

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 42

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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 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time—and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner):

Proposed reference to committee: At the end of the motion, add “but the Senate:

- (a) notes with concern that:
 - (i) the Government’s response to the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD is inadequate,
 - (ii) the Government proposes that, for the first time, Australians not suspected of any offence could be detained by the Australian Security Intelligence Organisation (ASIO) for questioning,
 - (iii) the Government proposes those detained by ASIO do not have the right to legal advice for the first 48 hours of their detention,
 - (iv) the Government proposes children can be detained by ASIO for questioning, and
 - (v) the Government’s proposals will significantly change the role of ASIO by giving it powers of coercion and detention; and
- (b) therefore refers the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, together with the following matters, to the Legal and Constitutional References Committee for inquiry and report by 3 December 2002:
 - (i) the development of an alternative regime in which questioning to obtain intelligence relating to terrorism is conducted not by ASIO but by the Australian Federal Police (AFP), including appropriate arrangements for detention of terrorist suspects, and questioning of persons not suspected of any offence,
 - (ii) the relationship between ASIO and the AFP in the investigation of terrorist activities or offences,
 - (iii) the adequacy of Australia’s current information and intelligence gathering methods to investigate potential terrorist activities or offences,
 - (iv) recent overseas legislation dealing with the investigation of potential terrorist activities or offences, and
 - (v) whether the bill in its current or amended form is constitutionally sound”.

Debate resumed.

Document: Senator Harris, by leave, tabled the following document:

Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002—European Parliament—Report—The existence of a global system for the interception of private and commercial communications (ECHELON interception system) (2001/2098(INI)).

Debate continued.

Senator Brown moved the following amendment to Senator Faulkner's proposed amendment:

At the end of paragraph (b), add:

; and (vi) the implications for civil and political rights of the bill and any proposed alternatives.

Debate continued.

Declaration of urgency: The Minister for Justice and Customs (Senator Ellison) declared the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 an urgent bill and moved—That this bill be considered an urgent bill.

Question put.

The Senate divided—

AYES, 29

Senators—

Abetz	Coonan	Macdonald, Ian	Tchen
Alston	Eggleston (Teller)	Macdonald, Sandy	Tierney
Barnett	Ellison	Mason	Troeth
Brandis	Ferris	McGauran	Vanstone
Calvert	Heffernan	Minchin	Watson
Campbell, Ian	Johnston	Payne	
Chapman	Kemp	Reid	
Colbeck	Lightfoot	Scullion	

NOES, 35

Senators—

Allison	Collins	Hutchins	Murray
Bartlett	Cook	Kirk	Nettle
Bishop	Crossin	Lees	O'Brien
Bolkus	Evans	Ludwig	Ridgeway
Brown	Faulkner	Mackay	Sherry
Buckland (Teller)	Forshaw	Marshall	Stephens
Campbell, George	Greig	McLucas	Webber
Carr	Harradine	Moore	Wong
Cherry	Harris	Murphy	

Question negatived.

After 2 pm—

3 **QUESTIONS**

Questions without notice were answered.

4 **PRIMARY INDUSTRIES—DROUGHT ASSISTANCE—TAXATION—PROPOSED SUGAR TAX—ANSWERS TO QUESTIONS**

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Forestry and Conservation (Senator Ian Macdonald) and the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked by opposition senators today relating to drought assistance and to a proposed tax on sugar.

Debate ensued.

Question put and passed.

5 **FAMILY AND COMMUNITY SERVICES—HOUSING AFFORDABILITY—ANSWER TO QUESTION**

The Leader of the Australian Democrats (Senator Bartlett) moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator Bartlett today relating to housing affordability.

Question put and passed.

6 **TRANSPORT—ETHANOL—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 16 October 2002 for the production of documents concerning an ethanol excise and production subsidy (*see entry no. 19, 16 October 2002*).

Senator O'Brien, by leave, moved—That the Senate take note of the statement.

Question put and passed.

7 **PETITIONS**

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

The President, from 22 petitioners, requesting that the Senate take action to prohibit all research which is destructive of, or in any way damaging to, human embryos.

Senator Forshaw, from 941 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

8 NOTICES

Notices of motion:

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 22 October 2002, from 7.30 pm, to take evidence for the committee's inquiry into the provisions of the Telecommunications Competition Bill 2002. (*general business notice of motion no. 216*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—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 19 November 2002. (*general business notice of motion no. 217*)

The Leader of the Australian Democrats (Senator Bartlett) and Senator McLucas: To move on 22 October 2002—That the Great Barrier Reef Marine Park Amendment Regulations 2002 (No. 5), as contained in Statutory Rules 2002 No. 209 and made under the *Great Barrier Reef Marine Park Act 1975*, be disallowed.

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Legislation Committee be extended as follows:

- (a) provisions of the Egg Industry Service Provision Bill 2002 and a related bill—to 23 October 2002; and
- (b) Australian meat industry and export quotas—to 13 November 2002. (*general business notice of motion no. 218*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That—

- (1) On Monday, 11 November 2002:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 9.30 am to 12.30 pm and 7.30 pm to 11 pm shall be consideration of the Research Involving Embryos Bill 2002 and the Prohibition of Human Cloning Bill 2002; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) On Tuesday, 12 November 2002:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 12.30 pm to 2 pm and 7.30 pm to 11 pm shall be consideration of the Research Involving Embryos Bill 2002 and the Prohibition of Human Cloning Bill 2002; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (3) On Wednesday, 13 November 2002, the hours of meeting shall be 9.30 am to adjournment, and standing order 54(5) shall apply as if it were Tuesday.

- (4) The Senate shall sit on Friday, 15 November 2002 and that:
- (a) the hours of meeting shall be 9.30 am to 4.25 pm;
 - (b) the routine of business shall be consideration of the Research Involving Embryos Bill 2002 and the Prohibition of Human Cloning Bill 2002;
 - (c) the sitting of the Senate shall be suspended for 45 minutes from approximately 12.30 pm; and
 - (d) the question for the adjournment of the Senate shall be proposed at 3.45 pm.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That—

- (1) On Wednesday, 23 October 2002:
- (a) consideration of government documents shall not be proceeded with; and
 - (b) the routine of business from 6.50 pm to 7.20 pm shall be consideration of the following bills:
 - Broadcasting Legislation Amendment Bill (No. 1) 2002
 - Insurance and Aviation Liability Legislation Amendment Bill 2002
 - Family and Community Services Legislation Amendment (Budget Initiatives and Other Measures) Bill 2002
 - Egg Industry Service Provision Bill 2002 and the Egg Industry Service Provision (Transitional and Consequential Provisions) Bill 2002
 - Excise Laws Amendment Bill (No. 1) 2002 and the Excise Tariff Amendment Bill (No. 2) 2002
 - Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2002
 - Aboriginal Land Rights (Northern Territory) Amendment Bill 2002.
- (2) On Thursday, 24 October 2002, the Senate shall stand adjourned immediately after prayers.

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:

Aboriginal Land Rights (Northern Territory) Amendment Bill 2002
Broadcasting Legislation Amendment Bill (No. 1) 2002
Egg Industry Service Provision Bill 2002
Egg Industry Service Provision (Transitional and Consequential Provisions) Bill 2002
Excise Laws Amendment Bill (No. 1) 2002
Excise Tariff Amendment Bill (No. 2) 2002
Excise Tariff Amendment Bill (No. 1) 2002
Customs Tariff Amendment Bill (No. 2) 2002
Family and Community Services Legislation Amendment (Budget Initiatives and Other Measures) Bill 2002
Inspector-General of Taxation Bill 2002
Insurance and Aviation Liability Legislation Amendment Bill 2002.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [8] for introduction and passage of certain bills in the 2002 spring sittings.

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 17 October 2002, withdrew business of the Senate notice of motion no. 1 standing in his name for 10 sitting days after today for the disallowance of regulations 65.060 and 65.270 in item [1] of Schedule 1 of the Civil Aviation Amendment Regulations 2002 (No. 2), as contained in Statutory Rules 2002 No. 167 and made under the *Civil Aviation Act 1988*.

9 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 23 October 2002, relating to the reference of matters to the Community Affairs References Committee, postponed till 19 November 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 22 October 2002.

10 LEAVE OF ABSENCE

Senator Mackay, by leave, moved—That leave of absence be granted to Senator Denman for the period 21 October to 24 October 2002, on account of ill health.

Question put and passed.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE— REFERENCE

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the last sitting day in 2003:

- (a) current rural industry-based water resource usage;
- (b) options for optimising water resource usage for sustainable agriculture; and
- (c) other matters of relevance that the committee may wish to inquire into and comment on that may arise during the course of the inquiry, including the findings and recommendations from other inquiries relevant to any of the issues in these terms of reference.

Question put and passed.

12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Chair of the Community Affairs References Committee (Senator Hutchins), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by the last sitting day of June 2003:
 - (a) the extent, nature and financial cost of:
 - (i) poverty and inequality in Australia,
 - (ii) poverty amongst working Australians,
 - (iii) child poverty in Australia, and
 - (iv) poverty in Australian communities and regions;
 - (b) the social and economic impact of changes in the distribution of work, the level of remuneration from work and the impact of under-employment and unemployment;
 - (c) the effectiveness of income-support payments in protecting individuals and households from poverty; and
 - (d) the effectiveness of other programs and supports in reducing cost pressures on individual and household budgets, and building their capacity to be financially self-sufficient.
- (2) That, in undertaking its inquiry, the committee also examine:
 - (a) the impact of changing industrial conditions on the availability, quality and reward for work; and
 - (b) current efforts and new ideas, in both Australia and other countries, to identify and address poverty amongst working and non-working individuals and households.

Question put and passed.

13 FAMILY AND COMMUNITY SERVICES—CARERS WEEK

Senator Ridgeway, at the request of Senator Allison and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 214—That the Senate—

- (a) notes that:
 - (i) the week beginning 20 October 2002 is Carers Week,
 - (ii) there are 2.3 million people in our community who care for a relative or friend who has a disability, mental or chronic illness or who is frail aged, and
 - (iii) carers provide 74 per cent of care needs to people requiring care, saving health and community care systems around \$20 billion per year;
- (b) congratulates:
 - (i) carers around Australia for their selfless support of family and friends, and
 - (ii) Carers Australia for its work to have carers recognised for their contribution; and

- (c) urges the Federal Government to seriously consider ways to offer further support to carers who often feel isolated in the community.

Question put and passed.

14 PLASTIC BAG (MINIMISATION OF USAGE) EDUCATION FUND BILL 2002 [NO. 2]

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 198—That the following bill be introduced:

A Bill for an Act relating to the establishment of a fund for the purpose of education about minimisation of plastic bag and other waste damage to the environment, and for related purposes.

Question put and passed.

Senator Brown presented the bill and 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 Brown moved—That this bill be now read a second time.

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

15 PLASTIC BAG LEVY (ASSESSMENT AND COLLECTION) BILL 2002 [NO. 2]

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 199—That the following bill be introduced:

A Bill for an Act to provide for the assessment and collection of a levy on the use of plastic bags at retail points of sale.

Question put and passed.

Senator Brown presented the bill and 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 Brown moved—That this bill be now read a second time.

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

Document: Senator Brown, by leave, tabled the following document:

Plastic Bag Levy Imposition Bill 2002.

16 AUDITOR-GENERAL—AUDIT REPORT NO. 12 OF 2002-03—DOCUMENT

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

Auditor-General—Performance audit—Management of the Innovation Investment Fund Program—Department of Industry, Tourism and Resources [and] Industry Research and Development Board (Report no. 12 of 2002-03).

- 17 **ECONOMICS LEGISLATION COMMITTEE—REPORT—NEW BUSINESS TAX SYSTEM (CONSOLIDATION, VALUE SHIFTING, DEMERGERS AND OTHER MEASURES) BILL 2002**
The Deputy President (Senator Hogg) tabled the following report and documents received on 18 October 2002:
- Economics Legislation Committee—New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002—Report, dated October 2002, *Hansard* record of proceedings [2 vols], additional information and submissions [17].
- Report ordered to be printed on the motion of Senator Ferris.
- 18 **FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—DOCUMENTS**
The Deputy President (Senator Hogg) tabled the following documents:
- Foreign Affairs—Bali—Terrorist attacks—Letters of condolence to the President of the Senate from—
- His Excellency Dr Khaldoun Tharwat Talhouni, Ambassador, Hashemite Kingdom of Jordan, dated 18 October 2002.
- Speaker Akbar Tandjung, Speaker of the House of Representatives, Republic of Indonesia, dated 18 October 2002.
- 19 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2002-03**
Senator Ferris, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Budget estimates 2002-03—vols 1 and 2).
- 20 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—VISIT TO AUSTRALIAN FORCES DEPLOYED TO THE INTERNATIONAL COALITION AGAINST TERRORISM**
The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report:
- Foreign Affairs, Defence and Trade—Joint Standing Committee—Visit to Australian forces deployed to the international coalition against terrorism: Parliament's watching brief on the war on terrorism—Report, dated October 2002.
- Senator Ferguson, by leave, moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Bartlett in continuation.
- 21 **NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—DRAFT AMENDMENT 39, NATIONAL CAPITAL PLAN**
The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) tabled the following report:
- National Capital and External Territories—Joint Standing Committee—Striking the right balance: Draft amendment 39, National Capital Plan—Report, dated October 2002.
- Senator Lightfoot, by leave, moved—That the Senate take note of the report.
Debate ensued.
Question put and passed.

22 TREATIES—JOINT STANDING COMMITTEE—48TH REPORT

Senator Kirk, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—48th report—Treaties tabled in August and September 2002, dated October 2002, *Hansard* record of proceedings [2 vols] and minutes of proceedings.

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

Debate ensued.

Question put and passed.

23 DOCUMENTS

The following documents were tabled by the Clerk:

Acts Interpretation Act—Statements [2] pursuant to section 34C(6) relating to the extension of specified period for presentation of reports—Anindilyakwa Land Council Report for 2001-02, Central Land Council Report for 2001-02 and Tiwi Land Council Report for 2001-02.

Civil Aviation Act—Civil Aviation Regulations—

Exemptions Nos CASA EX26/2002 and CASA EX31/2002.

Instruments Nos CASA 612/02-CASA 614/02.

Ozone Protection Act—Notice of Grant of Exemption under section 40—Exemption No. OZO9842X.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 10/02 [2 dispensations].

24 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That—

- (a) Senator Lees be appointed as a participating member of the following committees:
 - Economics Legislation and References Committee
 - Finance and Public Administration Legislation and References Committees
 - Foreign Affairs, Defence and Trade Legislation and References Committees
 - Rural and Regional Affairs and Transport References Committee; and
- (b) Senator O'Brien replace Senator Lundy on the Environment, Communications, Information Technology and the Arts Legislation Committee for the committee's inquiry into the provisions of the Renewable Energy (Electricity) Amendment Bill 2002.

Question put and passed.

25 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) BILL 2002
FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (BUDGET INITIATIVES AND OTHER MEASURES) BILL 2002
MEDICAL INDEMNITY AGREEMENT (FINANCIAL ASSISTANCE—BINDING COMMONWEALTH OBLIGATIONS) BILL 2002
INSURANCE AND AVIATION LIABILITY LEGISLATION AMENDMENT BILL 2002
AUSTRALIAN ANIMAL HEALTH COUNCIL (LIVE-STOCK INDUSTRIES) FUNDING AMENDMENT BILL 2002

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

Message no. 173, dated 17 October 2002—A Bill for an Act to provide for activity testing of holders of certain visas claiming special benefit under social security law comparable with the activity testing of Australian residents of workforce age, and for other purposes.

Message no. 174, dated 17 October 2002—A Bill for an Act to amend the social security law and the family assistance law, and for related purposes.

Message no. 175, dated 17 October 2002—A Bill for an Act about binding Commonwealth obligations to provide financial assistance under indemnity agreements relating to Australasian Medical Insurance Limited and United Medical Protection Limited, and for related purposes.

Message no. 176, dated 17 October 2002—A Bill for an Act to amend legislation relating to insurance and aviation liability, and for related purposes.

Message no. 177, dated 17 October 2002—A Bill for an Act to amend the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That these bills be now read a second time.

On the motion of Senator Mackay the debate on the Medical Indemnity Agreement (Financial Assistance—Binding Commonwealth Obligations) Bill 2002 was adjourned till the next day of sitting.

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

Senator Ellison moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

26 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—MIGRATION ZONE EXCISION

Pursuant to order, the Chair of the Legal and Constitutional References Committee (Senator Bolkus) tabled the following report and documents:

Legal and Constitutional References Committee—Migration zone excision: An examination of the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related matters—Report, dated October 2002, *Hansard* record of proceedings [6 vols], additional information, documents presented to the committee and submissions [45].

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

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

Debate ensued.

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

27 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner)—and on the amendment moved by Senator Brown to Senator Faulkner's proposed amendment (see entry no. 2).*

Question—That Senator Brown's amendment to Senator Faulkner's proposed amendment be agreed to—put and passed.

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

The Senate divided—

AYES, 37

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

Bill read a second time.

Reference to committee: Pursuant to order the bill and related matters stand referred to the Legal and Constitutional References Committee for inquiry and report by 3 December 2002.

28 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of the government business order of the day relating to New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002.

Question put and passed.

29 NEW BUSINESS TAX SYSTEM (CONSOLIDATION, VALUE SHIFTING, DEMERGERS AND OTHER MEASURES) BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the bill was read a third time.

30 MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002

Order of the day read for the consideration of message no. 172 from the House of Representatives in committee of the whole (*see entry no. 19, 17 October 2002*).

In the committee

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the committee does not press its request for an amendment not made by the House of Representatives.

Debate ensued.

Question put.

The committee divided—

AYES, 31

Senators—

Abetz	Coonan	Johnston	Payne
Alston	Eggleston	Kemp	Reid
Barnett	Ferguson	Knowles	Scullion
Boswell	Ferris (Teller)	Lightfoot	Tchen
Brandis	Harradine	Macdonald, Sandy	Tierney
Calvert	Harris	Mason	Troeth
Chapman	Heffernan	McGauran	Watson
Colbeck	Hill	Minchin	

NOES, 33

Senators—

Allison	Crossin (Teller)	Ludwig	Ridgeway
Bartlett	Evans	Lundy	Sherry
Bishop	Faulkner	Mackay	Stephens
Brown	Forshaw	Marshall	Stott Despoja
Campbell, George	Greig	McLucas	Webber
Cherry	Hogg	Moore	Wong
Collins	Hutchins	Murray	
Conroy	Kirk	Nettle	
Cook	Lees	O'Brien	

Question negatived.

Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 172 from the House of Representatives relating to the Members of Parliament (Life Gold Pass) Bill 2002 and had resolved to press its request for an amendment not made by the House.

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

31 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That intervening business be postponed till after consideration of government business orders of the day no. 5 (Plant Breeder's Rights Amendment Bill 2002) and no. 6 (Bankruptcy Legislation Amendment Bill 2002).

Question put and passed.

32 PLANT BREEDER'S RIGHTS AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Health and Ageing (Senator Patterson)—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.

At 9.50 pm: The Acting Deputy President (Senator McLucas) resumed the chair and the Temporary Chair of Committees reported progress.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.18 pm till Tuesday, 22 October 2002 at 2 pm.

34 ATTENDANCE

Present, all senators except Senators Denman* and Patterson (* on leave).

HARRY EVANS
Clerk of the Senate