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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:

Aboriginals Benefit Account—Report for 2001-02.

Australian Bureau of Statistics—Report for 2001-02.

Australian Securities and Investments Commission—Report for 2001-02.

Comcare—Report for 2001-02, including the report of QWL Corporation Pty Limited.

Council for Aboriginal Reconciliation—Reconciliation: Australia's challenge—Final report of the Council for Aboriginal Reconciliation—

Commonwealth government response, September 2002.

Executive summary of the Commonwealth government response, September 2002.

Crimes Act 1914—Reports—

Authorisations for acquisition and use of assumed identities for the period 12 October 2001 to 30 June 2002—Australian Customs Service.

Controlled operations for 2001-02.

Customs Act 1901—Report for the period 12 October 2001 to 30 June 2002 on the conduct of customs officers under subsection 233(3A) of the Act.

Department of Communications, Information Technology and the Arts—Report for 2001-02.

National Residue Survey—Report for 2001-02.

Public Lending Right Committee—Report for 2001-02.

Roads to Recovery Act 2000—Roads to Recovery programme—Report for 2001-02 on the operation of the Act.

Safety, Rehabilitation and Compensation Commission—Report for 2001-02.

Torres Strait Regional Authority—Report for 2001-02.

Treaties—

Bilateral—Text, together with national interest analysis and other documents—

An Exchange of Letters between Australia and the Republic of Ireland constituting an agreement to amend the 1997 Agreement on Medical Treatment for Temporary Visitors, done in Canberra on 30 July 2002.

Exchange of Letters, done at Hanoi on 1 November 2000 and Canberra on 5 August 2002, constituting an Agreement to amend the Agreement between the Government of Australia and the Government of the Socialist Republic of Vietnam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, done at Hanoi on 13 April 1992, as amended by an Exchange of Notes done at Canberra on 22 November 1996.

Multilateral—Text, together with national interest analysis and current status list—Third Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology, done in Vienna, on the 1st day of October 2001.

Witness Protection Act 1994—Report for 2001-02 on the operation of the Act.

3 QUESTIONS

Questions without notice were answered.

4 MOTIONS TO TAKE NOTE OF ANSWERS

Motions to take note of answers were called on but no motion was moved.

5 TEMPORARY CHAIR OF COMMITTEES

The President tabled a warrant, dated 15 October 2002, revoking the warrant nominating Senator Bartlett as a Temporary Chair of Committees.

6 PETITIONS

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

The President, from 192 petitioners, requesting that the Senate not legislate to allow the use of embryos for stem cell research or other medical procedures.

Senator Bartlett, from 26 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.

Senator Boswell, from 91 petitioners, requesting that the Senate take action to prohibit all research which is destructive of, or in any way damaging to, human embryos.

Senator Harradine, from 237 petitioners, requesting that the Senate oppose legislation that would jeopardise the freedoms and rights of schools and religious institutions or force them to compromise their distinctive moral values.

Senator Heffernan, from 516 petitioners, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

Senator Reid, from 314 petitioners, requesting that the Senate support budget supplementation for Geoscience Australia to allow payment of reasonable wage increases for Geoscience Australia employees.

7 NOTICES

Notices of motion:

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, 17 October 2002, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Egg Industry Service Provision Bill 2002 and a related bill. (*general business notice of motion no. 200*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the Employment, Workplace Relations and Education References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 October 2002, from 11.30 am to 12.30 pm, to take evidence for the committee's inquiry into small business employment. (*general business notice of motion no. 201*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 October 2002, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Excise Tariff Amendment Bill (No. 1) 2002 and a related bill. (*general business notice of motion no. 202*)

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

- (a) notes that:
 - (i) the recently-released Dusseldorp Skills Forum report, entitled 'How young people are faring—key indicators 2002: An update about the learning and work situation of young Australians', found that there has been an increase in the number of teenagers not in 'full time education or full time employment' in May 2002 compared to May 2001,
 - (ii) the report also found that 25 per cent of young adult women and 19 per cent of young adult men were at 'considerable labour market risk' in May 2002,
 - (iii) the Finn targets for post-compulsory education and training attainment by 19- and 22-year olds, agreed to unanimously by Commonwealth and state governments in 1991, have not been reached,
 - (iv) in 2001, the level of unemployment for Australians aged 15 to 24 was 2.4 times that of 25- to 54-year olds, and
 - (v) the report notes that long-term disadvantages flow from a troubled transition process between school and further education, training or employment; and
- (b) urges the Government to develop a more effective transition system for young people between leaving school and going on to further education, training or employment, and that this transition system pay particular attention to early school leavers. (*general business notice of motion no. 203*)

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

- (a) notes that:
 - (i) the international community has quickly embraced the Mine Ban Treaty which entered into force on 1 March 1999, with three-quarters of the world's nations already States Parties and signatories, and therefore legally bound to destroy their stockpiles of mines, eliminate mines in the ground, and cease production and use of mines,
 - (ii) although there has been a marked decrease in the number of governments and rebel groups using antipersonnel mines since the treaty entered into force, nine governments have engaged in significant new mine-laying operations in the past year,

- (iii) the number of new mine casualties is estimated by Landmine Monitor to be some 15 to 20 thousand each year, taking an appalling toll on children, farmers and other innocent people, and
- (iv) while on a global scale mine clearance and other mine action programs have expanded greatly over the past decade, a number of these programs are in financial crisis and will not meet the 10-year treaty deadline for completion of clearance;
- (b) congratulates Sister Patricia Pak Poy of the Adelaide Sisters of Mercy on her receipt of the 2002 Australian Council for Overseas Aid Human Rights Award in recognition of her tireless and committed work over the past decade with the Australian Network of the International Campaign to Ban Landmines to rid the world of the scourge of landmines; and
- (c) pays tribute to Sister Pak Poy as:
 - (i) the driver of the national grassroots campaign that led to Australia's ratification of the Mine Ban Treaty and subsequent domestic anti-mine legislation, and
 - (ii) a role model to the many people who were inspired by her quiet determination to enhance the achievement of human rights internationally through peaceful, collective action. (*general business notice of motion no. 204*)

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

- (a) notes that:
 - (i) Saturday, 28 September 2002, was World Retina Day,
 - (ii) macular degeneration is an incurable eye disease and is the leading cause of blindness for those aged 55 and older in Australia,
 - (iii) macular degeneration is caused by the deterioration of the central portion of the retina, causing progressive deterioration of sight from loss of central vision leading to total blindness,
 - (iv) every year, 10 000 Australians are diagnosed with age-related macular degeneration, and an estimated 20 000 Australians have macular degeneration that can be attributed to their smoking, and
 - (v) macular degeneration has already robbed nearly 350 000 Australians over the age of 50 of their eyesight, yet there is still very little understanding of or research into the disease; and
- (b) calls on the Government to fund research into this condition, for which there is currently no known cure, and to support the Macular Degeneration Foundation Australia's aims to bring dignity, support and education to Australians suffering from this disease. (*general business notice of motion no. 205*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the following bills may be taken together for their remaining stages:

- Prohibition of Human Cloning Bill 2002
- Research Involving Embryos Bill 2002.

The Leader of the Australian Democrats (Senator Bartlett): To move on 17 October 2002—That the Senate—

- (a) notes that:
- (i) the circumstances that drive people to attempt to travel from Indonesia to seek asylum in Australia are many and varied, and include long waiting periods in Indonesia for the resolution of claims for asylum and long delays in determining a durable solution for those found to be genuine refugees,
 - (ii) on 19 October 2001 a boat, now identified as ‘Suspect Illegal Entry Vessel X’, carrying 421 passengers and crew including 70 children, sank with the tragic loss of 352 lives, and
 - (iii) a number of those who lost their lives had close family members in Australia who were undergoing refugee determination or who had been granted temporary protection visas;
- (b) acknowledges the concerns raised by this tragedy within the Australian community and expresses its regret at the loss of life; and
- (c) asks the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock) to grant those who have suffered such a loss, whether they are in detention awaiting a decision or are in the community on a temporary protection visa, a permanent visa on humanitarian grounds. (*general business notice of motion no. 206*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Education Services for Overseas Students Amendment Bill 2002

Treasury Legislation Amendment Bill (No. 1) 2002.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2002 spring sittings.

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

- (a) notes:
- (i) recent evidence tendered by Professor Hiscock, of the Australian National University, which suggests that Aboriginal sites at Sandon Point, New South Wales, may be amongst the most significant Aboriginal sites on the eastern seaboard,
 - (ii) that these sites have already been severely damaged by the commencement of work on a housing project designed and marketed by Stockland Trust Group, and
 - (iii) an elder of the Wadi Wadi Coomaditchie Aboriginal Corporation, Alan Carriage, has requested that an emergency declaration be made, under section 9 of the *Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984*, to allow proper investigation of the importance of sites contained at Sandon Point; and

- (b) requests the Minister for the Environment and Heritage (Dr Kemp) to grant this emergency declaration to allow a 30-day period to make a proper assessment of the important cultural and environmental heritage of this area. (*general business notice of motion no. 207*)

Senator O'Brien: To move on the next day of sitting—That there be laid on the table, no later than immediately after motions to take note of answers on Monday, 21 October 2002:

- (a) all documents relating to the meeting between the Minister for Agriculture, Fisheries and Forestry (Mr Truss) and the Executive Director of the Australian Institute of Petroleum on 21 August 2002, including but not limited to:
- (i) papers prepared for the meeting by the Department of Agriculture, Fisheries and Forestry, the Department of the Prime Minister and Cabinet, the Department of Industry, Tourism and Resources, and/or Mr Truss' office,
 - (ii) any agenda or attendance papers,
 - (iii) any notes made by departmental officers and/or ministerial advisers at the meeting, including but not limited to hand-written notes, and
 - (iv) any papers that document the outcome of the meeting, including but not limited to file notes prepared by departmental officers and/or ministerial advisers;
- (b) all records of communications between:
- Mr JT Honan, Chairman of Manildra and/or other Manildra managers and staff, and
 - the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,
- concerning the Government's consideration of an ethanol excise and production subsidy, including but not limited to correspondence, telephone records and file notes;
- (c) all records of any meetings between:
- Mr JT Honan, Chairman of Manildra and/or other Manildra managers and staff, and
 - the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,
- concerning the Government's consideration of an ethanol excise and production subsidy, including but not limited to hand-written file notes;
- (d) all records of communications between:
- Mr Bob Gordon, Executive Director of the Australian Biofuels Association and/or other Australian Biofuels Association staff, and
 - the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,
- concerning the Government's consideration of an ethanol excise and production subsidy, including but not limited to correspondence, telephone records and file notes;

- (e) all records of any meetings between:
- Mr Bob Gordon, Executive Director of the Australian Biofuels Association and/or other Australian Biofuels Association staff, and
 - the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,
- concerning the Government's consideration of an ethanol excise and production subsidy, including but not limited to hand-written file notes; and
- (f) all analysis by the Treasury, the Department of Finance, Department of the Prime Minister and Cabinet, Department of Industry, Tourism and Resources and Department of Agriculture, Fisheries and Forestry concerning the projected budgetary impact of the decision to impose excise on ethanol and grant a 12-month ethanol production subsidy. (*general business notice of motion no. 208*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for 2 sitting days after today for the disallowance of the Public Employment (Consequential and Transitional) Amendment Regulations 2002 (No. 1), as contained in Statutory Rules 2002 No. 87 and made under the *Public Employment (Consequential and Transitional) Amendment Act 1999*.

**8 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), by leave, moved—That the Environment, Communications, Information Technology and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee's inquiry into the provisions of the Telecommunications Competition Bill 2002.

Question put and passed.

9 WOMEN—WORLD RURAL WOMEN'S DAY

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That the Senate notes that:

- (a) Tuesday, 15 October is the 2002 World Rural Women's Day and is celebrated in over 80 countries;
- (b) the theme for the day is 'Poverty is Everybody's Business: Education and Training', a key for poverty eradication;
- (c) World Rural Women's Day began at the 1995 United Nations Conference for Women – Beijing as a practical way of obtaining recognition and support for the multiple roles of 1.6 billion rural women – representing more than a quarter of the total world population – who are mostly farmers and small entrepreneurs;
- (d) about a third of Australian farmers are women and our country is leading the way in terms of promoting rural women at a national level; and

- (e) it is essential to continue to increase the opportunities for Australia's rural women and acknowledge their predominantly unsung roles in the agricultural sector.

Debate ensued.

Question put and passed.

10 NOTICES OF MOTION WITHDRAWN

The Leader of the Australian Democrats (Senator Bartlett) withdrew general business notice of motion no. 80 standing in his name for today, relating to an order for the production of documents by the Minister representing the Minister for the Environment and Heritage (Senator Hill).

Senator Bartlett withdrew business of the Senate notice of motion no. 1 standing in his name for 22 October 2002, relating to the reference of matters to the Legal and Constitutional References Committee.

11 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Chair of the Community Affairs References Committee (Senator Hutchins) for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 16 October 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 21 October 2002.

General business notice of motion no. 197 standing in the name of Senator Allison for today, relating to a response by the Australian Competition and Consumer Commission to an order of the Senate, postponed till 17 October 2002.

General business notice of motion no. 198 standing in the name of Senator Brown for today, relating to the introduction of the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 [No. 2], postponed till 17 October 2002.

General business notice of motion no. 199 standing in the name of Senator Brown for today, relating to the introduction of the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2], postponed till 17 October 2002.

12 SPORT—AUSTRALIAN SPORTS COMMISSION MEDIA AWARDS

Senator Lundy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 196—That the Senate congratulates:

- (a) the Australian Sports Commission for initiating the Australian Sports Commission Media Awards, which encourage broad and in-depth coverage of sporting issues in Australia;
- (b) the many journalists and photojournalists who were nominated in the seven categories which comprise the inaugural Australian Sports Commission Media Awards;

- (c) sports journalist, Mr Harry Gordon, who was awarded the Australian Sports Commission's Lifetime Achievement Award for his services to the media for more than 60 years; and
- (d) all the award winning journalists and photojournalists, including:
 - (i) Best Reporting of an Issue in Australian Sport: Kate McClymont and Anne Davies of the *Sydney Morning Herald*,
 - (ii) Best Sports Journalism from Rural or Regional Media: Brett Kohlhagen of the *Border Mail*, Albury,
 - (iii) Community Sport Media Award: David Pearson and Brian Webb, 'TopSport 104.1 FM' Darwin,
 - (iv) Youth Sport Media Award: Amanda Smith of ABC Radio National's, *The Sports Factor*,
 - (v) Best Journalism on Australian Sports Commission-related Programs: Robert Drane of *Inside Sport*, and
 - (vi) Best Sports Photojournalism: Bruce Long of the *Courier Mail*.

Question put and passed.

13 GOVERNMENT DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Medibank Private—Report for 2001-02. [*Received 27 September 2002*]

Commonwealth Authorities and Companies Act—Notice pursuant to paragraph 45(1)(a)—Participation in formation of National Judicial College of Australia. [*Received 3 October 2002*]

14 AUDITOR-GENERAL—AUDIT REPORTS NOS 9 TO 11 OF 2002-03—DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2002-03—

No. 9—Performance audit—Centrelink's balanced scorecard. [*Received 30 September 2002*]

No. 10—Performance audit—Management of international financial commitments—Department of the Treasury. [*Received 3 October 2002*]

No. 11—Performance audit—Medicare customer service delivery—Health Insurance Commission. [*Received 3 October 2002*]

15 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, the Deputy President (Senator Hogg) tabled the following document received on 27 September 2002:

Departmental and agency contracts—Letters of advice—2002 spring sittings—Immigration and Multicultural and Indigenous Affairs portfolio agencies—Department of Immigration and Multicultural and Indigenous Affairs, Migration Review Tribunal, and Refugee Review Tribunal.

16 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 Deputy President (Senator Hogg) tabled following document received on 3 October 2002:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Department of Immigration and Multicultural and Indigenous Affairs.

17 AUSTRALIAN COMPETITION AND CONSUMER COMMISSION—AUSTRALIAN GROCERY RETAILERS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 8 February 2001, the Deputy President (Senator Hogg) tabled the following document received on 30 September 2002:

Australian Competition and Consumer Commission—Report to the Senate on prices paid to suppliers by retailers in the Australian grocery industry, dated September 2002.

18 INDIGENOUS AUSTRALIANS—NATIONAL ABORIGINAL AND ISLANDERS CHILDREN'S DAY—DOCUMENT

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

Indigenous Australians—National Aboriginal and Islanders Children's Day—Letter to the President of the Senate from the Chief Minister of the Northern Territory (the Hon. Clare Martin) responding to the resolution of the Senate of 20 August 2002, dated 24 September 2002.

19 FOREIGN AFFAIRS—INDONESIA—MS LESLEY MCCULLOCH—DOCUMENT

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

Foreign Affairs—Indonesia—Ms Lesley McCulloch—Letter to the President of the Senate from the Minister/Chargé d'Affaires (Imron Cotan), Embassy of the Republic of Indonesia, responding to the resolution of the Senate of 23 September 2002, dated 26 September 2002.

20 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—TERRORIST ATTACKS—ANNIVERSARY—DOCUMENT

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

Foreign Affairs—United States of America—Terrorist attacks—Anniversary—Letter to the President of the Senate from the Ambassador (J Thomas Schieffer), Embassy of the United States of America, responding to the resolution of the Senate of 29 August 2002, dated 26 September 2002.

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

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

Parliament Act—Proposal, together with supporting documentation, relating to the construction by the Joint House Department of a roof extension to the gardeners' compound to protect the new vehicle washdown bay from weather.

Notice of motion: Senator Ian Campbell, by leave, gave a notice of motion as follows: To move on 17 October 2002—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department to construct a roof extension to the gardeners' compound, to protect the new vehicle washdown bay from weather.

22 PRIVILEGES—STANDING COMMITTEE—108TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report:

Privileges—Standing Committee—108th report—Person referred to in the Senate (Mr John Hyde Page), dated October 2002.

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

Senator Ray, by leave, moved—That the report be adopted.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

23 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2002-03

Senator Ferris, 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 (Budget estimates 2002-03—vols 1 and 2).

24 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—PLANNING, PREPARING AND PROFITING FROM TRADE AND INVESTMENT

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report and documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Enterprising Australia: Planning, preparing and profiting from trade and investment—A short report on the proceedings of the inquiry, dated October 2002, *Hansard* record of proceedings [7 vols] and submissions [2 vols].

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

Debate ensued.

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

25 FOREIGN AFFAIRS—INDONESIA—MS LESLEY MCCULLOCH—DOCUMENT

Senator Brown, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 19*).

Question put and passed.

26 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Communications Authority Act, Radiocommunications Act, Radiocommunications (Receiver Licence Tax) Act, Radiocommunications (Spectrum Licence Tax) Act and Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Interpretation) Amendment Determination 2002 (No. 2).

Australian Research Council Act—Determination No. 13—Determinations under section 51, dated 6 September 2002 [2].

Australian Tourist Commission Act—Regulations—Statutory Rules 2002 No. 237.

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—Part—

105, dated 30 [2] August; 10, 11 [4], 12 [9], 13 [4], 16, 19 [3], 20 [2], 24 [7], 26 and 30 September; and 2 [4], 9 and 11 October 2002.

106, dated 26 [2] September; and 10 October 2002.

107, dated 10 and 24 September; and 10 October 2002 [2].

Exemption No. CASA EX23/2002.

Class Rulings CR 2002/73-CR 2002/76.

Commonwealth Authorities and Companies Act—Regulations—Statutory Rules 2002 No. 226.

Currency Act—Currency (Perth Mint) Determination 2002 (No. 1).

Defence Act—

Defence Force Regulations—Declaration under regulation 49, dated 3 October 2002.

Determination under section 58B—Defence Determination 2002/19.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 3 October 2002 [2].

Environment Protection and Biodiversity Conservation Act—Instrument amending list of exempt native specimens under section 303DB, dated 12 September 2002.

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2002 No. 238.

Goods and Services Tax Determination GSTD 2002/4.

Goods and Services Tax Ruling GSTR 2002/3 and GSTR 2002/4.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2002 No. 224.

Health and Other Services (Compensation) Act—Regulations—Statutory Rules 2002 No. 228.

Higher Education Funding Act—Determination under section 15—Determination No. T16-2002.

Indigenous Education (Targeted Assistance) Act—Regulations—Statutory Rules 2002 No. 231.

International Transfer of Prisoners Act—Regulations—Statutory Rules 2002 No. 240.

- Migration Act—Regulations—Statutory Rules 2002 Nos 229 and 230.
- Motor Vehicle Standards Act—
 Road Vehicle (National Standards) Determination No. 1 of 2002.
 Road Vehicle (National Standards) Determination No. 2 of 2002.
- National Health Act—
 Declaration No. PB 14 of 2002.
 Determination under Schedule 1—HSR 26/2002.
 Regulations—Statutory Rules 2002 No. 239.
- Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2002 No. 227.
- Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 27 September 2002.
- Product Rulings PR 2002/113-PR 2002/118.
- Radiocommunications Act—
 Radiocommunications (Australian Space Objects) Amendment Determination 2002 (No. 1).
 Radiocommunications Licence Conditions (Outpost Licence) Amendment Determination 2002 (No. 1).
 VHF High Band Frequency Band Plan (148 to 174 MHz) Variation 2002 (No. 1).
- Renewable Energy (Electricity) Act—Regulations—Statutory Rules 2002 No. 232.
- Social Security (International Agreements) Act—Regulations—Statutory Rules 2002 No. 225.
- Space Activities Act—Explanatory statement to Statutory Rules 2002 No. 166 (*in substitution for explanatory statement tabled with Statutory Rules 2002 No. 166 on 19 August 2002*).
- States Grants (Primary and Secondary Education Assistance) Act—Regulations—Statutory Rules 2002 No. 233.
- Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 8/02 and 9/02 [4 dispensations].
- Taxation Ruling (Old Series) IT 2270 (Notice of Withdrawal).
- Telecommunications Act—Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2002 (No. 3).
- Therapeutic Goods Act—Regulations—Statutory Rules 2002 Nos 234 and 236.
- Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 2002 No. 235.
- Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 65-70 of 2002.

27 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:

Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002—
 Schedule 1—8 September 2002 (*Gazette* No. S 331, 6 September 2002).

International Criminal Court Act 2002—Parts 2 to 14—26 September 2002 (*Gazette* No. GN 38, 25 September 2002).

Jurisdiction of Courts Legislation Amendment Act 2002—Schedules 1 and 2—14 October 2002 (*Gazette* No. GN 40, 9 October 2002).

Migration Legislation Amendment (Migration Agents) Act 2002—Items 3, 5 and 9 to 17 of Schedule 1—1 November 2002 (*Gazette* No. GN 38, 25 September 2002).

28 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was 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—Employment and Workplace Relations portfolio.

29 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 Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

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

Appointed—Substitute member: Senator Allison to replace Senator Bartlett for the committee's inquiries into the provisions of the Renewable Energy (Electricity) Amendment Bill 2002 and the provisions of the Telecommunications Competition Bill 2002

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

Appointed—Substitute member: Senator McGauran to replace Senator Scullion for the committee's inquiry into environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations on 18 October 2002.

Question put and passed.

**30 TRANSPORT SAFETY INVESTIGATION BILL 2002
TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002
TAXATION LAWS AMENDMENT BILL (NO. 3) 2002
RESEARCH INVOLVING EMBRYOS BILL 2002**

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

Message no. 158, dated 14 October 2002—A Bill for an Act to provide for investigation of transport accidents and other matters affecting transport safety, and for related purposes.

Message no. 151, dated 24 September 2002—A Bill for an Act to make amendments consequential on the enactment of the *Transport Safety Investigation Act 2002*, and for related purposes.

Message no. 159, dated 14 October 2002—A Bill for an Act to amend legislation relating to the Australian Security Intelligence Organisation to enhance the Commonwealth's ability to combat terrorism, and for related purposes.

Message no. 162, dated 14 October 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 163, dated 14 October 2002—A Bill for an Act to regulate certain activities involving the use of human embryos, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

Explanatory memoranda: Senator Abetz tabled revised explanatory memoranda [4] relating to the bills.

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

Consideration of legislation: Senator Abetz moved—That the Transport Safety Investigation Bill 2002 and the Transport Safety Investigation (Consequential Amendments) Bill 2002 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

31 WORKPLACE RELATIONS AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) BILL 2002

WORKPLACE RELATIONS LEGISLATION AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

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

Message no. 160, dated 14 October 2002—A Bill for an Act to amend the *Workplace Relations Act 1996* to provide for the registration of associations of employers and of employees, to regulate those associations after registration, and for related purposes.

Message no. 161, dated 14 October 2002—A Bill for an Act to deal with matters consequential on the enactment of the *Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002*, and for other purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

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

On the motion of Senator Ludwig the debate was adjourned.

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

32 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2002

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

Message no. 157, dated 26 September 2002—A Bill for an Act to amend the *Education Services for Overseas Students Act 2000*, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

33 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:

8 October 2002—Message—

No. 24—*Health Legislation Amendment (Private Health Industry Measures) Act 2002* (Act No. 76, 2002)

No. 25—

Marriage Amendment Act 2002 (Act No. 77, 2002)

Higher Education Legislation Amendment Act (No. 2) 2002 (Act No. 78, 2002)

Import Processing Charges (Amendment and Repeal) Act 2002 (Act No. 79, 2002)

Plant Health Australia (Plant Industries) Funding Act 2002 (Act No. 80, 2002)

10 October 2002—Message No. 26—

Commonwealth Electoral Amendment Act (No. 1) 2002 (Act No. 81, 2002)

Customs Legislation Amendment Act (No. 1) 2002 (Act No. 82, 2002)

ACIS Administration Amendment Act 2002 (Act No. 83, 2002)
Dairy Industry Legislation Amendment Act 2002 (Act No. 84, 2002)

11 October 2002—Message No. 27—

Proceeds of Crime Act 2002 (Act No. 85, 2002)

Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002 (Act No. 86, 2002).

34 CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED MATTERS) BILL 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 Brown*:

Schedule 1, item 5, page 8 (after line 28), after subsection (2), insert:

- (3) It is a defence to a prosecution of an offence against subsection 91.1(1), (2), (3) or (4) where the disclosure of information the person communicates or makes available is in the public interest.

Schedule 1, item 5, page 8 (line 30), omit “(1) and (2)”, substitute “(1), (2) and (3)”.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

35 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (NO. 2) 2002

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

Debate resumed.

Senator Carr moved the following amendment:

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

- (a) condemns the Government for:
 - (i) failing to provide real increases in Commonwealth capital funding for schools since 1996,
 - (ii) failing to address adequately the capital needs of schools in disadvantaged and isolated areas,

- (iii) displaying a lack of understanding of the implications of demographic trends on the ageing capital stock of many schools in Australia, especially in the public sector,
- (iv) inadequate accountability and evaluation processes for reporting on the achievements of the Commonwealth's capital grants program against stated objectives,
- (v) threatening to make capital funding for schools conditional on agreement with the Government's industrial relations agenda, and
- (vi) its lack of vision on how to position Commonwealth capital support for schools in the future, including:
 - (A) information and communications technologies infrastructure,
 - (B) professional teaching support and learning centres, and
 - (C) integration with Commonwealth priorities for schools through its targeted programs; and
- (b) requests the Government to:
 - (i) develop clear and effective accountability and evaluation procedures and incorporate these in administrative guidelines, and
 - (ii) report to the Parliament within 12 months on the achievements of the Commonwealth capital program and its future development, including in relation to the issues raised in this amendment".

Debate ensued.

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

Senator Nettle moved the following amendment:

At the end of the motion, add "and the Senate:

- (a) condemns the Government for its failure to provide adequate, open accountability for the expenditure of public funds on private education and its failure to ensure that public money is spent for the public benefit and to produce equitable outcomes;
- (b) condemns the Government's unwillingness to invest appropriately in the capital funding of public schools; and
- (c) regrets that the Government's approach results in an increasing strain placed on the public education system which is being starved of Commonwealth funding and forced to compete with an increasingly well resourced private education system".

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Stott Despoja moved the following request for an amendment:

That the House of Representatives be requested to make the following amendment:
Schedule 1, item 1, page 3 (lines 6 and 7), omit the item, substitute:

1 Schedule 3 (table rows relating to 2002 to 2007)

Repeal the rows, substitute:

2002	222,321
2003	232,321
2004	232,321
2005	232,321
2006	232,321
2007	232,321

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for the Arts and Sport (Senator Kemp) the report from the committee was adopted and the bill read a third time.

36 TORRES STRAIT FISHERIES AMENDMENT BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, 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 Minister for Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted.

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

Debate ensued.

Question put and passed.

Bill read a third time.

37 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Petroleum (Submerged Lands) Amendment Bill 2002).

Question put and passed.

38 PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2002

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

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator O'Brien was speaking.

39 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Council for Aboriginal Reconciliation—Reconciliation: Australia's challenge—Final report of the Council for Aboriginal Reconciliation—Commonwealth government response and executive summary, September 2002. Motion to take note of documents moved by Senator Ridgeway, debated and agreed to.

National Residue Survey—Report for 2001-02. Motion to take note of document moved by Senator O'Brien and agreed to.

Roads to Recovery Act 2000—Roads to Recovery programme—Report for 2001-02 on the operation of the Act. Motion to take note of document moved by Senator Sandy Macdonald and agreed to.

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.39 pm till Wednesday, 16 October 2002 at 9.30 am.

41 ATTENDANCE

Present, all senators except Senators Allison, Chapman*, Denman, Ellison and Harris (* on leave).

HARRY EVANS
Clerk of the Senate