

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 27

TUESDAY, 27 AUGUST 2002

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1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australia and the Asian Development Bank—Report for 2000-01.

Australia and the IMF—Report for 2000-01.

Australia and the World Bank—Report for 2000-01.

National Health and Medical Research Council—Report for 2001.

Queensland Fisheries Joint Authority—Report for 2000-01.

Treaties—

Bilateral—

Text, together with national interest analysis—Second Protocol and Exchange of Letters, done at Genting Highlands, Malaysia on 28 July 2002, amending the Agreement between the Government of Australia and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of 20 August 1980, as amended by the First Protocol of 2 August 1999.

Text, together with national interest analysis (*To replace documents tabled on 25 June 2002*)—

Exchange of Notes Constituting an Agreement between the Government of Australia and the Government of the Democratic Republic of East Timor concerning Arrangements for Exploration and Exploitation of Petroleum in an Area of the Timor Sea between Australia and East Timor, done at Dili on 20 May 2002.

Timor Sea Treaty between the Government of Australia and the Government of East Timor, done at Dili on 20 May 2002.

Text, together with national interest analysis and diplomatic note constituting an arrangement of less than treaty status concerning the interpretation of the proposed Agreement—Agreement between the Government of Australia and the Government of the United States of America concerning Security Measures for the Reciprocal Protection of Classified Information, done at Canberra on 25 June 2002.

Text, together with national interest analysis and regulation impact statement—Protocol, done at Canberra on 23 January 2002, amending the Convention between Australia and Canada for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, done at Canberra on 21 May 1980.

*Multilateral—*Text, together with national interest analysis—

Amendment, adopted on 18 October 2000, to the Limitation Amounts in the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Amendment, adopted on 18 October 2000, to the Limits of Compensation in the Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

Amendments, done at Shimonoseki, Japan on 24 May 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.

Western Australian Fisheries Joint Authority—Report for 1999-2000.

3 QUESTIONS

Questions without notice were answered.

4 REFERENCES TO SENATORS IN DEBATE—STATEMENT BY PRESIDENT

The President made a statement concerning references in debate to allegations against senators, and a matter raised by the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) during debate on the Commonwealth Electoral Amendment Bill (No. 1) 2002 on 26 August 2002.

5 TEMPORARY CHAIRS OF COMMITTEES

The President tabled a warrant, dated 27 August 2002, revoking the warrant nominating Senator Forshaw as a Temporary Chair of Committees and nominating Senator Sandy Macdonald as an additional Temporary Chair of Committees.

6 HEALTH—MEDICARE—BULK BILLING—ANSWERS TO QUESTIONS

Senator Forshaw moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked by Senators Collins and Crossin today relating to Medicare and a decline in the rate of bulk billing.

Debate ensued.

Question put and passed.

7 DEFENCE—MILITARY ACTION AGAINST IRAQ—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to parliamentary debate on any proposed military involvement by Australia against Iraq.

Question put and passed.

8 PETITIONS

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

Senator Brown, from 2 013 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 Webber, from 1 779 petitioners, requesting that the Senate take action to ensure that the Commonwealth provide access to respite and permanent care beds for people in the Lower Great Southern region of Western Australia.

9 **NOTICE**

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

(a) notes:

- (i) the Government's failure to respond to the Employment, Workplace Relations, Small Business and Education References Committee report, *Universities in crisis: Report into the capacity of public universities to meet Australia's higher education needs*, tabled on 27 September 2001,
- (ii) that the Government stated in its response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 15 February 2002, 'The response is expected to be tabled shortly', and
- (iii) that it is now more than 11 months since the committee's report was tabled and more than 6 months since a draft response was provided to the Minister for Education, Science and Training (Dr Nelson); and

(b) calls on the Government to table its response to the report immediately. (*general business notice of motion no. 146*)

10 **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 today, relating to the reference of matters to the Community Affairs References Committee, postponed till 25 September 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 Economics References Committee, postponed till 25 September 2002.

Business of the Senate notice of motion no. 4 standing in the name of Senator Harris for today, relating to the reference of a matter to the Rural and Regional Affairs and Transport Legislation Committee, postponed till 28 August 2002.

General business notice of motion no. 125 standing in the names of Senators Brown and Nettle for today, proposing the establishment of a select committee on the possible support by Australia of a United States invasion of Iraq, postponed till 28 August 2002.

General business notice of motion no. 126 standing in the name of Senator Sherry for today, proposing an order for the production of documents relating to superannuation, postponed till 28 August 2002.

General business notice of motion no. 127 standing in the name of Senator Sherry for today, proposing an order for the production of a report by the Superannuation Working Group, postponed till 28 August 2002.

11 **ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 141—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on urban water management be extended to 26 September 2002.

Question put and passed.

12 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 142—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues be extended to 26 September 2002.

Question put and passed.

13 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Economics References Committee (Senator Collins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 145—That the time for the presentation of the report of the Economics References Committee on public liability and professional indemnity insurance be extended to 24 September 2002.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 143—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 August 2002, from 5 pm, to take evidence for the committee's inquiry into the Australian meat industry and export quotas.

Question put and passed.

15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 144—That the Community Affairs Legislation Committee be authorised to hold public meetings during the sitting of the Senate from 3.30 pm to take evidence for the committee's inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on the following days:

Thursday, 29 August 2002
Tuesday, 17 September 2000
Thursday, 19 September 2002
Tuesday, 24 September 2002
Thursday, 26 September 2002.

Question put and passed.

16 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE

Senator Allison, at the request of Senator Ridgeway and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

- (1) That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by March 2003:

Progress towards national reconciliation, including an examination of the adequacy and effectiveness of the Commonwealth Government's response to, and implementation of, the recommendations contained in the following documents:

- (a) *Reconciliation: Australia's Challenge: Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament*;
 - (b) the Council for Aboriginal Reconciliation's *Roadmap for Reconciliation* and the associated *National Strategies to Advance Reconciliation*; and
 - (c) the Aboriginal and Torres Strait Islander Social Justice Commissioner's social justice reports in 2000 and 2001 relating to reconciliation.
- (2) That, in examining this matter, the committee have regard to the following:
- (a) whether processes have been developed to enable and require government agencies to review their policies and programs against the documents referred to above;
 - (b) effective ways of implementing the recommendations of the documents referred to above, including an examination of funding arrangements;
 - (c) the adequacy and effectiveness of any targets, benchmarks, monitoring and evaluation mechanisms that have been put in place to address Indigenous disadvantage and promote reconciliation, with particular reference to the consistency of these responses with the documents referred to above; and
 - (d) the consistency of the Government's responses to the recommendations contained in the documents referred to above with the needs and aspirations of Indigenous Australians as Australian citizens and First Nation Peoples.

Question put and passed.

17 DEFENCE—MILITARY INVOLVEMENT—DOCUMENT

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

Defence—Military involvement—Letter to the President of the Senate from the Prime Minister (Mr Howard) responding to the resolution of the Senate of 27 June 2002, dated 24 August 2002.

18 PRIVILEGES—STANDING COMMITTEE—106TH AND 107TH REPORTS AND DOCUMENT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following reports and document:

Privileges—Standing Committee—

106th—Possible improper interference with a witness before the Senate Select Committee on a Certain Maritime Incident—Report, dated August 2002.

107th—Parliamentary privilege precedents, procedures and practice in the Australian Senate 1966-2002—Report, dated August 2002.

Advices to the Senate Committee of Privileges from the Clerk of the Senate and senior counsel March 1988 to April 2002, dated August 2002.

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

Senator Ray, by leave, moved—That the Senate endorse the finding at paragraph 1.41 of the 106th report.

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

Senator Ray, by leave, moved—That the Senate take note of the 107th report.

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

**19 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—
BUDGET 2002-03**

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Budget estimates 2002-03—vols 1 and 2).

20 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST REPORT OF 2002

Senator Ferguson, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—1st report of 2002—Common use infrastructure on Christmas Island, dated August 2002.

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

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

**21 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION AND REFERENCES COMMITTEES—REPORT—NEW ZEALAND/AUSTRALIA
COMMITTEE EXCHANGE PROGRAM**

Senator Ferris, on behalf of the Environment, Communications, Information Technology and the Arts Legislation and References Committees, tabled the following report:

Environment, Communications, Information Technology and the Arts Legislation and References Committees—New Zealand/Australia Committee Exchange Program: Visit by the committees to New Zealand from 15 to 17 April 2002—Report, dated August 2002.

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

Question put and passed.

22 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2002/18.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 5/02 [3 dispensations].

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Industry, Tourism and Resources portfolio.

24 COMMITTEES—CHANGES IN MEMBERSHIP

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

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

Community Affairs Legislation Committee—

Participating members: Senators Brown and Nettle for the committee's inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002

Employment, Workplace Relations and Education Legislation Committee—

Discharged: Senator Lees, as a substitute member

Substitute member: Senator Allison to replace Senator Stott Despoja for matters relating to the Training portfolio

Employment, Workplace Relations and Education References Committee—

Discharged: Senator Lees, as a substitute member

Participating member: Senator Johnston

Substitute member: Senator Allison to replace Senator Stott Despoja for matters relating to the Training portfolio

Foreign Affairs, Defence and Trade Legislation Committee—

Participating member: Senator Johnston

House—Standing Committee—

Appointed: Senator Ferris

Legal and Constitutional Legislation Committee—

Discharged: Senator Lees, as a substitute member

Participating member: Senator Stott Despoja

Substitute member: Senator Ridgeway to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

Legal and Constitutional References Committee—

Discharged: Senator Lees, as a substitute member

Participating member: Senator Stott Despoja

Substitute member: Senator Ridgeway to replace Senator Greig for matters relating to the Indigenous Affairs portfolio

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

Discharged: Senator Ferris

Rural and Regional Affairs and Transport References Committee—

Participating member: Senator Ferris.

Question put and passed.

25 ECONOMICS LEGISLATION COMMITTEE—REPORT—SPACE ACTIVITIES AMENDMENT BILL 2002

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

Economics Legislation Committee—Space Activities Amendment Bill 2002—Report, dated August 2002 and submissions [5].

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

26 COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 1) 2002

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

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Murray:

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

1AA Subsection 287(1)

Insert:

designated federal party has the meaning given by subsection 287B(1).

Schedule 1, page 3 (after line 9), after item 1, insert:

1A At the end of Division 1 of Part XX

Add:

287B Designated federal party

- (1) For the purposes of this Part, a *designated federal party* is a registered political party (other than the Liberal Party), where:
 - (a) there are 2 or more State branches of the party; and
 - (b) there is in force a choice under subsection (2) that the party be treated as a designated federal party for the purposes of this Part.
- (2) The registered officer of a registered political party may, on behalf of the party, give the Electoral Commission a written notice stating that the party chooses to be treated as a designated federal party for the purposes of this Part.
- (3) A choice under subsection (2) may be revoked at any time by the registered officer by written notice given to the Electoral Commission.
- (4) Despite subsection (3), a choice under subsection (2) must not be revoked during the period:
 - (a) beginning at the start of the polling day for an election; and

- (b) ending on the 14th day after the day on which the writ for that election is returned.

Schedule 1, item 2, page 3 (after line 30), after paragraph (b), insert:

- (ba) if:
 - (i) the party is a designated federal party or a State branch of a designated federal party; and
 - (ii) a notice for the election is in force under subsection (5H) in relation to the State branch of the designated federal party that is organised on the basis of the State or Territory in which the candidate or candidates stood for election;

pay the applicable federal percentage of the amount to the agent of the designated federal party and the applicable State percentage of the amount to the agent of the State branch of the designated federal party mentioned in subparagraph (ii); or

- (bb) if:
 - (i) paragraph (ba) does not apply; and
 - (ii) the party is a designated federal party or a State branch of a designated federal party;

pay the amount to the agent of the designated federal party; or

Schedule 1, item 3, page 4 (after line 23), after paragraph (aa), insert:

- (aaa) if:
 - (i) the members of the group were endorsed by one registered political party and that party is a designated federal party or a State branch of a designated federal party; and
 - (ii) a notice for the election is in force under subsection (5H) in relation to the State branch of the designated federal party that is organised on the basis of the State or Territory in which the members of the group stood for election;

pay the applicable federal percentage of the amount to the agent of the designated federal party and the applicable State percentage of the amount to the agent of the State branch of the designated federal party mentioned in subparagraph (ii); or

- (aab) if:
 - (i) paragraph (aaa) does not apply; and
 - (ii) the members of the group were endorsed by one registered political party and that party is a designated federal party or a State branch of a designated federal party;

pay the amount to the agent of the designated federal party; or

Schedule 1, item 3, page 4 (line 24), omit “and (aa)”, substitute “, (aa), (aaa) and (aab)”.

Schedule 1, item 3, page 5 (after line 37), after paragraph (ad), insert:

- (ae) if the members of the group were endorsed by 2 registered political parties, only one of those parties is a designated federal party or a State branch of a designated federal party, and a notice for the election is in force under subsection (5H) in relation to the State

branch of the designated federal party that is organised on the basis of the State or Territory in which the members of the group stood for election:

- (i) divide the payment into such shares as are agreed upon between the agents of the State branches of those parties that are organised on the basis of the State or Territory in which the members of the group stood for election or, in the absence of agreement, into such shares as the Electoral Commission determines; and
 - (ii) in the case of the share applicable to a State branch of the designated federal party in accordance with that agreement or determination, as the case may be—pay the applicable federal percentage of the share to the agent of the designated federal party and the applicable State percentage of the share to the agent of the State branch of the designated federal party; and
 - (iii) in the case of the share applicable to the agent of the other party in accordance with that agreement or determination, as the case may be—pay the share to the agent of the other party; or
- (af) if paragraph (ae) does not apply, the members of the group were endorsed by 2 registered political parties, and only one of those parties is a designated federal party or a State branch of a designated federal party:
- (i) divide the payment into such shares as are agreed upon between the agents of the State branches of those parties that are organised on the basis of the State or Territory in which the members of the group stood for election or, in the absence of agreement, into such shares as the Electoral Commission determines; and
 - (ii) in the case of the share applicable to a State branch of the designated federal party in accordance with that agreement or determination, as the case may be—pay the share to the agent of the designated federal party; and
 - (iii) in the case of the share applicable to the agent of the other party in accordance with that agreement or determination, as the case may be—pay the share to the agent of the other party; or

Schedule 1, item 4, page 6 (line 1), omit “and (ad)”, substitute “, (ad), (ae) and (af)”.

Schedule 1, item 5, page 6 (line 4), after “(ad)(i)”, insert “, (ae)(i), (af)(i)”.

Schedule 1, item 6, page 6 (line 15), omit “The”, substitute “For the purposes of subsection (5E), the”.

Schedule 1, page 6 (after line 21), at the end of item 6, add:

- (5H) The registered officer of a designated federal party may, before the polling day for an election, give the Electoral Commission a written notice determining that, for the purposes of the application of this section to the election:

- (a) a specified percentage is the federal percentage applicable to a specified State branch of the party; and
 - (b) a specified percentage is the State percentage applicable to a specified State branch of the party.
- (5J) For the purposes of subsection (5H), the sum of:
- (a) the federal percentage applicable to a particular State branch of a designated federal party; and
 - (b) the State percentage applicable to the State branch of the party;
- must be 100%.
- (5K) A notice under subsection (5H) has effect accordingly.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 38

Senators—

Abetz	Colbeck	Kemp	Payne
Allison	Coonan	Knowles	Reid
Alston	Eggleston	Lees	Scullion
Barnett	Ellison	Lightfoot	Tchen
Bartlett	Ferguson	Macdonald, Ian	Tierney
Boswell	Ferris	Macdonald, Sandy	Troeth
Brandis	Harris	Mason	Vanstone
Calvert	Heffernan	McGauran (Teller)	Watson
Campbell, Ian	Herron	Murray	
Cherry	Johnston	Patterson	

NOES, 28

Senators—

Bishop	Conroy	Ludwig	Nettle
Bolkus	Denman	Lundy	O'Brien
Brown	Evans	Mackay	Ray
Buckland (Teller)	Faulkner	Marshall	Sherry
Campbell, George	Forshaw	McLucas	Stephens
Carr	Hutchins	Moore	Webber
Collins	Kirk	Murphy	Wong

Question agreed to.

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

Schedule 1, page 6 (after line 21), at the end of the Schedule, add:

7 After section 299

Insert:

299A Method of making payments

Payment by direct credit or by cheque

- (1) If the Electoral Commission is required to pay an amount under section 299 to the agent or principal agent of a party, the Electoral Commission must pay the amount:

- (a) if the party has nominated a bank account for the purposes of this section—to the credit of that account; or
- (b) otherwise—by cheque payable to the party.

Nominated bank account

- (2) A bank account nominated by a party for the purposes of this section must satisfy the following conditions:
 - (a) the account must be maintained by the party;
 - (b) the account must be with a bank;
 - (c) the account must be kept in Australia;
 - (d) the account name must consist of, or include:
 - (i) if the account is maintained by a registered political party—the name of the party as it appears in the Register of Political Parties; or
 - (ii) if the account is held by a State branch of a political party, and the branch is not a registered political party—the name of the State branch.

Name on cheque

- (3) For the purposes of this section, a cheque is taken not to be payable to a party unless:
 - (a) if the party is a registered political party—the cheque is made out:
 - (i) if a determination under subsection (4) is in force in relation to the name of the party—in the special abbreviation of the name of the party; or
 - (ii) otherwise—in the name of the party, being the name as it appears in the Register of Political Parties; or
 - (b) if the party is a State branch of a political party, and the branch is not a registered political party—the cheque is made out:
 - (i) if a determination under subsection (4) is in force in relation to the name of the State branch—in the special abbreviation of the name of the State branch; or
 - (ii) otherwise—in the name of the State branch.

Abbreviation of party names

- (4) The Electoral Commission may, by notice published in the *Gazette*, determine that a specified abbreviation of the name of a party is a **special abbreviation** of the name of the party for the purposes of this section.
- (5) The Electoral Commission must publish a copy of a notice under subsection (4) on the Internet.
- (6) Before making a determination under subsection (4) in relation to a party, the Electoral Commission must consult the party.
- (7) To avoid doubt, if a cheque under this section is made out in the special abbreviation of the name of a party, the cheque is as valid as it would have been if it had been made out in the name of the party.

Dispatch of cheques

- (8) To avoid doubt, if a cheque under this section is payable to a party, this section does not prevent the Electoral Commission from dispatching the cheque to the agent or principal agent of the party.

Definitions

- (9) In this section:

bank means a body corporate that is an ADI (authorised deposit-taking institution) for the purposes of the *Banking Act 1959*.

party means a registered political party or a State branch of a registered political party.

Senator Brown moved the following amendment:

Schedule 1, page 6 (after line 21), at the end of the Schedule, add:

8 After section 306A

Insert:

306B Repayment of gifts where corporations wound up etc.

Where:

- (a) a political party, a candidate or a member of a group receives a gift from a corporation being a gift the amount of which is equal to or exceeds \$1,000; and
- (b) the corporation within a period concluding one year after making the gift has been wound up in insolvency or wound up by the court on other grounds;

an amount equal to the amount of the gift is payable by the political party to the liquidator and may be recovered by the liquidator as a debt due to the liquidator by action, in a court of competent jurisdiction against:

- (c) in the case of a gift to or for the benefit of a political party or a State branch of a political party:
- (i) if the party or branch, as the case may be, is a body corporate—the party or branch, as the case may be; or
- (ii) in any other case—the agent of the party or branch, as the case may be; or
- (d) in any other case—the candidate or a member of the group or the agent of the candidate or of the group, as the case may be.

Note 1: The gift received by the liquidator is an asset of the corporation to be distributed under the provisions of the *Corporations Act 2001*.

Note 2: This section applies to gifts made after the commencement of this provision.

Debate ensued.

At 5 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported progress.

27 FIRST SPEECH

Pursuant to order (*see entry no. 12, 20 August 2002*), Senator Moore made her first speech.

28 COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 1) 2002

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Brown (*see entry no. 26*).

Debate resumed.

At 6.50 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Knowles) reported progress.

29 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Western Australian Fisheries Joint Authority—Report for 1999-2000. Motion to take note of document moved by Senator Webber, debated and agreed to.

Queensland Fisheries Joint Authority—Report for 2000-01. Motion to take note of document moved by Senator O'Brien agreed to.

Australia and the Asian Development Bank—Report for 2000-01. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

National Health and Medical Research Council—Report for 2001. Motion to take note of document moved by Senator Wong and debated. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

At 7.20 pm—

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.58 pm till Wednesday, 28 August 2002 at 9.30 am.

31 ATTENDANCE

Present, all senators except Senator Chapman.

HARRY EVANS
Clerk of the Senate