

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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Contents

1	Meeting of Senate.....	571
2	Attendance of the Governor-General.....	571
3	Certificates of Election of Senators.....	571
4	Election of President.....	571
5	Prayers.....	572
6	Presentation of President to Governor-General.....	572
7	President's Commission to Administer Oath or Affirmation.....	572
8	Election of Deputy President and Chair of Committees.....	573
9	Death of Former Member John Brooke Howse, VRD.....	573
10	Ministry and Ministerial Arrangements—Statement by Leave.....	573
11	Environment—Geoscience Australia—Order for Production of Documents—Documents.....	573
12	Petitions.....	573
13	Notices.....	574
14	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sittings.....	580
15	Leave of Absence.....	580
16	Legal and Constitutional References Committee—Leave to Meet During Sitting.....	580
17	Postponements.....	581
18	Communications—Mobile Phone Towers.....	581
19	Urgency Motion—Defence—Military Action Against Iraq.....	582
20	Presiding Officers and Clerks Conference—Document.....	582
21	Legal and Constitutional Legislation Committee—Report—Government Amendments to the Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002.....	583

22	Superannuation—Select Committee—Report—Taxation Treatment of Overseas Superannuation Transfers	583
23	Rural and Regional Affairs and Transport References Committee—Government Response—Air Safety	583
24	Employment, Workplace Relations, Small Business and Education References Committee—Government Response—Education of Gifted Children	583
25	Government Documents—Presented Since Last Sitting of Senate	583
26	Auditor-General—Audit Reports Nos 64 to 67 of 2001-02 and Nos 1 to 3 of 2002-03	584
27	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document	584
28	Environment—Greenhouse Gas Emissions—Order for Production of Documents—Documents	584
29	Odgers' Australian Senate Practice—10th Edition (Supplement)—Document	585
30	Business of the Senate—1 January to 30 June 2002—Document.....	585
31	Questions on Notice—Summary—Document.....	585
32	Auditor-General—Audit Report No. 4 of 2002-03—Document.....	585
33	Consideration of Documents	585
34	Environment, Communications, Information Technology and the Arts Legislation Committee—Additional Information—Additional Estimates 2001-02	585
35	Documents	585
36	Governor-General's Proclamations—Commencement of Provisions of Acts..	590
37	Committees—Changes in Membership	591
38	Research Agencies Legislation Amendment Bill 2002	592
39	Workplace Relations Amendment Regulations—Motion for Disallowance	592
40	Governor-General's Messages—Assent to Laws	593
41	Order of Business—Rearrangement	594
42	Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002	594
43	Trade Practices Amendment (Small Business Protection) Bill 2002	595
44	Marriage Amendment Bill 2002	596
45	Adjournment.....	597
46	Attendance	597

1 MEETING OF SENATE

The Senate met at 2 pm.

2 ATTENDANCE OF THE GOVERNOR-GENERAL

The presence of His Excellency the Governor-General, the Right Reverend Dr Peter Hollingworth, AC, OBE, was announced by the Usher of the Black Rod.

His Excellency took the chair and informed the Senate that he was present to administer to senators elected to serve in the Senate from 1 July 2002 the oath or affirmation of allegiance, as required by section 42 of the Constitution.

3 CERTIFICATES OF ELECTION OF SENATORS

The Clerk tabled the certificates of election for the following senators elected on 10 November 2001 to serve in the Senate for their respective states from 1 July 2002:

New South Wales—

Helen Anne Coonan
Ursula Mary Stephens
John Alexander Lindsay Macdonald
George Campbell
Marise Ann Payne
Kerry Michelle Nettle

Queensland—

Ian Douglas Macdonald
John Joseph Hogg
John Joseph Herron
Claire Moore
Andrew John Bartlett
Ronald Leslie Boswell

South Australia—

Robert Murray Hill
Penelope Ying-Yen Wong
Jeannie Margaret Ferris
Linda Jean Kirk
Hedley Grant Pearson Chapman
Natasha Stott Despoja

Tasmania—

Paul Calvert
Sue Mackay
John Watson
Nick Sherry
Bob Brown
Richard Colbeck

Victoria—

Richard Kenneth Robert Alston
Robert Francis Ray
Charles Roderick Kemp
Gavin Mark Marshall
Kay Christine Lesley Patterson
Lynette Fay Allison

Western Australia—

Alan Eggleston
Thomas Mark Bishop
David Albert Lloyd Johnston
Ruth Stephanie Webber
Philip Ross Lightfoot
Andrew James Marshall Murray

Senators sworn: Those senators, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath or affirmation of allegiance at the table.

His Excellency then retired.

4 ELECTION OF PRESIDENT

The Leader of the Government in the Senate (Senator Hill), addressing the Clerk, reminded the Senate that the time had come for the Senate to choose one of its members to be President.

Senator Hill then proposed Senator Calvert to the Senate for its President and moved—That Senator Calvert take the chair of the Senate as President.

Only one senator was proposed and Senator Calvert was declared elected and conducted to the chair.

The President returned his acknowledgments to the Senate for the honour conferred upon him and assumed the chair. He was congratulated by Senator Hill, the Leader of the Opposition in the Senate (Senator Faulkner), the Leader of the Australian Democrats (Senator Stott Despoja), the Leader of the National Party of Australia in the Senate (Senator Boswell), and Senators Brown, Harradine, Harris and Reid.

Senator Hill informed the Senate that His Excellency the Governor-General would receive the President, and such honourable senators as desired to accompany him, in the Members' Hall immediately.

Suspension of sitting: At 2.34 pm the sitting of the Senate was suspended till 3.30 pm.

The sitting of the Senate resumed.

5 PRAYERS

6 PRESENTATION OF PRESIDENT TO GOVERNOR-GENERAL

The President reported that, accompanied by members of the Senate, he had presented himself to His Excellency the Governor-General, who had graciously congratulated him upon his appointment as President.

7 PRESIDENT'S COMMISSION TO ADMINISTER OATH OR AFFIRMATION

The President announced that he had received from His Excellency the Governor-General a Commission to administer to senators the oath or affirmation of allegiance.

The Clerk read the commission, as follows:

AUTHORITY TO ADMINISTER THE OATH OR
AFFIRMATION OF ALLEGIANCE TO SENATORS

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise PAUL HENRY CALVERT, President of the Senate, to administer the oath or affirmation of allegiance to those Senators who have not already made and subscribed that oath or affirmation since being elected or appointed, or since last being elected or appointed, as Senators.

Dated 19 August 2002

Peter Hollingworth
Governor-General

By His Excellency's Command
John Howard
Prime Minister.

8 ELECTION OF DEPUTY PRESIDENT AND CHAIR OF COMMITTEES

The Leader of the Government in the Senate (Senator Hill) reminded the Senate that the time had come for the Senate to choose one of its members to be Deputy President and Chair of Committees.

The Leader of the Opposition in the Senate (Senator Faulkner) proposed Senator Hogg to the Senate for its Deputy President and Chair of Committees and moved—That Senator Hogg be appointed Deputy President and Chair of Committees.

Only one senator was proposed and Senator Hogg was declared elected.

The Deputy President returned his acknowledgments to the Senate for the honour conferred upon him and was congratulated by Senators Hill and Faulkner, the Leader of the Australian Democrats (Senator Stott Despoja), the Leader of the National Party of Australia in the Senate (Senator Boswell), and Senators Brown, Harradine and Harris.

9 DEATH OF FORMER MEMBER JOHN BROOKE HOWSE, VRD

The President informed the Senate of the death, on 7 July 2002, of John Brooke Howse, VRD, a member of the House of Representatives for the division of Calare from 1946 to 1960.

10 MINISTRY AND MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE

The Leader of the Government in the Senate (Senator Hill), by leave, informed the Senate of changes to the Howard Ministry.

Document: Senator Hill tabled a document showing all members of the Howard Ministry, dated 19 August 2002.

11 ENVIRONMENT—GEOSCIENCE AUSTRALIA—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 26 June 2002 for the production of documents held by Geoscience Australia and, pursuant to that order, tabled the following documents:

Environment—Geoscience Australia—

Copies of material held by Geoscience Australia relating to research or exploration proposals in the North East region [172 folios].

List of material supplied.

12 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 9 petitioners, requesting that the Senate support the phasing out of prawn trawling in the Great Barrier Reef World Heritage Area by 2005.

Senator Bartlett, from 6 petitioners, requesting that the Senate take action to conduct a plebiscite on whether Australia should become a republic with an Australian as head of state in place of the Queen.

Senator Forshaw, from 165 petitioners, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

Senator Kemp, from 4 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senator Reid, from 43 petitioners, requesting that the Senate take action to prohibit the establishment of nuclear irradiation plants in Australia and to prohibit the process of food irradiation in Australia.

Senator Stott Despoja, from 345 petitioners, requesting that the Senate take action to reinstate both the Printing Industry Competitiveness Scheme and the Enhanced Printing Industry Competitiveness Scheme.

13 NOTICES

Notices of motion:

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

- (a) recognises NAIDOC Week 2002, from 7 July to 13 July 2002, and National Aborigines Day on 12 July 2002, as events of national importance to all Australians, and which celebrate the survival of Aboriginal and Torres Strait Islander cultures and the contribution they make to the national identity;
- (b) recognises and congratulates the ‘silent achievers’ who received National NAIDOC Awards for the outstanding and inspiring contributions they have made to their communities and the nation:
 - (i) ATSI Commission for the Western Zone, New South Wales, Mr Steve Gordon, Aboriginal and Torres Strait Islander Person of the Year,
 - (ii) Mr Lyall Munro Senior (New South Wales) and Mr Peter Coppin (Western Australia), Aboriginal and Torres Strait Islander Male Elders of the Year,
 - (iii) Ms Ida West (Tasmania), Aboriginal and Torres Strait Islander Female Elder of the Year,
 - (iv) Dr Shane Fernando, Outstanding Achievement Award,
 - (v) Ms Tracy Westerman (Western Australia), Aboriginal and Torres Strait Islander Scholar of the Year,
 - (vi) Mr Bruce ‘Borro’ Johnson McLean (Queensland), Aboriginal and Torres Strait Islander Youth of the Year,
 - (vii) Ms Michelle Tyhuis (Torres Strait), Aboriginal and Torres Strait Islander Apprentice of the Year, and
 - (viii) Ms Bo Delacruz (Northern Territory), Aboriginal and Torres Strait Islander Sports person of the Year;
- (c) notes that the theme for NAIDOC Week 2002 was the ‘Three R’s: Recognition, Rights, Reform’, in keeping with the tradition that National Aboriginal and Islander Day of Celebration is an opportunity for the Indigenous community to bring to the attention of governments and all Australians the issues that are of concern to them; and

- (d) reaffirms its commitment to the goal of true and lasting national reconciliation between Indigenous and non-Indigenous Australians. (*general business notice of motion no. 117*)

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

- (a) notes that:
 - (i) 24 June to 29 June 2002 was Drug Action Week, which was aimed at generating community awareness about drug and alcohol abuse and the solutions being used to tackle these issues,
 - (ii) each day of Drug Action Week highlighted a different theme, with 27 June focusing on Indigenous issues,
 - (iii) the misuse of alcohol and other drugs has long been linked to the deep levels of emotional and physical harm suffered by Indigenous communities since the colonisation of Australia,
 - (iv) alcohol and tobacco consumption rates continue to remain high in the Indigenous population, against declining rates in the general population, and the increasing use of heroin in urban, regional and rural Indigenous communities is of particular concern,
 - (v) substance misuse is probably the biggest challenge facing Indigenous communities today, as it affects almost everybody either directly or indirectly and is now the cause as well as the symptom of much grief and loss experienced by Indigenous communities, and
 - (vi) the demand for the services of existing Indigenous-controlled drug and alcohol rehabilitation centres far exceeds the current level of supply;
- (b) acknowledges the essential role of Indigenous community-controlled health services in providing long-term, culturally appropriate solutions for substance abuse; and
- (c) calls on the Government to:
 - (i) fund the national substance misuse strategy, developed by the National Aboriginal Community Controlled Health Organisation, which is designed to build the necessary capacity within the Indigenous health sector so communities can address their health and well-being needs in a holistic and culturally appropriate manner, and
 - (ii) improve co-ordination between Commonwealth, state and territory and local governments on these issues and ensure this facilitates greater Indigenous control over the development and implementation of all health programs. (*general business notice of motion no. 118*)

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

- (a) recognises 4 August 2002 as National Aboriginal and Islander Children's Day, and a time when Indigenous communities focus on the need to provide a safe and nurturing family environment for their children;
- (b) notes, with concern, the statistics on Indigenous family violence, child abuse and child neglect, which show that:

- (i) Aboriginal and Torres Strait Islander children represent nearly half of the Indigenous population, but experience higher rates of child abuse and child neglect than non-Indigenous children,
 - (ii) Indigenous children are six times more likely to be removed from their families by welfare authorities than non-Indigenous children because of child abuse or neglect, and
 - (iii) child neglect, often associated with poverty, poor housing and unemployment, is the major reason for Indigenous children being removed from their families, with twice as many Indigenous children being removed from their families because of child neglect than child abuse;
- (c) congratulates the Secretariat for National Aboriginal Islander Child Care (SNAICC) on its:
- (i) 20 years of advocacy and service to Indigenous communities and Indigenous children, and
 - (ii) recent release of the report, *Through Young Black Eyes: Indigenous Family Violence, Child Abuse and Child Neglect Prevention Resources*, which aims to protect Indigenous children from all forms of abuse and neglect by providing information and advice to community workers, community leaders and parents; and
- (d) calls on:
- (i) state and Commonwealth governments to allocate additional funding for Indigenous children's services and family support mechanisms as advocated by SNAICC, including the development of a national Indigenous children's and family resource centre to implement long-term child abuse prevention campaigns, and
 - (ii) all Indigenous leaders to exercise their responsibility to do all that they can to protect children from abuse and violence and to respond to children's needs if they have been abused or harmed or are at risk of being abused or harmed. (*general business notice of motion no. 119*)

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

- (a) recognises the outstanding success of the Australian Commonwealth Games team competing at the 2002 Manchester Commonwealth Games;
- (b) congratulates the Australian Commonwealth Games team for an exceptional effort in topping the medal table for the fourth consecutive Commonwealth Games and, in doing so, achieving the best ever result for an Australian team in these games;
- (c) conveys, on behalf of all Australians, the nation's pride and congratulations to all Australian athletes, particularly for the outstanding performances of our medal winners;
- (d) expresses Australia's thanks and gratitude to the Australian Commonwealth Games Association and the team support staff and others who have worked so hard to prepare Australia's most successful Commonwealth Games teams to date; and
- (e) notes the Commonwealth's support for the preparation of Australian athletes, through the Australian Sports Commission and the Australian Institute of Sport.

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

(a) notes:

- (i) the claims in the *Age* newspaper of 15 August 2002 that the McGauran family is financially supporting the Democratic Labor Party of Australia (DLP) in its attempt to retain registration under the provisions of the Electoral Act,
- (ii) that two of the three Victorian National Party representatives in the Federal Parliament are from the McGauran family and have, on occasions, relied on DLP preferences,
- (iii) the comments of the DLP Secretary, Mr John Mulholland, when he said, 'It would be in Senator Julian McGauran's interests for the DLP to survive this de-registration moved by the Electoral Commission', and
- (iv) the immense amount of money made by the McGauran family from its poker machine interests in Altona, some of which is apparently going to fund the DLP's legal expenses; and

(b) calls on Senator McGauran and the Minister for Science (Mr McGauran), to explain their knowledge of their family's involvement in funding the DLP's legal bills. (*general business notice of motion no. 120*)

The Acting Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin): To move on the next day of sitting—That so much of standing order 36 be suspended as would prevent the Scrutiny of Bills Committee holding a private deliberative meeting on 21 August 2002, from 8 am to 9.30 am, with members of the Regulation Review Committee of the New South Wales Parliament in attendance. (*general business notice of motion no. 121*)

The Chair of the Select Committee on a Certain Maritime Incident (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 25 September 2002. (*general business notice of motion no. 122*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the Space Activities Amendment Bill 2002 be extended to 27 August 2002. (*general business notice of motion no. 123*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That consideration of the business before the Senate on the following days be interrupted, but not so as to interrupt a senator speaking, to enable senators to make their maiden speeches without any question before the chair, as follows:

- (a) Tuesday, 20 August 2002 at 5 pm—Senators Johnston and Webber;
- (b) Wednesday, 21 August 2002 at 10.30 am—Senator Nettle, and at 5 pm—Senators Wong and Marshall;
- (c) Tuesday, 27 August 2002 at 5 pm—Senator Moore; and
- (d) Wednesday, 28 August 2002 at 5 pm—Senators Stephens and Kirk.

The Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the provisions of the Higher Education Funding Amendment Bill 2002 be extended to 22 August 2002. (*general business notice of motion no. 124*)

Senators Brown and Nettle: To move on the next day of sitting—

- (1) That a select committee, to be known as the Select Committee on the Possible Support by Australia of a United States Invasion of Iraq, be appointed to inquire into and report by 1 December 2002 on the following matters:
 - (a) the potential human, political, economic, environmental and other consequences in Iraq and elsewhere of United States of America (US) military action against Iraq;
 - (b) the potential human, political, economic, environmental and other costs to Australia of participating in or supporting US military action against Iraq;
 - (c) international and domestic legal considerations for US or Australian military action against Iraq;
 - (d) Australia's military, economic, political, environmental and other capability to be involved in military action against Iraq;
 - (e) Australia's history of involvement in US military action, particularly in Afghanistan;
 - (f) the Australian Government's public and diplomatic stance on potential military action against Iraq;
 - (g) the role of the Australian Parliament in the decision on potential military action against Iraq; and
 - (h) opportunities for Australia to participate in nation building, development support or other alternatives in order to achieve peace, democracy and stability in Iraq and the region.
- (2) That the committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 2 nominated by minority groups and independent senators.
- (3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (4) That the chair of the committee be Senator Brown, Australian Greens Senator for Tasmania.
- (5) That the deputy chair of the committee be elected by and from the members of the committee.
- (6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (7) That, in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.
- (8) That the quorum of the committee be three members with one representing the Government, one representing the Opposition, and one representing minority groups and independent senators.

- (9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 125*)

Contingent notices of motion:

Senators Lees and Nettle each gave contingent notices of motion as follows—

No. 1—To move (contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166)—That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

No. 2—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any other matter.

No. 3—To move (contingent on the Senate proceeding to the consideration of government documents)—That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

No. 4—To move (contingent on a minister moving a motion that a bill be considered an urgent bill)—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

No. 5—To move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill)—That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

No. 6—To move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired)—That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

No. 7—To move (contingent on the moving of a motion to debate a matter of urgency under standing order 75)—That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

No. 8—To move (contingent on the President proceeding to the placing of business on any day)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the *Notice Paper*.

No. 9—To move (contingent on any senator being refused leave to make a statement to the Senate)—That so much of the standing orders be suspended as would prevent that senator making that statement.

No. 10—To move (contingent on a minister at question time on any day asking that further questions be placed on notice)—That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

No. 11—To move (contingent on any senator being refused leave to table a document in the Senate)—That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), by leave, moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold public meetings during the sittings of the Senate today, from 4.15 pm to 10 pm, and on Tuesday, 20 August 2002, from 4.30 pm to 8 pm, to take evidence for the committee's inquiry into the Australian meat industry and export quotas.

Question put and passed.

15 LEAVE OF ABSENCE

Senator Ferris, by leave and at the request of Senator Murphy, moved—That leave of absence be granted to Senator Murphy for the period 19 August to 22 August 2002.

Question put and passed.

16 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, by leave and at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), moved—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm to 9.30 pm, to take evidence for the committee's inquiry into the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues.

Question put and passed.

17 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for 21 August 2002, relating to the reference of matters to the Community Affairs References Committee, postponed till 27 August 2002.

General business notice of motion no. 53 standing in the name of Senator Greig for 20 August 2002, relating to the introduction of the Sexuality Anti-Vilification Bill 2002, postponed till 17 September 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 20 August 2002.

General business notice of motion no. 116 standing in the name of Senator Bartlett for today, proposing an order for the production of documents relating to the voyage of the *Maysora*, postponed till 20 August 2002.

18 COMMUNICATIONS—MOBILE PHONE TOWERS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 113—That the Senate—

(a) notes that:

- (i) members of the Queensland community of Federal have been vigorously campaigning for the relocation of a mobile phone base station earmarked for placement in close proximity to their local school and residences,
- (ii) 23 parents of Federal School have signed and presented a petition to the Member for Fairfax (Mr Somlyay) stating that if construction of the base station goes ahead at this site, 45 students will be removed from the school of 100,
- (iii) individual Government members have, to date, not adequately addressed concerns put to them by residents of Federal, and
- (iv) under the Government's regional mobile phone program no community consultation was undertaken prior to successful tendering of this contract to Vodafone; and

(b) calls on the Government:

- (i) to acknowledge the continued lack of a consultative and statutory framework for communities to voice their concerns regarding the placement of mobile phone towers, and
- (ii) to adequately address the concerns put to it via the ministers responsible for the portfolio areas of education and communications.

Question put and passed.

19 URGENCY MOTION—DEFENCE—MILITARY ACTION AGAINST IRAQ

The President informed the Senate that he had received a letter from the Leader of the Australian Democrats (Senator Stott Despoja) advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to rule out committing Australia to supporting a first strike against Iraq unless there is evidence of an imminent attack by Iraq on another nation.

The proposal was supported by 4 senators.

Senator Stott Despoja moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 57

Senators—

Abetz	Cook	Kemp	Ray
Alston	Coonan	Kirk	Reid
Barnett	Crossin (Teller)	Knowles	Scullion
Bishop	Denman	Lightfoot	Sherry
Bolkus	Eggleston	Ludwig	Stephens
Boswell	Ellison	Lundy	Tchen
Brandis	Evans	Macdonald, Sandy	Tierney
Buckland	Ferguson	Marshall	Troeth
Calvert	Ferris	Mason	Vanstone
Campbell, George	Forshaw	McGauran	Watson
Carr	Herron	McLucas	Webber
Chapman	Hill	Minchin	Wong
Colbeck	Hogg	Moore	
Collins	Hutchins	Patterson	
Conroy	Johnston	Payne	

Question negatived.

20 PRESIDING OFFICERS AND CLERKS CONFERENCE—DOCUMENT

The President tabled the following document received on 1 August 2002:

Presiding Officers and Clerks Conference, 33rd, Brisbane, Australia, 1 to 4 July 2002—Report by Senator the Honourable Margaret Reid, President of the Senate, dated July 2002.

21 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—GOVERNMENT AMENDMENTS TO THE PROCEEDS OF CRIME BILL 2002 AND THE PROCEEDS OF CRIME (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2002

The President tabled the following report and documents received on 28 June 2002:

Legal and Constitutional Legislation Committee—Government amendments to the Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002—Report, dated June 2002, *Hansard* record of proceedings, documents presented to the committee and submission.

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

22 SUPERANNUATION—SELECT COMMITTEE—REPORT—TAXATION TREATMENT OF OVERSEAS SUPERANNUATION TRANSFERS

The President tabled the following report and documents received on 25 July 2002:

Superannuation—Select Committee—Taxation treatment of overseas superannuation transfers—Report, dated July 2002, *Hansard* record of proceedings [2 vols] and submissions [48].

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

23 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AIR SAFETY

The President tabled the following document received on 28 June 2002:

Rural and Regional Affairs and Transport References Committee—Report—Air safety and cabin air quality in the BAe 146 aircraft, dated October 2000—Government response, dated June 2002.

24 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—EDUCATION OF GIFTED CHILDREN

The President tabled the following document received on 6 August 2002:

Employment, Workplace Relations, Small Business and Education References Committee—Report—Education of gifted children, dated October 2001—Government response.

25 GOVERNMENT DOCUMENTS—PRESENTED SINCE LAST SITTING OF SENATE

The President tabled the following documents received since the last sitting of the Senate:

Airservices Australia—Corporate plan July 2001 to June 2006. [*Received 25 July 2002*]

Council of Financial Regulators—Report for 2001. [*Received 30 July 2002*]

Department of Health and Ageing—Access to departmental resources by Dr Michael Wooldridge—

Final report of investigation by Audit and Fraud Control Branch, June 2002. [*Received 28 June 2002*]

Final report of investigation by Audit and Fraud Control Branch—Erratum.
[Received 24 July 2002]

Judge Advocate General—Report for 2001. [Received 9 July 2002]

26 AUDITOR-GENERAL—AUDIT REPORTS NOS 64 TO 67 OF 2001-02 AND NOS 1 TO 3 OF 2002-03

The President tabled the following documents received since the last sitting of the Senate:

Auditor-General—

Audit reports for 2001-02—

No. 64—Performance audit—Management of learning and development in the Australian Public Service. [Received 28 June 2002]

No. 65—Performance audit—Management of Commonwealth superannuation benefits to members: ComSuper. [Received 28 June 2002]

No. 66—Performance audit—Aviation safety compliance follow-up audit: Civil Aviation Safety Authority. [Received 28 June 2002]

No. 67—Financial statement audit—Control structures as part of the audit of financial statements of major Commonwealth entities for the year ending 30 June 2002. [Received 28 June 2002]

Audit reports for 2002-03—

No. 1—Performance audit—Information technology at the Department of Health and Ageing: Department of Health and Ageing. [Received 18 July 2002]

No. 2—Performance audit—Grants management: Aboriginal and Torres Strait Islander Commission. [Received 24 July 2002]

No. 3—Performance audit—Facilities management at HMAS *Cerberus*: Department of Defence. [Received 31 July 2002]

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

Pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998, the President tabled the following document received on 1 August 2002:

Indexed lists of departmental and agency files for the period January to 30 June 2002—
Statements of compliance—International Air Services Commission (IASC).

28 ENVIRONMENT—GREENHOUSE GAS EMISSIONS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 26 June 2002, the President tabled the following documents received on 15 August 2002:

Environment—Greenhouse gas emissions—

Australia's third national communication on climate change: A report under the United Nations Framework Convention on Climate Change, 2002.

National carbon accounting system—Greenhouse gas emissions from land use change in Australia: Results of the national carbon accounting system, dated August 2002.

National carbon accounting system—Land use change emissions results, dated August 2002.

National greenhouse gas inventory 2000, with methodology supplements.

29 ODGERS' AUSTRALIAN SENATE PRACTICE—10TH EDITION (SUPPLEMENT)—DOCUMENT

The President tabled the following document:

Odgers' Australian Senate Practice—10th edition (Centenary of Federation edition), 2001—Supplement—Updates to 30 June 2002.

30 BUSINESS OF THE SENATE—1 JANUARY TO 30 JUNE 2002—DOCUMENT

The President tabled the following document:

Business of the Senate—1 January to 30 June 2002.

31 QUESTIONS ON NOTICE—SUMMARY—DOCUMENT

The President tabled the following document:

Questions on notice—Summary for the period 12 February to 30 June 2002.

32 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2002-03—DOCUMENT

The President tabled the following document:

Auditor-General—Audit activity report: January to June 2002—Summary of outcomes (Report no. 4 of 2002-03).

33 CONSIDERATION OF DOCUMENTS

Senator McGauran, by leave, moved—That consideration of the reports of the Legal and Constitutional Legislation Committee and the Select Committee on Superannuation, and government responses to committee reports tabled earlier today (*see entries nos 21 to 24*) be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

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

Senator McGauran, 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. 2 and attachments and vol. 3).

35 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2002.

Aged Care Act—Determination under section—

44-3—ACA Ch. 3 No. 3/2002.

44-6—ACA Ch. 3 No. 4/2002.

44-8A—ACA Ch. 3 No. 14/2002.

44-12—ACA Ch. 3 No. 5/2002.

44-13—ACA Ch. 3 No. 6/2002.

- 44-14—ACA Ch. 3 No. 7/2002.
- 44-16—ACA Ch. 3 No. 8/2002.
- 44-19—ACA Ch. 3 No. 9/2002.
- 44-28—ACA Ch. 3 No. 10/2002.
- 44-29—ACA Ch. 3 No. 11/2002.
- 48-1—ACA Ch. 3 No. 12/2002.
- 52-1—ACA Ch. 3 No. 13/2002 and ACA Ch. 3 No. 15/2002-ACA Ch. 3 No. 17/2002.
- Airports Act—Regulations—Statutory Rules 2002 No. 189.
- Alcohol Education and Rehabilitation Account Act—Variation to Funding Agreement between the Commonwealth of Australia and the Alcohol Education and Rehabilitation Foundation Limited, dated 12 July 2002.
- Australian Bureau of Statistics Act—Proposal No. 13 of 2002.
- Australian Film Commission Act—Regulations—Statutory Rules 2002 No. 159.
- Australian Film, Television and Radio School Act—Regulations—Statutory Rules 2002 No. 160.
- Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2002.
- Australian National Maritime Museum Act—Regulations—Statutory Rules 2002 No. 161.
- Australian Research Council Act—Determination No. 11—Determination under section 51, dated 19 September 2001.
- Broadcasting Services Act—
 - Broadcasting Services (Designated Series of Events – Delayed Televising) Determination No. 1 of 2002.
 - Broadcasting Services (Events) Notice No. 1 of 1994 (Amendment No. 2 of 2002).
- Christmas Island Act—Utilities and Services Ordinance—
 - Marine Traffic and Harbour Facilities Determination No. 1 of 2002.
 - Water and Sewerage Services Fees Amendment Determination No. 1 of 2002.
- Civil Aviation Act—Civil Aviation Regulations—
 - Airworthiness Directives—Part—
 - 105, dated 7, 13, 19 [3], 21, 25, 26 [10], 27 and 28 [18] June 2002; and 1 [4], 2, 4, 9, 11 [5], 17 [4], 23 and 29 July 2002.
 - 106, dated 26 and 28 [5] June 2002; and 3 July 2002.
 - 107, dated 13 and 28 June 2002.
 - Civil Aviation Orders—
 - Civil Aviation Amendment Order (No. 8) 2002.
 - Civil Aviation Amendment Order (No. 9) 2002.
 - Civil Aviation Amendment Order (No. 10) 2002.
 - Civil Aviation Amendment Order (No. 11) 2002.
 - Exemption No. CASA EX13/2002.
 - Instruments Nos CASA 362/02, CASA 363/02, CASA 392/02 and CASA 405/02.

- Regulations—Statutory Rules 2002 Nos 167 and 180.
- Class Ruling—
CR 2002/8 (Addendum).
CR 2002/34-CR 2002/49.
- Commonwealth Authorities and Companies Act—
Commonwealth Authorities and Companies (Report of Operations) Orders 2002.
Regulations—Statutory Rules 2002 No. 178.
- Commonwealth Places (Application of Laws) Act—Regulations—Statutory Rules 2002 No. 183.
- Corporations Act—
Accounting Standard—
AASB 1018—Statement of Financial Performance.
AASB 1020A—Amendments to Accounting Standard AASB 1020 and Australian Accounting Standard AAS 3.
AASB 1039—Concise Financial Reports.
Regulations—Statutory Rules 2002 Nos 145, 168, 174 and 182.
- Corporations (Fees) Act—Regulations—Statutory Rules 2002 No. 146.
- Crimes Act—Regulations—Statutory Rules 2002 No. 186.
- Customs Act—Regulations—Statutory Rules 2002 Nos 138 and 139.
- Customs Administration Act—Regulations—Statutory Rules 2002 No. 158.
- Defence Act—Determination under section—
58B—Defence Determinations 2002/16 and 2002/17.
58H—Defence Force Remuneration Tribunal—Determinations Nos 9, 10 and 14 of 2002.
- Designs Act, Patents Act and Trade Marks Act—Regulations—Statutory Rules 2002 No. 173.
- Diesel and Alternative Fuels Grants Scheme Act—Diesel and Alternative Fuels Grants Advances Scheme Guidelines Revocation 2002.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 17 June 2002 [2]; 12 July 2002 [2] and 8 August 2002 [2].
- Disability Discrimination Act—Regulations—Statutory Rules 2002 No. 185.
- Environment Protection and Biodiversity Conservation Act—Instrument amending list of threatened species under section 178, dated 1 July 2002.
- Extradition Act—Regulations—Statutory Rules 2002 No. 187.
- Family Law Act—
Regulations—Statutory Rules 2002 Nos 163 and 176.
Rules of Court—Statutory Rules 2002 No. 151.

Financial Sector (Collection of Data) Act—Determination of reporting standards ARS 110.0, ARS 112.1, ARS 112.2, ARS 113.0, ARS 113.1, ARS 210.0, ARS 220.0, ARS 220.3, ARS 220.5, ARS 221.0, ARS 230.0, ARS 320.0, ARS 320.1, ARS 320.2, ARS 320.3, ARS 320.4, ARS 320.5, ARS 320.7, ARS 321.0, ARS 322.0, ARS 323.0, ARS 325.0, ARS 326.0, ARS 330.0, ARS 330.1, ARS 330.2, ARS 330.3, ARS 331.0, ARS 332.0, ARS 391.0, ARS 392.0, ARS 393.0, ARS 394.0, ARS 395.0, ARS 396.0.

Fisheries Management Act—

Regulations—Statutory Rules 2002 Nos 157 and 179.

Southern Bluefin Tuna Fishery Management Plan 1995—2002 SBT Final TAC Determination.

Goods and Services Tax Ruling GSTR 2002/2.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2002 No. 177.

Health Insurance Act—Health Insurance Determination HS/04/2002.

Health Insurance Commission Act—Regulations—Statutory Rules 2002 No. 142.

Higher Education Funding Act—Determination under section 15—Determination No. T13-2002.

Income Tax Assessment Act 1936—Regulations—Statutory Rules 2002 No. 169.

Income Tax Assessment Act 1997—Regulations—Statutory Rules 2002 Nos 170 and 172.

Insurance Contracts Act—Regulations—Statutory Rules 2002 No. 147.

International Transfer of Prisoners Act—Regulations—Statutory Rules 2002 No. 188.

Life Insurance Act—Regulations—Statutory Rules 2002 No. 148.

Migration Act—

Direction under section 499—Direction No. 29.

Statement for period 1 January to 30 June 2002 under section—

33 [3].

48B [5].

91L.

91Q.

345 [4].

351 [64].

417 [117].

Military Superannuation and Benefits Act—

Declaration—Statutory Rules 2002 No. 175.

Military Superannuation and Benefits Amendment Trust Deed 2002 (No. 1).

National Health Act—

Declarations Nos PB 10, PB 11 and PB 13 of 2002.

Determination No. PB 12 of 2002.

Determination under—

Schedule 1—HSR 14/2002-HSR 21/2002.

Section 5D—HSR 12/2002 and HSR 13/2002.

- National Health (Circumstances for Payment of Supplier of Pharmaceutical Benefits) Amendment Determination 2002 (No. 1).
- National Library Act—Regulations—Statutory Rules 2002 No. 162.
- Navigation Act—Marine Orders—Orders Nos 4-11 of 2002.
- Occupational Health and Safety (Commonwealth Employment) Act—Notice No. 1 of 2002—Notice of Revocation.
- Payment Systems and Netting Act—Regulations—Statutory Rules 2002 No. 181.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2002 No. 154.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 No. 155.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 No. 156.
- Product Rulings PR 2002/79 (Addendum) and PR 2002/95-PR 2002/106.
- Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2002 (No. 1).
- Retirement Savings Accounts Act—Regulations—Statutory Rules 2002 No. 149.
- Safety, Rehabilitation and Compensation Act—Notice of Declaration—Notice No. 6 of 2002.
- Seafarers Rehabilitation and Compensation Levy Act—Regulations—Statutory Rules 2002 No. 153.
- Seafarers Rehabilitation and Compensation Levy Collection Act—Regulations—Statutory Rules 2002 No. 152.
- Social Security (International Agreements) Act—Regulations—Statutory Rules 2002 Nos 164 and 165.
- Space Activities Act—Regulations—Statutory Rules 2002 No. 166.
- Superannuation Act 1976*—
Declaration—Statutory Rules 2002 No. 131.
Regulations—Statutory Rules 2002 No. 141.
- Superannuation Act 1990*—Sixteenth Amending Deed under section 5, dated 26 June 2002.
- Superannuation Industry (Supervision) Act—
Regulations—Statutory Rules 2002 Nos 150 and 171.
Requests from Minister to APRA under section 230A, dated 20 March 2002; and 15 May 2002.
- Superannuation (Productivity Benefit) Act—
Declarations—Statutory Rules 2002 Nos 132-134.
Determination—Statutory Rules 2002 No. 135.
- Taxation Determination—
TD 2002/3 (Addendum).
TD 2002/15-TD 2002/19.

Taxation Ruling—

Addendum—

TR 96/15.

TR 2000/16 and TR 2000/18.

TR 2001/10.

TR 2002/11-TR 2002/19.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(d) No. 1 of 2002.

Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications Universal Service Obligation (Eligible Revenue) Determination 2002.

Telecommunications (Interception) Act—Regulations—Statutory Rules 2002 No. 184.

Therapeutic Goods Act—

Instrument of approval under section 23AA, dated 31 July 2002.

Regulations—Statutory Rules 2002 No. 143.

Therapeutic Goods Order No. 66A.

Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 2002 No. 144.

Tobacco Charges Act (No. 1)—Regulations—Statutory Rules 2002 No. 140.

Trade Practices Act—Class Exemption Determination No. 1 of 2002.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 52-64 of 2002.

36 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Customs Legislation Amendment and Repeal (International Trade Modernisation) Act 2001—1 July 2002—

- (a) Parts 1, 2, 3 and 5 of Schedule 1;
- (b) item 14 and items 16 to 22 in Part 6 of Schedule 1;
- (c) items 1A to 1C, 2, 4, 5, 5A, 6 and 7 in Schedule 2;
- (d) items 49, 54 to 56, 63 and 65 in Part 3 of Schedule 3; and
- (e) items 113, 114, 136, 144, 146 to 149 and 151 in Part 6 of Schedule 3

(*Gazette* No. S 223, 27 June 2002).

Disability Discrimination Amendment Act 2002—Schedule 1—19 August 2002 (*Gazette* No. GN 32, 14 August 2002).

Snowy Hydro Corporatisation Act 1997—Section 10; Part 4 (other than section 25); sections 51, 52, 59, 60, 61 and 62; subsection 63(2); and Part 2 of Schedule 2—28 June 2002 (*Gazette* No. S 216, 26 June 2002).

37 **COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Minister for Health and Ageing (Senator Patterson), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Participating members: Senator Webber, and Senator Lees for all portfolios

Community Affairs References Committee—

Participating member: Senator Webber

Economics References Committee—

Appointed: Senator Conroy

Discharged: Senator Cook

Employment, Workplace Relations and Education Legislation Committee—

Participating members: Senators Lees and Webber

Employment, Workplace Relations and Education References Committee—

Participating members: Senators Lees and Webber

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

Participating member: Senator Nettle for the committee's inquiry on the environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations

Finance and Public Administration References Committee—

Participating member: Senator Lundy

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed: Senator Hutchins

Discharged: Senator Bishop

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed: Senator Cook

Discharged: Senator Hogg

Participating members: Senators Hogg and Lightfoot

Foreign Affairs, Defence and Trade References Committee—

Appointed: Senator Cook

Discharged: Senator Bishop

Participating member: Senator Lightfoot

Legal and Constitutional Legislation Committee—

Participating member: Senator Lees

Legal and Constitutional References Committee—

Participating member: Senator Lees

Rural and Regional Affairs and Transport References Committee—

Participating member: Senator Colbeck

Senators' Interests—Standing Committee—

Appointed: Senator McGauran.

Question put and passed.

38 RESEARCH AGENCIES LEGISLATION AMENDMENT BILL 2002

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

Message no. 106, dated 27 June 2002—A Bill for an Act to amend legislation relating to the Australian Institute of Marine Science and the Australian Nuclear Science and Technology Organisation, and for other purposes.

The Minister for Health and Ageing (Senator Patterson) 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 Patterson moved—That this bill be now read a second time.

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

39 WORKPLACE RELATIONS AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Sherry, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Workplace Relations Amendment Regulations 2001 (No. 2), as contained in Statutory Rules 2001 No. 323 and made under the *Workplace Relations Act 1996*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 27

Senators—

Bishop	Conroy	Hogg	Moore
Bolkus	Cook	Kirk	Nettle
Brown	Denman	Ludwig	Sherry
Buckland (Teller)	Evans	Lundy	Stephens
Campbell, George	Faulkner	Mackay	Webber
Carr	Forshaw	Marshall	Wong
Collins	Harradine	McLucas	

NOES, 39

Senators—

Abetz	Cherry	Johnston	Patterson
Allison	Colbeck	Kemp	Payne
Alston	Coonan	Knowles	Ridgeway
Barnett	Eggleston	Lees	Scullion
Bartlett	Ellison	Lightfoot	Stott Despoja
Boswell	Ferguson	Macdonald, Sandy	Tchen
Brandis	Ferris	Mason	Tierney
Calvert	Greig	McGauran (Teller)	Troeth
Campbell, Ian	Herron	Minchin	Vanstone
Chapman	Hill	Murray	

Question negatived.

40 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

26 June 2002—Message No. 10—

Migration Agents Registration Application Charge Amendment Act 2002 (Act No. 34, 2002)

Migration Legislation Amendment (Migration Agents) Act 2002 (Act No. 35, 2002)

Horticulture Marketing and Research and Development Services (Amendment) Act 2002 (Act No. 36, 2002)

Financial Sector Legislation Amendment Act (No. 1) 2002 (Act No. 37, 2002)

Customs Tariff Amendment Act (No. 1) 2002 (Act No. 38, 2002)

Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Act 2002 (Act No. 39, 2002)

27 June 2002—Message—

No. 11—*Aboriginal and Torres Strait Islander Commission Amendment Act 2002* (Act No. 40, 2002)

No. 12—

International Criminal Court Act 2002 (Act No. 41, 2002)

International Criminal Court (Consequential Amendments) Act 2002 (Act No. 42, 2002)

29 June 2002—Message—

No. 13—

Appropriation Act (No. 1) 2002-2003 (Act No. 43, 2002)

Appropriation Act (No. 2) 2002-2003 (Act No. 44, 2002)

Appropriation (Parliamentary Departments) Act (No. 1) 2002-2003 (Act No. 45, 2002)

Diesel Fuel Rebate Scheme Amendment Act 2002 (Act No. 46, 2002)

Export Market Development Grants Amendment Act 2002 (Act No. 47, 2002)

No. 14—

New Business Tax System (Imputation) Act 2002 (Act No. 48, 2002)

New Business Tax System (Over-franking Tax) Act 2002 (Act No. 49, 2002)

New Business Tax System (Franking Deficit Tax) Act 2002 (Act No. 50, 2002)
Taxation Laws Amendment (Superannuation) Act (No. 2) 2002 (Act No. 51, 2002)

Superannuation Guarantee Charge Amendment Act 2002 (Act No. 52, 2002)

No. 15—

Taxation Laws Amendment Act (No. 4) 2002 (Act No. 53, 2002)

Social Security and Veterans' Entitlements Legislation Amendment (Disposal of Assets—Integrity of Means Testing) Act 2002 (Act No. 54, 2002)

Australian Protective Service Amendment Act 2002 (Act No. 55, 2002)

3 July 2002—Message—

No. 16—

Therapeutic Goods and Other Legislation Amendment Act 2002 (Act No. 56, 2002)

Taxation Laws Amendment Act (No. 2) 2002 (Act No. 57, 2002)

Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002 (Act No. 58, 2002)

International Tax Agreements Amendment Act (No. 1) 2002 (Act No. 59, 2002)

Migration Legislation Amendment (Procedural Fairness) Act 2002 (Act No. 60, 2002)

No. 17—

Bankruptcy (Estate Charges) Amendment Act 2002 (Act No. 61, 2002)

Disability Discrimination Amendment Act 2002 (Act No. 62, 2002)

Statute Law Revision Act 2002 (Act No. 63, 2002)

5 July 2002—Message No. 18—

Border Security Legislation Amendment Act 2002 (Act No. 64, 2002)

Security Legislation Amendment (Terrorism) Act 2002 (Act No. 65, 2002)

Suppression of the Financing of Terrorism Act 2002 (Act No. 66, 2002)

Telecommunications Interception Legislation Amendment Act 2002 (Act No. 67, 2002).

41 ORDER OF BUSINESS—REARRANGEMENT

Senator McGauran, by leave and at the request of Senator Harris, moved—That business of the Senate notice of motion no. 2 standing in the name of Senator Harris for today, relating to the disallowance of the Motor Vehicle Standards Amendment Regulations 2001 (No. 1), be postponed till a later hour.

Question put and passed.

42 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 resumed.

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

43 **TRADE PRACTICES AMENDMENT (SMALL BUSINESS PROTECTION) 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.

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate, recognising that a strong Trade Practices Act is the best protection for competition, consumers and small business, urges the Dawson Review of the *Trade Practices Act 1974* to objectively consider:

- (a) whether the Australian Competition and Consumer Commission (ACCC) or the courts should be given the power to order divestiture to protect competition;
- (b) whether the prohibition against abusing market power needs to be strengthened by:
 - (i) reversing the onus of proof where the ACCC pursues the matter, and
 - (ii) introducing an effects test;
- (c) whether a system of protecting corporate whistleblowers should be implemented;
- (d) whether the law should provide for prison sentences for corporate criminals guilty of serious collusive behaviour; and
- (e) whether the ACCC should be given a power to grant ‘cease and desist’ orders against companies involved in anti-competitive behaviour”.

Debate ensued.

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

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

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 29

Senators—

Abetz	Eggleston	Knowles	Tchen
Alston	Ellison	Lightfoot	Tierney
Barnett	Ferguson	Macdonald, Sandy	Troeth
Boswell	Ferris (Teller)	Mason	Vanstone
Brandis	Harris	McGauran	Watson
Calvert	Herron	Patterson	
Chapman	Johnston	Payne	
Colbeck	Kemp	Scullion	

NOES, 31

Senators—

Allison	Conroy	Harradine	Murray
Bartlett	Cook	Hogg	Nettle
Bishop	Crossin (Teller)	Hutchins	Ray
Bolkus	Denman	Kirk	Sherry
Brown	Evans	Lees	Stephens
Buckland	Faulkner	Lundy	Webber
Cherry	Forshaw	Marshall	Wong
Collins	Greig	Moore	

Question negatived.

44 **MARRIAGE AMENDMENT BILL 2002**

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

Debate resumed.

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 Greig moved the following amendments together by leave:

Schedule 1, page 12 (after line 28), after item 18, insert:

18A After section 23B

Insert:

23C Same sex marriages permitted

For the avoidance of doubt, nothing in this or any other Act prevents the marriage of any two persons solely on the grounds of their sex.

Schedule 1, page 12 (after line 28), after item 18, insert:

18B Subsection 45(2)

After “to be my lawful wedded wife (**or** husband)”, insert “(**or** partner)”.
Schedule 1, page 12 (after line 28), after item 18, insert:

18C Subsection 46(1)

Omit “is the union of a man and a woman”, substitute “is the union of two persons”.

At 9.50 pm: The President resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

45 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.16 pm till Tuesday, 20 August 2002 at 2 pm.

46 **ATTENDANCE**

Present, all senators except Senator Murphy (on leave).

HARRY EVANS
Clerk of the Senate