

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 30

MONDAY, 16 SEPTEMBER 2002

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 VACANCY IN THE REPRESENTATION OF QUEENSLAND

The President announced the resignation, on 5 September 2002, of Senator Herron and advised the Senate that, pursuant to section 21 of the Constitution, the Governor-General had notified the Governor of Queensland that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Queensland—Copies of letters from—
Senator Herron to His Excellency the Governor-General (the Right Reverend Dr Peter Hollingworth, AC, OBE), dated 5 September 2002.
Governor-General to the Governor of Queensland (His Excellency Major General Peter Maurice Arnison, AC, CVO), dated 5 September 2002.

3 TEMPORARY CHAIR OF COMMITTEES

The President tabled a warrant, dated 16 September 2002, nominating Senator Bolkus as an additional temporary chair of committees.

4 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—PROPOSED VARIATION

The Special Minister of State (Senator Abetz), at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice, moved government business notice of motion no. 1—That the order of the Senate of 25 March 1999, relating to an order for the production of periodic reports by the Australian Competition and Consumer Commission on private health insurance, be varied as follows:

Omit “6 months, commencing with the 6 months ending on 31 December 1999”, substitute “12 months ending on or after 30 June 2003”.

Debate ensued.

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

5 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:

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 resumed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 36

Senators—

Allison	Conroy	Lees	Nettle
Bartlett	Crossin	Ludwig	O'Brien
Bishop	Denman	Lundy	Ray
Bolkus	Faulkner	Mackay	Ridgeway
Brown	Forshaw	Marshall	Sherry
Buckland (Teller)	Greig	McLucas	Stephens
Campbell, George	Harradine	Moore	Stott Despoja
Carr	Hogg	Murphy	Webber
Collins	Kirk	Murray	Wong

NOES, 30

Senators—

Abetz	Coonan	Johnston	Scullion
Alston	Eggleston (Teller)	Knowles	Tchen
Barnett	Ellison	Macdonald, Ian	Tierney
Brandis	Ferguson	Macdonald, Sandy	Troeth
Calvert	Ferris	Mason	Vanstone
Campbell, Ian	Harris	Minchin	Watson
Chapman	Heffernan	Patterson	
Colbeck	Hill	Payne	

Question agreed to.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendments together by leave:

Schedule 1, item 2, page 3 (lines 28 to 30), omit paragraph (b).

Schedule 1, item 3, page 4 (lines 18 to 23), omit paragraph (aa).

Schedule 1, item 3, page 5 (lines 20 to 37), omit paragraph (ad).

Schedule 1, item 6, page 6 (line 7), after “Liberal Party”, insert “and the agent of the relevant State Branch of the Liberal Party”.

Schedule 1, item 6, page 6 (line 21) after “A notice under subsection (5E)”, insert “must be signed by the agent of each party specified in the notice and”.

Debate ensued.

At 2 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Collins) reported progress.

6 **QUESTIONS**

Questions without notice were answered.

Document: The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Employment—Paid maternity leave—Indicative costings (Net costs per annum).

7 **HEALTH—PRIVATE HEALTH INSURANCE—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 Forshaw, McLucas and Stephens today relating to increases in private health insurance premiums.

Debate ensued.

Question put and passed.

8 EMPLOYMENT—PAID MATERNITY LEAVE—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Stott Despoja today relating to a national system of paid maternity leave.

Question put and passed.

9 FAMILY AND COMMUNITY SERVICES—BREACHES AND PENALTIES—PERSONAL EXPLANATION

The Minister for Family and Community Services (Senator Vanstone), by leave, made a personal explanation relating to a press release of 5 August 2002 concerning breaches and penalties in the social security system.

10 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Boswell, from 511 petitioners, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

Senator Carr, from 50 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

Senator Stott Despoja, from 548 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

Senator Stott Despoja, from 20 petitioners, requesting that the Senate support the Australian Democrats' motion opposing Australia's involvement in pre-emptive military action or a first strike against Iraq and call on the Government to pursue diplomatic initiatives towards disarmament in Iraq, and worldwide.

11 NOTICES

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 September 2002, from 6.30 pm, to take evidence for the committee's inquiry into the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues. (*general business notice of motion no. 152*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 4 pm, to take evidence for the committee's inquiry into the administration of AusSAR in relation to the search for the *Margaret J.* (*general business notice of motion no. 153*)

The Chair of the Select Committee on Superannuation (Senator Watson): To move on the next day of sitting—That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 3.30 pm to 5.30 pm, to take evidence for the committee's inquiry into the provisions of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2002. (*general business notice of motion no. 154*)

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

- (a) notes, with sadness, the passing on 1 September 2002 of Mr Ginger Riley Munduwalawala, a traditional 'saltwater' man from southeast Arnhem Land, and thanks his family for their permission to refer to him by name in recognition of his outstanding achievements as an artist;
- (b) remembers Mr Munduwalawala as 'the boss of colour' who was inspired by the great Albert Namatjira to paint his 'colour country', beginning his painting career in earnest at the age of about 50;
- (c) pays tribute to Mr Munduwalawala's unique ability to draw inspiration from Western landscape art to express his own distinctive vision of his creation stories and ancestral lands, which won him public acclaim in the form of:
 - (i) the National Aboriginal and Torres Strait Islander Art Award, presented in Darwin in 1987,
 - (ii) the Northern Territory Alice Prize in 1992,
 - (iii) the first National Aboriginal and Torres Strait Islander Heritage Commission Award in 1993,
 - (iv) a fellowship from the Australia Council in 1997, and
 - (v) a 10-year retrospective of his works at the National Gallery of Victoria in 1997, which was the first time a public institution had ever honoured a living Aboriginal artist in this manner; and
- (d) recognises that Mr Munduwalawala's works are represented in most of the major galleries, museums and private collections in Australia as well as overseas, contributing to his status as one of the nation's pre-eminent Aboriginal artists and cultural custodians. (*general business notice of motion no. 155*)

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

- (a) notes that:
 - (i) the Deaflympic Games will be held in Melbourne in 2005, and
 - (ii) Deaf Sports Recreation Victoria has set up a Games Organising Committee to begin planning and organising this international event which will see the participation of 4 000 deaf athletes and officials from more than 90 countries; and
- (b) urges the Prime Minister (Mr Howard) to respond to the correspondence from Deaf Sports Recreation Victoria and to offer support for the Deaflympic Games. (*general business notice of motion no. 156*)

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

- (a) having in the past condemned gross violations of human rights presided over by then Chinese Premier Li Peng, including the brutal massacre of thousands of unarmed pro-democracy student demonstrators in Tiananmen Square; and
- (b) as a democratically-elected House of Parliament with the special role of the protection of the rights and liberties of citizens,

declares that it would be entirely inappropriate for the executive government to influence the Presiding Officers to fetter, by a special function, the perpetrator of these gross violations of human rights. (*general business notice of motion no. 157*)

12 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 3 standing in the name of Senator Bartlett for today, relating to the reference of a matter to the Foreign Affairs, Defence and Trade References Committee, postponed till 18 September 2002.

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for 17 September 2002, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 22 October 2002.

General business notice of motion no. 1, under committee reports and government responses, standing in the name of the Chair of the Standing Committee of Senators' Interests (Senator Denman) for 19 September 2002, proposing amendments to the resolutions on senators' interests, postponed till 5 December 2002.

General business notice of motion no. 110 standing in the name of Senator Stott Despoja for today, relating to Australia's involvement in any pre-emptive military action, postponed till 23 September 2002.

13 LEAVE OF ABSENCE

Senator Mackay, by leave, moved—That leave of absence be granted to Senator Cook for the period 16 September to 19 September 2002, on account of parliamentary business overseas.

Question put and passed.

14 EDUCATION—SPECIFIC LEARNING DIFFICULTIES ASSOCIATION OF NEW SOUTH WALES—FUNDING

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 150—That the Senate—

- (a) notes that:
 - (i) the Specific Learning Difficulties Association of New South Wales Inc. (SPELD) may have to close after more than 30 years due to lack of funding,
 - (ii) SPELD receives only \$27 000 of state government funding and receives no federal government funding, despite representations having been made,
 - (iii) an estimated 7 per cent of children, or one in every classroom, have a specific learning disability,

- (iv) this condition can seriously limit life options for people, with significant impacts on emotional health, self esteem, social skills and workforce options, and
- (v) the SPELD help line receives over 5 000 calls annually; and
- (b) urges the Federal Government to consider providing funding for learning difficulties associations to assist them in their important work, as a matter of urgency.

Question put and passed.

15 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 151—That the time for the presentation of the report of the Select Committee on Superannuation on its inquiry on tax arrangements for superannuation and related policy be extended to 14 November 2002.

Question put and passed.

16 FINANCE—HIGHER EDUCATION—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 21 August 2002 for the production of documents concerning financial information on higher education institutions (*see entry no. 18, 21 August 2002*).

Statements by leave: Senators Mackay, Ludwig and Ian Campbell, the Leader of the Opposition in the Senate (Senator Faulkner) and Senator Carr, by leave, made statements relating to the matter.

17 URGENCY MOTION—FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Brown advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The visit to Australia by Li Peng and the need for the Government of China to be aware of the abhorrence to Australians of the massacre in Tiananmen Square and the ongoing abrogation of human rights in China and Tibet.

The proposal was supported by 4 senators.

Senator Brown moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison (Teller)
Bartlett
Brown

Greig
Harradine
Lees

Murray
Nettle

Ridgeway
Stott Despoja

NOES, 44

Senators—

Barnett	Conroy	Ludwig	Reid
Bishop	Crossin	Lundy	Scullion
Boswell	Denman	Mackay	Sherry
Brandis	Ferguson	Marshall	Stephens
Buckland	Ferris (Teller)	Mason	Tchen
Calvert	Forshaw	McLucas	Tierney
Campbell, George	Heffernan	Moore	Troeth
Carr	Hogg	Murphy	Vanstone
Chapman	Johnston	O'Brien	Watson
Colbeck	Kirk	Payne	Webber
Collins	Knowles	Ray	Wong

Question negatived.

18 AUDITOR-GENERAL—AUDIT REPORT NO. 7 OF 2002-03—DOCUMENT

The Acting Deputy President (Senator Bartlett) tabled the following report:

Auditor-General—Performance audit—Client service in the Child Support Agency—
Follow-up audit: Department of Family and Community Services (Report no. 7 of
2002-03).

**19 AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (LICENCE CHARGES)
AMENDMENT BILL 2002—DOCUMENT**

The Acting Deputy President (Senator Bartlett) tabled the following document:

Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment
Bill 2002—Letter to the Clerk of the Senate from the Group Executive Director,
Performance Audit Services Group, Australian National Audit Office, responding to
the resolution of the Senate of 29 August 2002, dated 10 September 2002.

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

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

20 TRANSPORT—QANTAS—CARRIAGE OF WHEELCHAIRS—DOCUMENT

The Acting Deputy President (Senator Bartlett) tabled the following document:

Transport—Qantas—Carriage of wheelchairs—Letter to the President of the Senate
from the Executive General Manager, Sales and Marketing, Qantas, responding to the
resolution of the Senate of 21 August 2002, dated 29 August 2002.

**21 PARLIAMENT ACT—PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—
DOCUMENTS**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following
documents:

Parliament Act—Proposal, together with supporting documentation, relating to the
construction of external waste enclosures in Commonwealth Place.

Notice of motion: Senator Ian Campbell, by leave, gave a notice of motion as follows: To
move on 19 September 2002—That, in accordance with section 5 of the *Parliament Act
1974*, the Senate approves the proposal by the National Capital Authority for capital works
within the Parliamentary Zone, being the construction of external waste enclosures in
Commonwealth Place.

22 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 2002
IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) BILL 2002

Explanatory memoranda: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled replacement explanatory memoranda relating to the following bills:

- Customs Legislation Amendment Bill (No. 1) 2002.
- Import Processing Charges (Amendment and Repeal) Bill 2002.

23 DOCUMENTS

The following documents were tabled by the Clerk:

- Agricultural and Veterinary Chemicals Code Act—Regulations—Statutory Rules 2002 No. 207.
- Air Passenger Ticket Levy (Collection) Act—Regulations—Statutory Rules 2002 No. 220.
- Airports Act—Regulations—Statutory Rules 2002 No. 190.
- Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2002 (No. 1).
- Charter of the United Nations Act—Regulations—Statutory Rules 2002 No. 196.
- Civil Aviation Act—Civil Aviation Regulations—
 - Airworthiness Directives—Part—
 - 105, dated 19, 20 [7], 21, 22 [8], 23 [16], 26, 28 [4] and 29 August; and 2 [2], 4 [5] and 5 [2] September 2002.
 - 106, dated 22, 23 [3] and 29 August 2002.
 - 107, dated 23 [5] August 2002.
 - Civil Aviation Amendment Order (No. 13) 2002.
 - Civil Aviation Amendment Order (No. 14) 2002.
 - Exemptions Nos CASA EX17/2002 and CASA EX18/2002.
 - Instrument No. CASA 501/02.
 - Statutory Rules 2002 No. 221.
- Class Ruling—
 - CR 2001/42 (Addendum).
 - CR 2002/55-CR 2002/70.
- Crimes Act—Regulations—Statutory Rules 2002 No. 194.
- Customs Act—
 - Amendment to the Defence and Strategic Goods List—Instrument of Amendment No. DSGI 1/2002.
 - CEO Directions No. 1 of 2000.
 - CEO Direction No. 2 of 2002.
 - Regulations—Statutory Rules 2002 Nos 195 and 204-206.
- Environment Protection and Biodiversity Conservation Act—Instrument amending list of exempt native specimens under section 303DB, dated 20 August 2002.
- Extradition Act—Regulations—Statutory Rules 2002 No. 201.

- Federal Court of Australia Act—Rules of Court—Statutory Rules 2002 No. 222.
- Financial Management and Accountability Act—
Financial Management and Accountability (Establishment of Special Account) Determination 2002/06.
Regulations—Statutory Rules 2002 No. 211.
- Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Direction No. NPF 65.
- Great Barrier Reef Marine Park Act—
Great Barrier Reef Marine Park Authority—Gumoo Woojabuddee Section Zoning Plan.
Regulations—Statutory Rules 2002 No. 209.
- Health Insurance Commission Act—Commission’s Additional Functions (Bowel Cancer Screening Pilot) Determination 2002—HICA 8AA(4)/1/2002.
- Higher Education Funding Act—Determination under section 15—Determination No. 15 of 2002.
- Income Tax Assessment Act 1936*—Regulations—Statutory Rules 2002 No. 215.
- Migration Act—Regulations—Statutory Rules 2002 Nos 212 and 213.
- Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2002 No. 202.
- National Health Act—Determination under Schedule 1—HSR 23/2002.
- Navigation Act—Regulations—Statutory Rules 2002 No. 199.
- Overseas Missions (Privileges and Immunities) Act—Regulations—Statutory Rules 2002 No. 197.
- Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 3 September 2002.
- Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2002 No. 198.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2002 No. 191.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 No. 192.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 No. 193.
- Product Rulings PR 2002/90 (Addendum) and PR 2002/109-PR 2002/112.
- Public Service Act—Regulations—Statutory Rules 2002 No. 214.
- Radiocommunications Act—
Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002.
Radiocommunications Licence Conditions (Maritime Ship Licence) Determination 2002.
- Remuneration Tribunal Act—Determination—
2002/14: Remuneration and allowances for various public office holders.
2002/15: Remuneration and allowances for various public office holders.

Small Superannuation Accounts Act—Regulations—Statutory Rules 2002 No. 216.
Social Security (International Agreements) Act—Regulations—Statutory Rules 2002 No. 210.
Superannuation Contributions Tax (Assessment and Collection) Act—Regulations—Statutory Rules 2002 No. 217.
Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act—Regulations—Statutory Rules 2002 No. 218.
Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act, Superannuation Industry (Supervision) Act, Superannuation (Unclaimed Money and Lost Members) Act and Retirement Savings Accounts Act—Regulations—Statutory Rules 2002 No. 200.
Taxation Determinations TD 2002/20 and TD 2002/21.
Taxation Ruling (Old Series) IT 2328 (Notice of Partial Withdrawal).
Telecommunications Act—Regulations—Statutory Rules 2002 No. 203.
Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2002 (No. 1).
Trade Practices Act—Regulations—Statutory Rules 2002 No. 219.
Workplace Relations Act—Regulations—Statutory Rules 2002 No. 208.

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—

Attorney-General's Department and Attorney-General's portfolio agencies—
Administrative Appeals Tribunal.
Australian Customs Service.
Australian Federal Police.
Australian Institute of Criminology and the Criminology Research Council.
Australian Law Reform Commission.
Australian Transaction Reports and Analysis Centre.
Commonwealth Director of Public Prosecutions.
CrimTrac [nil return].
Family Court of Australia.
Federal Court of Australia.
High Court of Australia.
Human Rights and Equal Opportunity Commission.
Insolvency Trustee Service of Australia.
National Crime Authority.
National Native Title Tribunal.
Office of Film and Literature Classification.
Office of Parliamentary Counsel.

Australian Agency for International Development (AusAID).
 Comcare.
 Department of Foreign Affairs and Trade.
 Department of Health and Ageing.
 Department of Prime Minister and Cabinet.
 Department of Transport and Regional Services.
 Environment and Heritage portfolio.
 Office of the Official Secretary to the Governor-General.

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

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

Departmental and agency contracts—Letters of advice—2002 spring sittings—
 Department of Defence.
 Department of Foreign Affairs and Trade and Foreign Affairs and Trade portfolio agencies—
 Australia Japan Foundation.
 Australian Agency for International Development (AusAID).
 Australian Centre for International Agricultural Research.
 Department of Industry, Tourism and Resources and Industry, Tourism and Resources portfolio agencies—
 Geoscience Australia.
 Industrial Property Australia.
 Health and Ageing portfolio.

26 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Bartlett) 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:

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

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

Foreign Affairs, Defence and Trade Legislation and References Committees—

Appointed—Participating member: Senator Mackay.

Question put and passed.

27 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:

3 September 2002—Message No. 20—

Family Law Amendment (Child Protection Convention) Act 2002 (Act No. 69, 2002)

Jurisdiction of Courts Legislation Amendment Act 2002 (Act No. 70, 2002)

4 September 2002—Message No. 21—*Health Insurance Commission Amendment Act 2002* (Act No. 71, 2002).

**28 CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED MATTERS) BILL 2002
NEW BUSINESS TAX SYSTEM (CONSOLIDATION, VALUE SHIFTING, DEMERGERS AND
OTHER MEASURES) BILL 2002**

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

Message no. 134, dated 29 August 2002—A Bill for an Act to amend the *Crimes Act 1914* and the *Criminal Code Act 1995*, and for related purposes.

Message no. 136, dated 16 September 2002—A Bill for an Act about income tax to implement a New Business Tax System, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

Explanatory memoranda: Senator Ian Campbell tabled revised explanatory memoranda [2] relating to the bills.

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

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

Question put and passed.

29 CORPORATIONS AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Conroy, pursuant to notice, moved business of the Senate notice of motion no. 1—

- (1) That regulations 7.9.10 and 7.9.11 of the Corporations Amendment Regulations 2001 (No. 4), as contained in Statutory Rules 2001 No. 319 and made under the *Corporations Act 2001*, be disallowed.

- (2) That regulations 7.9.10, 7.9.11(1), 7.9.11(1)(a), 7.9.11(1)(b) and 7.9.11(2) of the Corporations Amendment Regulations 2002 (No. 2), as contained in Statutory Rules 2002 No. 16 and made under the *Corporations Act 2001*, be disallowed.
- (3) That regulation 7.8.22 of the Corporations Amendment Regulations 2002 (No. 3), as contained in Statutory Rules 2002 No. 41 and made under the *Corporations Act 2001*, be disallowed.

Debate ensued.

Senator Conroy, by leave, amended the motion to omit paragraph (3).

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Crossin	Lundy	Ridgeway
Bartlett	Denman	Mackay	Sherry
Brown	Forshaw	Marshall	Stephens
Buckland (Teller)	Greig	McLucas	Stott Despoja
Campbell, George	Harradine	Moore	Webber
Carr	Hogg	Murphy	Wong
Cherry	Kirk	Murray	
Collins	Lees	Nettle	
Conroy	Ludwig	Ray	

NOES, 27

Senators—

Abetz	Coonan	Johnston	Patterson
Alston	Eggleston	Knowles	Payne
Barnett	Ellison	Macdonald, Ian	Scullion
Brandis	Ferguson	Macdonald, Sandy	Troeth
Campbell, Ian	Ferris	Mason	Vanstone
Chapman	Harris	McGauran (Teller)	Watson
Colbeck	Hill	Minchin	

Question agreed to.

30 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Bartlett amended his notice of motion by leave and, pursuant to notice, moved business of the Senate notice of motion no. 2—That Regulation 9A.20—Wildlife trade operations and management plans, in item [2] of Schedule 1 of the Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No. 3), as contained in Statutory Rules 2001 No. 327 and made under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001*, be disallowed.

Debate ensued.

Question put and negatived. Senator Brown, by leave, recorded his vote for the ayes.

31 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Proceeds of Crime Bill 2002 and a related bill).

Debate ensued.

Question put.

The Senate divided—

AYES, 44

Senators—

Allison	Denman	Lees	Ridgeway
Barnett	Eggleston (Teller)	Ludwig	Scullion
Bartlett	Ellison	Lundy	Sherry
Buckland	Ferguson	Macdonald, Sandy	Stephens
Campbell, George	Ferris	Mackay	Stott Despoja
Chapman	Greig	Marshall	Tchen
Cherry	Harris	Mason	Tierney
Colbeck	Hogg	McLucas	Troeth
Collins	Johnston	Moore	Watson
Conroy	Kirk	Murray	Webber
Crossin	Knowles	Payne	Wong

NOES, 2

Senators—

Brown	Nettle (Teller)
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Question agreed to.

32 PROCEEDS OF CRIME BILL 2002

PROCEEDS OF CRIME (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That these bills be now read a second time.

Debate resumed.

Senator Ludwig moved the following amendment in respect of the Proceeds of Crime Bill 2002:

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

- (a) notes that the courts have recently affirmed the principle that a drug dealer may be allowed a tax deduction where the proceeds from illegal drug dealing are stolen;
- (b) further notes that this treatment effectively frees from tax the proceeds of illegal drug dealing;
- (c) confirms that this grave matter was brought to the attention of the Parliament more than 2 years ago by the Australian Labor Party;
- (d) condemns the Treasurer for his inaction in attacking drug dealing by allowing this anomaly to stand for years; and

- (e) calls on the Government to amend the taxation law to ensure criminals and drug dealers are no longer able to claim a tax deduction where the proceeds of drug deals are stolen”.

Debate ensued.

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

33 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator McLucas) informed the Senate that the President had received letters requesting changes in the membership of the Community Affairs Legislation Committee.

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That—

- (a) Senator Mason replace Senator Heffernan on the Community Affairs Legislation Committee for the committee’s inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on Tuesday, 17 September 2002 from 4.45 pm till the committee concludes its business on that day;
- (b) Senator McLucas replace Senator Denman on the Community Affairs Legislation Committee for the committee’s inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002; and
- (c) Senator Denman be appointed a participating member of the Community Affairs Legislation Committee for the committee’s inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002.

Question put and passed.

34 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.29 pm till Tuesday, 17 September 2002 at 2 pm.

35 ATTENDANCE

Present, all senators except Senators Cook*, Evans, Hutchins and Lightfoot (* on leave).

HARRY EVANS
Clerk of the Senate