but the Senate condemns the Government for:

- (a) failing to deliver on their commitment to develop an Energy Grants (Credits) Scheme to replace both the Diesel and Alternative Fuel Grants Scheme and the Diesel Fuel Rebate Scheme;
- (b) failing to prioritise support for the accelerated uptake of renewable electricity generation as a viable alternative to diesel rather than extend the diesel rebate that would lead to long-term greenhouse gas reductions; and
- (c) conducting the Fuel Taxation Inquiry only for cynical and expensive election purposes with no intention of a genuine review of fuel taxation issues".

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.

Senator Allison moved the following amendments together by leave:

Schedule 1, item 1, page 3 (lines 7 to 12), omit paragraph (ad), substitute:

- (ad) at particular premises to generate electricity from a hybrid remote power system incorporating renewable energy or a combined diesel and alternative fuel generator using at least 30% alternative fuel for the total fuel usage, for use in the course of carrying on, at those premises, an enterprise that:
  - (i) has, as its principal purpose, the retail sale of goods or services or the provision of hospitality; and
  - (ii) does not have, at those premises, ready access to a commercial supply of electricity;

Note: For the purposes of this paragraph, alternative fuel includes Liquefied Petroleum Gas (LPG).

Schedule 1, item 6, page 4 (lines 5 to 10), omit paragraph (ad), substitute:

- (ad) at particular premises to generate electricity from a hybrid remote power system incorporating renewable energy or a combined diesel and alternative fuel generator using at least 30% alternative fuel for the total fuel usage, for use in the course of carrying on, at those premises, an enterprise that:
  - (i) has, as its principal purpose, the retail sale of goods or services or the provision of hospitality; and
  - (ii) does not have, at those premises, ready access to a commercial supply of electricity;

Note: For the purposes of this paragraph, alternative fuel includes Liquefied Petroleum Gas (LPG).

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

---

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time. Senator Brown and all Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

#### 59 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 112, dated 28 June 2002 am—Workplace Relations Amendment (Fair Dismissal) Bill 2002.

Ordered, on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston), that the message be considered in committee of the whole immediately.

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

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#### *In the committee*

Senator Alston moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 27

Senators—

Abetz	Colbeck	Hill	Reid
Alston	Coonan	Knowles	Scullion
Barnett	Eggleston	Macdonald, Ian	Tchen
Boswell	Ferguson	Mason	Tierney
Brandis	Ferris	McGauran	Troeth
Calvert (Teller)	Heffernan	Patterson	Watson
Chapman	Herron	Payne	

NOES, 31

Senators—

Allison	Carr	Faulkner	McLucas
Bartlett	Cherry	Forshaw	Murphy
Bishop	Collins	Greig	Murray
Bolkus	Conroy	Hogg	O'Brien
Bourne	Cook	Lees	Ridgeway
Brown	Crossin (Teller)	Ludwig	Sherry
Buckland	Crowley	Lundy	West
Campbell, George	Evans	Mackay	

Question negatived.

Resolution to be reported.

---

The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator West) reported that the committee had considered message no. 112 from the House of Representatives relating to the Workplace Relations Amendment (Fair Dismissal) Bill 2002 and had resolved to insist on the amendments made by the Senate to which the House of Representatives had disagreed.

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

**60 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2002**

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

Debate resumed.

Senator Ridgeway moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that export market development grants should not be used to facilitate the depletion of fossil fuels, the logging of native forests or the promotion of unethical business practices”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**61 WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) 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 ensued.

Debate adjourned till the next day of sitting, the Minister for Defence (Senator Hill) in continuation.

62 **MIGRATION LEGISLATION AMENDMENT (PROCEDURAL FAIRNESS) 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:

Omit all words after “That”, substitute:

- (a) the Senate notes that:
  - (i) immigration matters should be determined in a fast and fair manner,
  - (ii) a five person Full Court of the Federal Court commenced hearing on 3 June appeals from five decisions of single judges and that these appeals will determine a central issue dealt with in this bill,
  - (iii) the Department of Immigration and Multicultural and Indigenous Affairs has conceded that it is not certain that the bill is needed to achieve its end of ensuring that the common law natural justice hearing rule is excluded from immigration decision making, and
  - (iv) the passage of this bill prior to the Federal Court decision may confuse the law in this area and cause more delays and uncertainty; and
- (b) further consideration of the bill be an order of the day for the day after the decision of the Federal Court on the matter is delivered.

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.

Senator Bartlett moved the following amendment:

Clause 1, page 1 (line 6), omit “*Fairness*”, substitute “*Unfairness*”.

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

Bill agreed to.

Bill to be reported without amendment.

---

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

The Special Minister of State (Senator Abetz) moved—That the report from the committee be adopted.

Debate ensued.

Question put and passed.

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

Question put.

The Senate divided—

AYES, 43

Senators—

Abetz	Collins	Hogg	Patterson
Alston	Conroy	Knowles	Payne
Barnett	Cook	Ludwig	Reid
Bishop	Crossin	Lundy	Scullion
Boswell	Eggleston	Macdonald, Ian	Sherry
Brandis	Evans	Macdonald, Sandy	Tchen
Buckland	Ferguson	Mackay	Tierney
Campbell, George	Ferris	Mason	Troeth
Carr	Forshaw	McGauran	Watson
Chapman	Heffernan	McLucas	West
Colbeck (Teller)	Hill	O'Brien	

NOES, 8

Senators—

Allison	Bourne (Teller)	Cherry	Lees
Bartlett	Brown	Greig	Ridgeway

Question agreed to.

Bill read a third time.

**63 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2002-2003**

**APPROPRIATION BILL (NO. 1) 2002-2003**

**APPROPRIATION BILL (NO. 2) 2002-2003**

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

Debate resumed.

Senator Conroy moved the following amendment in respect of Appropriation Bill (No. 1) 2002-2003:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) its failure to deliver a budget surplus in 2001-02 after a decade of growth;
- (b) its failure to deliver a budget surplus in 2002-03 without breaking previous commitments on defence, roads and working credits;
- (c) imposing the cost of a pre-election spending spree on the families via higher interest rates and cuts in health and welfare spending;
- (d) falsely claiming that cuts to health and welfare payments are needed to fund the war against terrorism and border protection;

- (e) wasting \$5 billion of taxpayers money by gambling in foreign currency markets through cross currency derivatives;
- (f) wasting almost \$3.8 billion by failing to manage currency risk on defence spending despite warnings from the Auditor-General;
- (g) wasting \$31 million on maintenance services for 40-year old helicopters that are years overdue despite a \$800m downpayment;
- (h) its failure to recognise the GST as a Commonwealth tax and this Government as the highest taxing of all time; and
- (i) its failure to consider the fairer options put forward by the opposition to balance the budget”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the Appropriation Bill (No. 1) 2002-2003 and the Appropriation Bill (No. 2) 2002-2003, to which amendments and requests for amendments were circulated in the Senate.

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*In the committee*

**APPROPRIATION BILL (NO. 1) 2002-2003—**

Bill taken as a whole by leave.

Senator Bartlett moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Schedule 1, page 105, Immigration and Multicultural and Indigenous Affairs portfolio, Outcome 1, reduce the vote for the Department of Immigration and Multicultural and Indigenous Affairs by \$9.5 million being the amount for the construction of a purpose built permanent immigration reception and processing centre on Christmas Island.

Schedule 1, page 126, Transport and Regional Services portfolio, Outcome 2, reduce the vote for the Department of Transport and Regional Services by \$11.6 million being the amount for the construction of a purpose built immigration reception and processing centre on Christmas Island.

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

Bill agreed to.

---

**APPROPRIATION BILL (NO. 2) 2002-2003—**

Bill taken as whole by leave.

Senator Bartlett moved the following amendments together by leave:

Schedule 2, page 54, Immigration and Multicultural and Indigenous Affairs portfolio, equity injections, reduce the vote for the Department of Immigration and Multicultural

and Indigenous Affairs by \$75.4 million, being the amount for the construction of a purpose built permanent immigration reception and processing centre on Christmas Island.

Schedule 2, page 59, Transport and Regional Services portfolio, reduce the vote for the Department of Transport and Regional Services by \$41.0 million being the amount for the construction of a purpose built permanent immigration reception and processing centre on Christmas Island.

Debate ensued.

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

Bill agreed to.

Bills to be reported without amendments or requests for amendments.

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

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

**64 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REFERENCE**

The Minister for Defence (Senator Hill), by leave, moved—That the provisions of the Members of Parliament (Life Gold Pass) Bill 2002 be referred to the Finance and Public Administration Legislation Committee for inquiry and report on 26 August 2002.

Debate ensued.

Question put and passed.

**65 SUPERANNUATION SYSTEM—ORDER FOR PRODUCTION OF DOCUMENT—STATEMENT**

The Minister for Defence (Senator Hill) tabled a statement relating to the order of the Senate of 24 June 2002 for the production of documents concerning the superannuation system.

**66 FINANCE—RETIREMENT AND INCOME MODELLING—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT**

The Minister for Defence (Senator Hill) tabled a statement relating to the order of the Senate of 25 June 2002 for the production of documents concerning retirement and income modelling.

**67 BORDER SECURITY LEGISLATION AMENDMENT BILL 2002**  
**TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002**  
**SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002**  
**SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]**  
**SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT**  
**(DISPOSAL OF ASSETS—INTEGRITY OF MEANS TESTING) BILL 2002**  
**TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (No. 2) 2002**  
**TAXATION LAWS AMENDMENT BILL (No. 4) 2002**  
**NEW BUSINESS TAX SYSTEM (CONSOLIDATION) BILL (No. 1) 2002**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 107, dated 27 June 2002—Border Security Legislation Amendment Bill 2002.

Message no. 108, dated 27 June 2002—Telecommunications Interception Legislation Amendment Bill 2002.

Message no. 109, dated 27 June 2002—Suppression of the Financing of Terrorism Bill 2002.

Message no. 110, dated 27 June 2002—Security Legislation Amendment (Terrorism) Bill 2002 [No. 2].

Message no. 111, dated 28 June 2002 am—Social Security and Veterans' Entitlements Legislation Amendment (Disposal of Assets—Integrity of Means Testing) Bill 2002.

Message no. 113, dated 28 June 2002 am—Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002.

Message no. 114, dated 28 June 2002 am—Taxation Laws Amendment Bill (No. 4) 2002.

Message no. 115, dated 28 June 2002 am—New Business Tax System (Consolidation) Bill (No. 1) 2002.

**68 ADJOURNMENT**

The Minister for Defence (Senator Hill) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 4.30 am till Monday, 19 August 2002 at 2 pm.

**69 ATTENDANCE**

Present, all senators.

**HARRY EVANS**  
Clerk of the Senate