

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 46

MONDAY, 11 NOVEMBER 2002

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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), by leave, moved—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 10.15 am to noon, to take evidence for the committee's inquiry into recruitment and training in the Australian Public Service.

Question put and passed.

3 PARLIAMENT HOUSE—SECURITY MATTERS—STATEMENT BY PRESIDENT

The President made a statement relating to security matters affecting Parliament House and a review by the Parliamentary Service Commissioner into aspects of the administration of the Parliament.

Senator Ray, by leave, moved—That the Senate take note of the statement.

Debate adjourned, Senator Ray in continuation.

On the motion of Senator Ray the resumption of the debate was made an order of the day for Thursday, 14 November 2002.

Statements by leave: Senators Harradine and Ray, by leave, made statements relating to the matter.

4 VACANCY IN THE REPRESENTATION OF QUEENSLAND—CHOICE OF SANTO SANTORO

The President informed the Senate that he had received, through the Governor-General, from the Governor of Queensland, a facsimile copy of the certificate of the choice by the Parliament of Queensland of Santo Santoro to fill the vacancy caused by the resignation of Senator Herron.

The President tabled the copy of the certificate as follows:

Government House
Queensland

30 October 2002

His Excellency the Right Reverend Dr Peter Hollingworth, AC, OBE

Governor-General of the Commonwealth of Australia

Government House

CANBERRA ACT 2600

Your Excellency

I have received a letter from the Honourable the Speaker of the Legislative Assembly of Queensland dated 30 October 2002 informing me that on 29 October 2002 Mr Santo Santoro, Company Director and Injury Risk Management Consultant, of 87 Christian Street, Clayfield, Brisbane, was chosen to hold the place in the Senate of the Parliament of the Commonwealth rendered vacant through the resignation of Senator John Herron.

Yours sincerely
Peter Arnison
Governor.

Senator sworn: Senator Santoro, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

5 PROHIBITION OF HUMAN CLONING BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That this bill be now read a second time.

Debate resumed.

Remembrance Day: The Acting Deputy President (Senator Hutchins), at 11 am, invited honourable senators to join him in observing a minute's silence in remembrance of those who had fallen in the defence of their country.

All senators present rose and stood in silence.

Debate continued.

Debate adjourned till a later hour, the Minister for Justice and Customs (Senator Ellison) in continuation.

6 RESEARCH INVOLVING EMBRYOS BILL 2002

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

Debate resumed.

At 2 pm: Debate was interrupted while Senator Abetz was speaking.

7 QUESTIONS

Questions without notice were answered.

8 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to the inclusion of unparliamentary language in committee reports and a matter raised by Senator Cook on 23 October 2002.

Senator Cook, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

9 AUSTRALIAN DEMOCRATS—PORTFOLIO DISTRIBUTION—DOCUMENT

The Leader of the Australian Democrats (Senator Bartlett), by leave, tabled a document showing the Australian Democrats portfolio distribution, as at 24 October 2002.

10 COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to questions without notice asked today relating to Telstra.

Debate ensued.

Question put and passed.

Senator Cherry 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 Cherry today relating to the proposed sale of Telstra.

Question put and passed.

11 PETITIONS

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

Senator Barnett, from 446 petitioners, requesting that the Senate acknowledge the contribution to medical science of adult stem cell research and take action to prohibit any research which results in the destruction of human embryos.

Senator Bartlett, from 4 265 petitioners, requesting that the Senate take action to ban the export of live sheep and pursue the frozen carcass alternative.

Senator Bartlett, from 227 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 1 678 petitioners, requesting that the Senate take action to prohibit all research which is destructive of, or in any way damaging to, human embryos.

12 NOTICES

Notices of motion:

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the days of meeting of the Senate for 2003 shall be as follows:

Summer sittings:

Tuesday, 4 February to Thursday, 6 February

Autumn sittings:

Monday, 3 March to Thursday, 6 March

Tuesday, 18 March to Thursday, 20 March

Monday, 24 March to Thursday, 27 March

Budget sittings:

Tuesday, 13 May to Thursday, 15 May

Winter sittings:

Monday, 16 June to Thursday, 19 June

Monday, 23 June to Thursday, 26 June

Spring sittings:

Monday, 11 August to Thursday, 14 August
 Monday, 18 August to Thursday, 21 August
 Monday, 8 September to Thursday, 11 September
 Monday, 15 September to Thursday, 18 September
 Tuesday, 7 October to Thursday, 9 October
 Monday, 13 October to Thursday, 16 October
 Monday, 27 October to Thursday, 30 October
 Monday, 3 November and Tuesday, 4 November
 Monday, 24 November to Thursday, 27 November
 Monday, 1 December to Thursday, 4 December.

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 public meetings during the sittings of the Senate to take evidence for the committee's inquiry into the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters on the following days:

Tuesday, 12 November, from 5 pm

Wednesday, 13 November, from 3.30 pm

Thursday, 14 November, from 5 pm. (*general business notice of motion no. 231*)

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 the report of the Rural and Regional Affairs and Transport Legislation Committee on the Transport Safety Investigation Bill 2002 be extended to Monday, 18 November 2002. (*general business notice of motion no. 232*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the time for the presentation of reports of the Foreign Affairs, Defence and Trade References Committee be extended as follows:

- (a) materiel acquisition and management in Defence—to the last sitting day in March 2003; and
- (b) Australia's relationship with Papua New Guinea and other Pacific island countries—to the last sitting day in June 2003. (*general business notice of motion no. 233*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 15 November 2002, from 9.30 am to 4.25 pm, to take evidence for the committee's inquiry into materiel acquisition and management in Defence. (*general business notice of motion no. 234*)

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

- (a) notes that:
 - (i) in June 1999 the International Labour Organisation (ILO) adopted Convention 182 regarding the worst forms of child labour,

- (ii) this convention deals with children in the worst forms of labour, including trafficking, bonded and forced labour, armed conflict, prostitution and pornography,
 - (iii) in April 2002, ILO research found that there were 8.4 million children world wide involved in the worst forms of child labour,
 - (iv) to date, 131 countries, including the United States, New Zealand, Papua New Guinea, the United Kingdom, Iraq and Thailand, have ratified this convention,
 - (v) this convention has been the fastest ratified in the 82 year history of the ILO, demonstrating an overwhelming international commitment to eliminating abusive child labour, and
 - (vi) Australia remains in a minority of nations, including Eritrea, Swaziland, Suriname, Kyrgyzstan, Kiribati and India, which have not ratified the convention, and is the only Organisation for Economic Co-operation and Development nation not to have done so; and
- (b) encourages the Australian Government to immediately pursue the ratification of ILO Convention 182. (*general business notice of motion no. 235*)

The Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the provisions of the Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002 be extended to Friday, 15 November 2002. (*general business notice of motion no. 236*)

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 Friday, 15 November 2002, from 9.30 am to 4.25 pm, to take evidence for the committee's inquiry into the provisions of the Renewable Energy (Electricity) Amendment Bill 2002. (*general business notice of motion no. 237*)

Senator Sherry: To move on the next day of sitting—That there be laid on the table, immediately after taking note of answers to questions without notice on 13 November 2002, the evaluation of the 'Living in Harmony' initiative and the associated market research that was conducted between 1996 and 1998. (*general business notice of motion no. 238*)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold public meetings during the sittings of the Senate on Tuesday, 12 November 2002, and Thursday, 14 November 2002, from 4 pm, to take evidence for the committee's inquiry into banking and financial services in rural, regional and remote areas of Australia. (*general business notice of motion no. 239*)

Senator Carr: To move on the next day of sitting—That there be laid on the table, by the Minister representing the Minister for Science, no later than immediately after motions to take note of answers on Tuesday, 18 November 2002:

All documents referred to on pages 3 and 4 of the ‘communications strategy’ section of the public relations brief for the provision of ‘Public relations services surrounding the announcement of the decision of where to establish the national repository for the disposal of Australia’s low level radioactive waste’, including:

- (a) ‘Community consultancy on transport issues associated with the proposed repository’, dated 26 October 2001;
- (b) ‘Market research into national sentiment on nuclear-related issues’, dated 30 April 2001;
- (c) ‘National sentiment on nuclear related issues’, dated 11 April 2001;
- (d) the addendum report to the above report;
- (e) ‘Wave 3 radioactive waste: Understanding and attitudes monitor—South Australia’, dated 23 March 2001;
- (f) ‘Qualitative research report radioactive waste management and other nuclear issues primary and secondary audiences’, dated 12 January 2001;
- (g) ‘Radioactive waste concept testing’, dated 11 August 2000; and
- (h) the untitled ‘research activities’ reports of 8 November 1999 and 21 July 2000 that tracked levels of understanding and perceptions in South Australia of the proposed repository. (*general business notice of motion no. 240*)

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson): To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during sittings of the Senate. (*general business notice of motion no. 241*)

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to meet during sitting—Statement of reasons relating to the notice of motion.

Notice of motion withdrawn: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) withdrew government business notice of motion no. 1 standing in his name for today, relating to the consideration of legislation.

13 LEAVE OF ABSENCE

Senator Ferris, by leave and at the request of Senator Lees, moved—That leave of absence be granted to Senator Lees for the period 14 November to 19 November 2002, on account of parliamentary business overseas.

Question put and passed.

14 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the time for the presentation of the report of the committee on the statutory powers and functions of the Australian Law Reform Commission be extended to the last sitting day in 2002.

Question put and passed.

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the time for the presentation of the report of the committee on the provisions of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002 be extended to the next day of sitting.

Question put and passed.

16 POSTPONEMENTS

Senator Brown, by leave, moved—That general business notice of motion no. 230 standing in his name for today, relating to the restoration of certain bills to the *Notice Paper*, be postponed till the next day of sitting.

Question put and passed.

Senator Brown, by leave, amended general business notice of motion no. 230 to read as follows:

To move—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:
 - Convention on Climate Change (Implementation) Bill 1999
 - Customs Amendment (Anti-Radioactive Waste Storage Dump) Bill 1999
 - Human Rights (Mandatory Sentencing for Property Offences) Bill 2000.

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator O'Brien for today, relating to the disallowance of the Civil Aviation Amendment Regulations 2002 (No. 2), postponed till 13 November 2002.

Government business notice of motion no. 2 standing in the name of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) for today, relating to the consideration of legislation, postponed till 13 November 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 12 November 2002.

General business notice of motion no. 222 standing in the name of Senator Allison for today, relating to the Gembrook Primary School, postponed till 12 November 2002.

General business notice of motion no. 227 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, proposing an order for the production of documents relating to the Great Barrier Reef Marine Park Authority, postponed till 19 November 2002.

17 HISTORICAL EVENTS—ANGLO-BOER WAR

Senator Hutchins amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 226—That the Senate—

- (a) notes on this Remembrance Day that 2002 is the centenary year of the conclusion of the Anglo-Boer War, which lasted from 1899 to 1902;
- (b) remembers:
 - (i) the 16 000 Australians who served in the Anglo-Boer War as soldiers of the colonies of Australia and, after 1901, as soldiers of the newly federated Commonwealth of Australia, as well as the 8 000-odd Australians who served with irregular South African units like Thorneycroft's and Bethune's Mounted Infantry,
 - (ii) the 518 young Australians who lost their lives serving their country during the war, and
 - (iii) the Boer women and children who died during internment in British camps;
- (c) notes that the Anglo-Boer War was the first war:
 - (i) that the Australian Army participated in as a unitary force, fighting under the badge of the Rising Sun, and
 - (ii) in which Australian nurses and doctors served as members of the Australian Army Medical Corps; and
- (d) recognises the importance of the Anglo-Boer War in the development of Australian culture, nationhood and the legend of the ANZAC.

Question put and passed.

18 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 225—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002 be extended to 2 December 2002.

Question put and passed.

19 ENVIRONMENT—QUEENSLAND—NATHAN DAM—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Cherry, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 228—That there be laid on the table, no later than 2 pm on 19 November 2002:

- (a) all documents from 2002 relating to any approaches made by Sudaw Developments Ltd (or its agents) to the Government seeking funding or other support for the Nathan Dam on the Fitzroy River in Queensland;
- (b) any documents or comments provided to Environment Australia in response to the referral, Ref. No. 2002/770—Sudaw Developments Ltd—Water management and use—Dawson River—QLD—Nathan Dam, central Queensland;
- (c) any report or document prepared by Environment Australia in response to referral 2002/770; and
- (d) the report, *Literature review and scoping study of the potential downstream impacts of the proposed Nathan Dam on the Dawson River, Fitzroy River and offshore environments*, prepared by the Australian Centre for Tropical Freshwater Research.

Question put and passed.

- 20 ANIMAL WELFARE—LIVE ANIMAL EXPORT—ORDER FOR PRODUCTION OF DOCUMENTS**
 Senator Cherry, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 229—That there be laid on the table, no later than 2 pm on 18 November 2002, the October 2002 report of the Independent Reference Group on the options for improving the welfare record of Australia's live animal export trade.
 Question put and passed.
- 21 PARLIAMENTARY SERVICE COMMISSIONER—REPORT FOR 2001-02—DOCUMENT**
 The Deputy President (Senator Hogg) tabled the following document received on 28 October 2002:
 Parliamentary Service Commissioner—Report for 2001-02, including a report of the Parliamentary Service Merit Protection Commissioner.
- 22 DEPARTMENT OF THE PARLIAMENTARY REPORTING STAFF—REPORT FOR 2001-02—DOCUMENT**
 The Deputy President (Senator Hogg) tabled the following document received on 30 October 2002:
 Department of the Parliamentary Reporting Staff—Report for 2001-02.
- 23 DEPARTMENT OF THE PARLIAMENTARY LIBRARY—REPORT FOR 2001-02—DOCUMENT**
 The Deputy President (Senator Hogg) tabled the following document received on 30 October 2002:
 Department of the Parliamentary Library—Report for 2001-02.
- 24 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING BILL 2002**
 The Deputy President (Senator Hogg) tabled the following report and documents received on 24 October 2002:
 Community Affairs Legislation Committee—Provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002—Report, dated October 2002, *Hansard* record of proceedings [5 vols], documents presented to the committee and submissions [1 851].
 Report ordered to be printed on the motion of Senator Ferris.

25 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—REPORT—ERRATUM

The Deputy President (Senator Hogg) tabled the following document received on 25 October 2002:

A Certain Maritime Incident—Select Committee—Report—Erratum.

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

**26 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION
REFERENCES COMMITTEE—GOVERNMENT RESPONSE—HIGHER EDUCATION**

The Deputy President (Senator Hogg) tabled the following document received on 24 October 2002:

Employment, Workplace Relations, Small Business and Education References Committee—Report—Universities in crisis: Report into the capacity of public universities to meet Australia's higher education needs—Government response.

**27 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—GOVERNMENT
RESPONSE—FIRST REPORT—PRUDENTIAL SUPERVISION AND CONSUMER PROTECTION
FOR SUPERANNUATION, BANKING AND FINANCIAL SERVICES**

The Deputy President (Senator Hogg) tabled the following document received on 24 October 2002:

Superannuation and Financial Services—Select Committee—First report—Prudential supervision and consumer protection for superannuation, banking and financial services—Government response.

**28 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—GOVERNMENT
RESPONSE—SECOND REPORT—PRUDENTIAL SUPERVISION AND CONSUMER
PROTECTION FOR SUPERANNUATION, BANKING AND FINANCIAL SERVICES**

The Deputy President (Senator Hogg) tabled the following document received on 24 October 2002:

Superannuation and Financial Services—Select Committee—Second report—Prudential supervision and consumer protection for superannuation, banking and financial services—Government response.

29 GOVERNMENT DOCUMENTS

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

Aboriginal and Torres Strait Islander Commission—Report for 2001-02. [*Received 31 October 2002*]

Airservices Australia—Report for 2001-02. [*Received 1 November 2002*]

Alcohol Education and Rehabilitation Foundation Ltd—Report for the period 17 October 2001 to 30 June 2002. [*Received 4 November 2002*]

Attorney-General's Department—Report for 2001-02. [*Received 28 October 2002*]

Australia Business Arts Foundation Ltd—Report for 2001-02. [*Received 29 October 2002*]

- Australia New Zealand Food Authority—Report for 2001-02. [*Received 29 October 2002*]
- Australian Dairy Corporation—Report for 2001-02. [*Received 29 October 2002*]
- Australian Government Solicitor—Report for 2001-02. [*Received 28 October 2002*]
- Australian Heritage Commission—Report for 2001-02. [*Received 29 October 2002*]
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02. [*Received 24 October 2002*]
- Australian Office of Financial Management—Report for 2001-02. [*Received 31 October 2002*]
- Australian Security Intelligence Organisation—Report for 2001-02. [*Received 24 October 2002*]
- Australian Sports Drug Agency—Report for 2001-02. [*Received 7 November 2002*]
- Australian Submarine Corporation Pty Limited—Report for 2001-02. [*Received 31 October 2002*]
- Australian Tourist Commission—Report for 2001-02. [*Received 31 October 2002*]
- Bankruptcy Act 1966*—Inspector-General in Bankruptcy—Report for 2001-02 on the operation of the Act. [*Received 24 October 2002*]
- Bureau of Meteorology—Report for 2001-02. [*Received 24 October 2002*]
- Commissioner of Taxation—Report for 2001-02. [*Received 31 October 2002*]
- Commonwealth Ombudsman and Defence Force Ombudsman—Reports for 2001-02, including a report pursuant to the *Complaints (Australian Federal Police) Act 1981*. [*Received 31 October 2002*]
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2001-02. [*Received 24 October 2002*]
- Corporations and Markets Advisory Committee [previously Companies and Securities Advisory Committee]—Report for 2001-02. [*Received 31 October 2002*]
- CSS Board—Commonwealth Superannuation Scheme—Report for 2001-02. [*Received 5 November 2002*]
- Defence—Report for 2001-02. [*Received 31 October 2002*]
- Department of Education, Science and Training—Report for 2001-02. [*Received 24 October 2002*]
- Department of Employment and Workplace Relations—Report for 2001-02. [*Received 29 October 2002*]
- Department of Finance and Administration—Report for 2001-02. [*Received 31 October 2002*]
- Department of Health and Ageing—Report for 2001-02, including a report on the administration and operation of Therapeutic Goods Administration. [*Received 30 October 2002*]

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2001-02, including reports pursuant to the *Immigration (Education) Act 1971* and the *Australian Citizenship Act 1948*. [Received 31 October 2002]

Department of Industry, Tourism and Resources—Report for 2001-02. [Received 30 October 2002]

Department of the Environment and Heritage—Report for 2001-02, including the report of the Supervising Scientist and reports on the operation of the *Environment Protection and Biodiversity Conservation Act 1999*, the *Ozone Protection Act 1989*, the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and the *Protection of Movable Cultural Heritage Act 1986*. [Received 24 October 2002]

Department of the Treasury—Report for 2001-02. [Received 30 October 2002]

Employment Advocate—Report for 2001-02. [Received 25 October 2002]

Employment National Limited—Report for 2001-02. [Received 31 October 2002]

Equal Opportunity for Women in the Workplace Agency—Report for 1 June 2001 to 31 May 2002. [Received 25 October 2002]

Family Law Council—Report for 2001-02. [Received 30 October 2002]

Federal Court of Australia—Report for 2001-02. [Received 6 November 2002]

Federal Magistrates Service—Report for 2001-02. [Received 6 November 2002]

Federal Police Disciplinary Tribunal—Report for 2001-02. [Received 29 October 2002]

Financial Reporting Council and Australian Accounting Standards Board—Reports for 2001-02. [Received 31 October 2002]

High Court of Australia—Report for 2001-02. [Received 6 November 2002]

Housing Assistance Act 1996—Report for 1999-2000 on the operation of the 1999 Commonwealth-State Housing Agreement. [Received 4 November 2002]

Indigenous Business Australia—Report for 2001-02. [Received 28 October 2002]

Industrial Relations Court of Australia—Report for 2001-02. [Received 25 October 2002]

Insolvency and Trustee Service Australia—Report for 2001-02. [Received 24 October 2002]

National Capital Authority—Report for 2001-02. [Received 31 October 2002]

National Native Title Tribunal—Report for 2001-02. [Received 24 October 2002]

National Oceans Office—Report for 2001-02. [Received 30 October 2002]

National Standards Commission—Report for 2001-02. [Received 25 October 2002]

Northern Land Council—Report for 2001-02. [Received 24 October 2002]

Office of the Official Secretary to the Governor-General—Report for 2001-02. [Received 24 October 2002]

Private Health Insurance Administration Council—Report for 2001-02. [Received 28 October 2002]

Private Health Insurance Ombudsman—Report for 2001-02. [*Received 31 October 2002*]

Professional Services Review [Medical and pharmaceutical services]—Report for 2001-02. [*Received 29 October 2002*]

PSS Board—Public Sector Superannuation Scheme—Report for 2001-02. [*Received 5 November 2002*]

Public Service Commission—Reports for 2001-02—

State of the service. [*Received 30 October 2002*]

Workplace diversity. [*Received 30 October 2002*]

Refugee Review Tribunal—Report for 2001-02. [*Received 30 October 2002*]

Sydney Harbour Federation Trust—Report for the period 20 September 2001 to 30 June 2002. [*Received 29 October 2002*]

Veterans' Review Board—Report for 2001-02. [*Received 29 October 2002*]

30 AUDITOR-GENERAL—AUDIT REPORTS NOS 14 TO 17 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. 14—Performance audit—Health group IT outsourcing tender process—Department of Finance and Administration. [*Received on 29 October 2002*]

No. 15—Performance audit—The Aboriginal and Torres Strait Islander Health Program: Follow-up audit—Department of Health and Ageing. [*Received on 29 October 2002*]

No. 16—Business support process audit—Administration of grants (post-approval) in small to medium organisations. [*Received on 4 November 2002*]

No. 17—Performance audit—Age pension entitlements—Department of Family and Community Services—Centrelink. [*Received on 5 November 2002*]

31 SCIENCE AND TECHNOLOGY—CANOLA TRIAL—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 17 October 2002, the Deputy President (Senator Hogg) tabled the following documents, received on 24 October 2002:

Science and Technology—Canola trial—Copies of documents held by the Office of the Gene Technology Regulator relating to the risk assessment for the canola trial licence application. [List included with documents]

32 CONSIDERATION OF DOCUMENTS

Senator Ferris, by leave, moved—That consideration of government responses to committee reports tabled earlier today (*see entries nos 26 to 28*) be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

33 FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—DOCUMENTS

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

Foreign Affairs—Bali—Letters of condolence to the President of the Senate from—
Speaker Avraham Burg, Speaker of the Knesset, dated 20 October 2002.

The Honourable Richard Cockwell, Legislative Councillor, Falkland Islands
Government, dated 16 October 2002.

34 ENVIRONMENT—NATIONAL LANDCARE WEEK—DOCUMENT

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

Environment—National Landcare Week—Letter to the President of the Senate from
the Chairman, John Claringbould, AM, Landcare Australia Limited responding to the
resolution of the Senate of 21 August 2002, dated 18 October 2002.

35 MONASH UNIVERSITY TRAGEDY—DOCUMENT

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

Monash University tragedy—Letter to the President of the Senate from the
Vice-Chancellor and President (Peter LeP Darvall), Monash University responding to
the resolution of the Senate of 23 October 2002, dated 30 October 2002.

**36 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—PARLIAMENTARY DEBATE—
DOCUMENT**

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

Foreign Affairs—Iraq—Military action—Parliamentary debate—Letter to the President
of the Senate from the Prime Minister (Mr Howard) relating to the resolution of the
Senate of 26 September 2002, dated 3 November 2002.

**37 PRODUCTIVITY COMMISSION—REPORT NO. 20—CITRUS GROWING AND
PROCESSING—GOVERNMENT RESPONSE—DOCUMENT**

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

Productivity Commission—Report—No. 20—Citrus growing and processing—
Government response.

**38 HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION—REPORT NO. 21—
DOCUMENT**

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

Human Rights and Equal Opportunity Commission—Report—No. 21—Report of an
inquiry into a complaint by six asylum seekers concerning their transfer from
immigration detention centres to state prisons and their detention in those prisons.

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

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

39 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—INTEGRITY OF THE ELECTORAL ROLL: REVIEW OF ANAO REPORT NO. 42 OF 2001-02

Senator Ferris, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—Integrity of the electoral roll: Review of ANAO report no. 42 of 2001-02—Report, dated October 2002.

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

Debate ensued.

Question put and passed.

40 NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—REPORT—AUSTRALIAN CRIME COMMISSION ESTABLISHMENT BILL 2002

Senator Ferris, on behalf of the Parliamentary Joint Committee on the National Crime Authority, tabled the following report and documents:

National Crime Authority—Joint Statutory Committee—Australian Crime Commission Establishment Bill 2002—Report, dated November 2002, *Hansard* record of proceedings, minutes of proceedings and submissions [18].

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

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

Question put and passed.

41 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) (Administration) Act—Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2002 (No. 1).

Aboriginal and Torres Strait Islander Commission Act—

Statement under subsection 122A(6)—Removal from office of a regional councillor, dated 22 October 2002.

Zone Election Amendment Rules 2002 (No. 1).

Australian Radiation Protection and Nuclear Safety Act—Regulations—Statutory Rules 2002 No. 243.

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part—

105, dated 17 [6], 18 [12] and 21 [6] October 2002.

106, dated 17 [2] October 2002.

107, dated 17 and 18 [2] October 2002.

Class Rulings CR 2002/71 and CR 2002/77.

Criminal Code Act—Regulations—Statutory Rules 2002 No. 250.

Currency Act—Currency (Royal Australian Mint) Determination 2002 (No. 5).

Dairy Produce Act—

Dairy Structural Adjustment Program Scheme 2000 Amendment (No. 10).

Supplementary Dairy Assistance Scheme 2001 Variation (No. 5).

Defence Act—Determinations under section 58B—Defence Determinations 2002/20-2002/23.

Environment Protection and Biodiversity Conservation Act—

Instrument amending list of—

Exempt native specimens under section 303DB, dated 24 September 2002.

Specimens suitable for live import under section 303EB, dated 24 September 2002 and 10 October 2002.

Threatened ecological communities under section 181, dated 3 October 2002.

Threatened species under section 178, dated 22 October 2002.

Notice of proposed accreditation of the Bass Strait Central Zone Scallop Fishery Management Plan 2002, dated 20 August 2002.

Farm Household Support Act—Farm Help Re-establishment Grant Scheme Amendment 2002 (No. 1).

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery Management Plan 2002.

Fuel Quality Standards Act—

Fuel Standard (Diesel) Amendment Determination 2002 (No. 1).

Fuel Standard (Petrol) Amendment Determination 2002 (No. 1).

Goods and Services Tax Determination GSTD 2002/5.

Health Insurance Act—

Health Insurance (Photodynamic Therapy) Determinations HS/09/2002 and HS/10/2002.

Regulations—Statutory Rules 2002 Nos 244-247 and 254.

Health Insurance Commission Act—Regulations—Statutory Rules 2002 No. 253.

Higher Education Funding Act—Determination under section—

15—Determinations Nos T18-2002 and T22-2002-T25-2002.

16—Determinations Nos T17-2002 and T21-2002.

24—Determination No. T20-2002.

27A—Determination No. T19-2002.

Imported Food Control Act—Regulations—Statutory Rules 2002 No. 242.

Jervis Bay Territory Acceptance Act—Administration Ordinance—Fee Determination No. 1 of 2002 [Electricity supply].

Marriage Act—Regulations—Statutory Rules 2002 No. 251.

National Health Act—

Declarations Nos PB 16 and PB 17 of 2002.

Determination—

No. PB 18 of 2002.

Under Schedule 1—HSR 27/2002-HSR 29/2002.

Under section 5D—HSR 25/2002.

Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2002 No. 252.

Parliamentary Service Act—Determinations Nos 1 and 3 of 2002.

Product Ruling—

Addendums—PR 2002/79 and PR 2002/92.

PR 2002/119-PR 2002/122.

Radiocommunications Act—2.1 GHz Band Frequency Band Plan Variation 2002 (No. 1).

Taxation Determination TD 2002/22.

Taxation Ruling TR 2002/20.

Telecommunications Act—Telecommunications Numbering Plan Amendment 2002 (No. 3).

42 GOVERNOR-GENERAL'S PROCLAMATION—COMMENCEMENT OF PROVISIONS OF AN ACT

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following provisions of an Act to come into operation on the date specified:

Proceeds of Crime Act 2002—Sections 3 to 338—1 January 2003 (*Gazette* No. GN 44, 6 November 2002).

43 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—

Attorney-General's portfolio.

Transport and Regional Services portfolio.

44 COMMITTEES—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Knowles) informed the Senate that the President had received a letter nominating a senator to be a member of various committees.

The Minister for the Arts and Sport (Senator Kemp), by leave, moved—That Senator Stephens be appointed as a participating member of the Employment, Workplace Relations and Education Legislation and References Committees.

Question put and passed.

45 TORRES STRAIT FISHERIES AMENDMENT BILL 2002

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 185, dated 23 October 2002—Torres Strait Fisheries Amendment Bill 2002.

46 DISABILITY DISCRIMINATION STANDARDS—APPROVAL

A message from the House of Representatives was reported acquainting the Senate with a resolution of that House:

Message no. 188, dated 23 October 2002, approving the Disability Discrimination Standards for Accessible Public Transport 2002, made under subsection 31(1) of the *Disability Discrimination Act 1992*, as approved by the Senate.

47 TAXATION LAWS AMENDMENT BILL (NO. 5) 2002

HEALTH INSURANCE AMENDMENT (PROFESSIONAL SERVICES REVIEW AND OTHER MATTERS) BILL 2002

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

Message no. 186, dated 23 October 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 187, dated 23 October 2002—A Bill for an Act to amend the *Health Insurance Act 1973*, and for other purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

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

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

Question put and passed.

48 HEALTH CARE (APPROPRIATION) AMENDMENT BILL 2002

HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 3) 2002

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

Message no. 184, dated 23 October 2002—A Bill for an Act to amend the *Health Care (Appropriation) Act 1998*, and for related purposes.

Message no. 182, dated 23 October 2002—A Bill for an Act to amend the *Higher Education Funding Act 1988*, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills 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.

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

Question put and passed.

49 **SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)****BILL 2002****SUPERANNUATION LEGISLATION AMENDMENT BILL 2002**

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

Message no. 189, dated 11 November 2002—A Bill for an Act to provide for contributions to be made towards the superannuation of low income earners, and for related purposes.

Message no. 183, dated 23 October 2002—A Bill for an Act to amend laws relating to superannuation, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

Explanatory memorandum: Senator Kemp tabled a revised explanatory memorandum relating to the Superannuation (Government Co-contribution for Low Income Earners) Bill 2002.

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

50 **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:

23 October 2002—Message—

No. 29—*Crimes Amendment Act 2002* (Act No. 88, 2002)

No. 30—*Criminal Code Amendment (Terrorist Organisations) Act 2002* (Act No. 89, 2002)

24 October 2002—Message No. 31—*New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Act 2002* (Act No. 90, 2002)

31 October 2002—Message No. 32—

Criminal Code Amendment (Espionage and Related Matters) Act 2002 (Act No. 91, 2002)

States Grants (Primary and Secondary Education Assistance) Amendment Act (No. 2) 2002 (Act No. 92, 2002)

Petroleum (Submerged Lands) Amendment Act 2002 (Act No. 93, 2002)

Treasury Legislation Amendment Act (No. 1) 2002 (Act No. 94, 2002).

51 RESEARCH INVOLVING EMBRYOS BILL 2002

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

Debate resumed.

Senator Murray, also on behalf of Senator Ridgeway, moved the following amendment:

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

- (a) Article 8 of the United Nations Convention on the Rights of the Child, which states that ‘States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference’; and
- (b) the Australian Health Ethics Committee 1996 Guideline 3.1.5, which recommends that children born from using assisted reproductive services should have access to information, including identifying information, about their biological parents,

and the Senate urges the Government to do all in its power by legislation or other means to try to ensure that every child, whether adopted or conceived via IVF (unless a foundling), can no later than on achieving adulthood access information about his or her biological parents”.

Debate ensued.

At 11 pm: Debate was interrupted.

52 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.17 pm till Tuesday, 12 November 2002 at 12.30 pm.

53 ATTENDANCE

Present, all senators except Senators Harris, Tchen and Troeth.

HARRY EVANS
Clerk of the Senate