

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 54

TUESDAY, 3 DECEMBER 2002

Contents

1	Meeting of Senate	1175
2	Government Documents	1175
3	Questions	1175
4	Ministerial Responsibility—Answers to Questions	1176
5	Health—Private Health Insurance—Answer to Question	1176
6	Notices	1176
7	Hours of Meeting and Routine of Business—Variation	1177
8	Economics Legislation Committee—Extension of Time to Report	1177
9	Order of Business—Rearrangement	1177
10	Postponements	1178
11	Routine of Business—Variation—First Speech	1178
12	Health—World AIDS Day	1178
13	Health—Pharmaceutical Benefits Scheme—Order for Production of Documents	1179
14	Remuneration Tribunal—Judicial Remuneration—Review—Order for Production of Document	1179
15	Superannuation—Select Committee—Extension of Time to Report	1179
16	Rural and Regional Affairs and Transport Legislation Committee—Extension of Time to Report	1179
17	Trade—Pharmaceutical Benefits Scheme—Order for Production of Documents	1180
18	Transport—Bankstown Airport	1180
19	Immigration—Managing Migration—Ministerial Statement—Documents	1181
20	Indigenous Australians—National Aboriginals and Islanders Children’s Day—Document	1181
21	Documents	1181
22	Workplace Relations Legislation Amendment Bill 2002	1181

23	Australian Crime Commission Establishment Bill 2002	1182
24	Bankruptcy Legislation Amendment Bill 2002	1182
25	Economics Legislation Committee—Report—Inspector-General of Taxation Bill 2002.....	1182
26	Research Involving Embryos Bill 2002	1182
27	Legal and Constitutional References Committee—Report—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and Related Matters	1188
28	Adjournment	1188
29	Attendance.....	1188

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:

Australian Technology Group Limited—Financial statements for 2001-02.

Companies Auditors and Liquidators Disciplinary Board—Report for 2001-02.

Inspector-General of Intelligence and Security—Report for 2001-02.

Medibank Private—Statement of corporate intent 2002-05.

Members of Parliament (Staff) Act 1984—Report for 2001-02 on consultants engaged under section 4 of the Act.

National Residue Survey—Results—Report for 2001-02.

States Grants (Primary and Secondary Education Assistance) Act 2000—Report on financial assistance granted to each State in respect of 2001.

Treaties—*Multilateral*—

Text, together with national interest analysis—

Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.

International Treaty on Plant Genetic Resources for Food and Agriculture (Rome, 3 November 2001).

Text, together with national interest analysis and regulation impact statement—Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on 5 September 1997.

War Crimes Act 1945—Report for 2001-02 on the operation of the Act—Corrigendum.

3 QUESTIONS

Questions without notice were answered.

Document: The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Ministerial responsibility—Statement from Andrew Rogers, QC, dated 2 December 2002.

Further questions without notice were answered.

4 MINISTERIAL RESPONSIBILITY—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked by opposition senators today relating to her pecuniary interests.

Debate ensued.

Question put and passed.

5 HEALTH—PRIVATE HEALTH INSURANCE—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Minister for Health and Ageing (Senator Patterson) to a question without notice asked by Senator Allison today relating to private health insurance rebates.

Question put and passed.

6 NOTICES

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the education of students with disabilities be extended to 10 December 2002. (*general business notice of motion no. 284*)

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, 5 December 2002, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Financial Sector Legislation Amendment Bill (No. 2) 2002. (*general business notice of motion no. 285*)

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:

Charter of the United Nations Amendment Bill 2002

Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002

International Tax Agreements Amendment Bill (No. 2) 2002

Medical Indemnity Bill 2002

Medical Indemnity (Consequential Amendments) Bill 2002

Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002

Medical Indemnity (IBNR Indemnity) Contribution Bill 2002

National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2]

Trade Practices Amendment Bill (No. 1) 2002

Trade Practices Amendment (Small Business Protection) Bill 2002 [No. 2]

Workplace Relations 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.

Senator O'Brien: To move on 9 December 2002—That the Primary Industries (Customs) Charges Amendment Regulations 2002 (No. 6), as contained in Statutory Rules 2002 No. 293 and made under the *Primary Industries (Customs) Charges Act 1999*, be disallowed.

Senator O'Brien: To move on 9 December 2002—That the Primary Industries (Excise) Levies Amendment Regulations 2002 (No. 10), as contained in Statutory Rules 2002 No. 294 and made under the *Primary Industries (Excise) Levies Act 1999*, be disallowed.

Senator O'Brien: To move on 9 December 2002—That the Primary Industries Levies and Charges Collection Amendment Regulations 2002 (No. 7), as contained in Statutory Rules 2002 No. 295 and made under the *Primary Industries Levies and Charges Collection Act 1991*, be disallowed.

7 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That, on Tuesday, 3 December 2002—

- (a) the hours of meeting shall be 2 pm to 6.30 pm, and 7.30 pm to midnight;
- (b) the routine of business from 7.30 pm shall be consideration of the Research Involving Embryos Bill 2002; and
- (c) the question for the adjournment of the Senate shall be proposed at 11.20 pm.

Senator Harradine moved the following amendment:

Omit “midnight”, substitute “11 pm”; and omit “11.20 pm”, substitute “10.20 pm”.

Debate ensued.

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

Main question put and passed.

8 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the report of the committee on the Trade Practices Amendment (Liability for Recreational Services) Bill 2002 be extended to 5 December 2002.

Question put and passed.

9 ORDER OF BUSINESS—REARRANGEMENT

Senator Mackay, by leave and at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the committee on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters, be postponed till a later hour.

Question put and passed.

10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 267 standing in the name of Senator Allison for today, relating to the use of photovoltaic energy, postponed till 4 December 2002.

General business notice of motion no. 275 standing in the name of Senator Allison for today, relating to child abuse, postponed till 4 December 2002.

General business notice of motion no. 283 standing in the name of Senator Brown for today, relating to the introduction of the Parliamentary Commission of Inquiry (Bali Bombings) Bill 2002, postponed till 4 December 2002.

11 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That immediately after prayers on 4 December 2002, Senator Santoro may make his first speech without any question before the chair.

Question put and passed.

12 HEALTH—WORLD AIDS DAY

Senator Allison, at the request of Senator Ridgeway and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 278—That the Senate—

(a) notes that:

- (i) Sunday, 1 December 2002, was the annual World AIDS Day, and sought to draw international attention to the need to refocus our efforts on:
 - (A) eliminating all forms of discrimination against people with, or suspected of having, HIV through education about HIV/AIDS,
 - (B) advocacy for people living with HIV/AIDS, and
 - (C) promotion of legal protection for people living with or affected by HIV/AIDS,
- (ii) the joint United Nations Program on HIV/AIDS (UNAIDS) and the World Health Organisation released the ‘AIDS Epidemic Update 2002’ in the week beginning 24 November 2002, drawing attention to the fact that the virus is fuelling a widening and increasingly deadly famine in southern Africa, where more than 14 million people are now at risk of starvation and more than 29 million people are already infected with HIV,
- (iii) more than 90 per cent of the 42 million people who have HIV or AIDS live in developing countries, and only 2 to 3 per cent have access to antiretroviral drug therapies that are designed to stop or inhibit the spread of HIV,
- (iv) the infection rate from HIV in Australia has remained relatively stable over the past few years, but in many countries around the world, particularly in southern Africa and parts of the Asia-Pacific region, the virus is spreading so rapidly that it is now a pandemic, and
- (v) some 5 million people were infected worldwide during the past year;

- (b) welcomes the decision at the recent meeting of World Trade Organisation ministers to endorse the developing world's better access to affordable medicines, including drugs used in the treatment of HIV/AIDS, but encourages further progress to be made, particularly in relation to access to affordability of antiretroviral drugs; and
- (c) reminds the Australian Government that, as a signatory to the United Nations Millennium Development Goals, which includes a commitment to stopping the spread of the AIDS pandemic by 2015, Australia needs to do all that is financially and medically possible to assist those countries, especially our nearest neighbours, which are struggling to contain the spread of the virus and to care for those already infected.

Question put and passed.

13 HEALTH—PHARMACEUTICAL BENEFITS SCHEME—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 280—That there be laid on the table by the Minister for Health and Ageing (Senator Patterson), no later than 4 pm on 4 December 2002, all documents relating to the inter-departmental committee (IDC) examining the effectiveness of the Pharmaceutical Benefits Scheme, including but not limited to submissions received by the IDC, the IDC's recommendations to the Minister, and any response by the Minister to those recommendations.

Question put and passed.

14 REMUNERATION TRIBUNAL—JUDICIAL REMUNERATION—REVIEW—ORDER FOR PRODUCTION OF DOCUMENT

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 274—That there be laid on the table, no later than immediately after motions to take note of answers on Thursday, 5 December 2002, the Commonwealth Government's submission to the Remuneration Tribunal's major review of judicial and related offices' remuneration.

Question put and passed.

15 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 276—That the time for the presentation of the report of the Select Committee on Superannuation on tax arrangements for superannuation and related policy be extended to 12 December 2002.

Question put and passed.

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

Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 277—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 5 December 2002.

Question put and passed.

17 TRADE—PHARMACEUTICAL BENEFITS SCHEME—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 279—That there be laid on the table by the Minister for Health and Ageing (Senator Patterson) and the Minister representing the Minister for Trade (Senator Hill), no later than 4 pm on 4 December 2002, all documents relating to the possible inclusion of the Pharmaceutical Benefits Scheme as an item for discussion in negotiations for an Australia-United States free trade agreement, including but not limited to correspondence between the Australian and United States governments, recommendations to the Australian government and/or any Commonwealth government minister, and any Australian government response to those recommendations.

Question put and passed.

18 TRANSPORT—BANKSTOWN AIRPORT

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 272—That the Senate—

(a) opposes:

- (i) the privatisation of Bankstown Airport, and
- (ii) any expansion of the runways or infrastructure of Bankstown Airport and the diversion to it of regional turboprops and/or 737 jet aircraft from Kingsford Smith Airport; and

(b) supports a legislated curfew for Bankstown Airport.

Question put.

The Senate divided—

AYES, 11

Senators—

Allison (Teller)	Cherry	Lees	Ridgeway
Bartlett	Greig	Murray	Stott Despoja
Brown	Harradine	Nettle	

NOES, 47

Senators—

Barnett	Cook	Kirk	Patterson
Bishop	Coonan	Knowles	Ray
Boswell	Crossin	Lightfoot	Reid
Brandis	Denman	Ludwig	Santoro
Buckland	Evans	Lundy	Scullion
Calvert	Ferris	Mackay	Stephens
Campbell, George	Forshaw	Marshall	Tierney
Campbell, Ian	Heffernan	Mason	Troeth
Carr	Hogg	McGauran (Teller)	Watson
Chapman	Hutchins	McLucas	Webber
Colbeck	Johnston	Moore	Wong
Collins	Kemp	O'Brien	

Question negatived.

19 IMMIGRATION—MANAGING MIGRATION—MINISTERIAL STATEMENT—DOCUMENTS

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

Immigration—Managing migration—

Migration series instructions—

No. 370—Procedures for unaccompanied wards in immigration detention facilities, dated 2 December 2002.

No. 371—Alternative places of detention, dated 2 December 2002.

Ministerial statement, dated 3 December 2002.

20 INDIGENOUS AUSTRALIANS—NATIONAL ABORIGINALS AND ISLANDERS CHILDREN'S DAY—DOCUMENT

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

Indigenous Australians—National Aboriginals and Islanders Children's Day—Letter to the President of the Senate from the South Australian Minister for Aboriginal Affairs and Reconciliation (Mr Roberts) responding to the resolution of the Senate of 20 August 2002, dated 27 November 2002.

21 DOCUMENTS

The following documents were tabled by the Clerk:

Currency Act—Currency (Perth Mint) Determination 2002 (No. 2).

Defence Act—Determination under section 58B—Defence Determination 2002/25.

Product Rulings PR 2002/135 and PR 2002/136.

Taxation Determination TD 1999/66 (Addendum).

22 WORKPLACE RELATIONS LEGISLATION AMENDMENT BILL 2002

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

Message no. 202, dated 2 December 2002—A Bill for an Act to amend laws relating to workplace relations, and for other purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the bill.

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.

23 AUSTRALIAN CRIME COMMISSION ESTABLISHMENT BILL 2002

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 203, dated 2 December 2002—Australian Crime Commission Establishment Bill 2002.

24 BANKRUPTCY LEGISLATION AMENDMENT BILL 2002

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 204, dated 2 December 2002—Bankruptcy Legislation Amendment Bill 2002.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

25 ECONOMICS LEGISLATION COMMITTEE—REPORT—INSPECTOR-GENERAL OF TAXATION BILL 2002

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

Economics Legislation Committee—Inspector-General of Taxation Bill 2002—Report, dated December 2002, *Hansard* record of proceedings and submissions [18].

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

26 RESEARCH INVOLVING EMBRYOS 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, as amended—*and of the amendment moved by Senator Brown, at the request of Senator Nettle:*

Page 15 (after line 2), before clause 20, insert:

19A Licences to be issued after the establishment of the National Public Human Stem Cell Bank

The NHMRC Licensing Committee must not issue a licence in accordance with this Division until the National Public Human Stem Cell Bank has been established and is operational.

Debate resumed.

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

Bill, as amended, further debated.

Senator Harradine moved the following amendments together by leave:

Clause 20, page 15 (line 7), omit “(if any)”.

Clause 21, page 16 (line 2), at the end of subclause (3), add:

- ; (d) that the applicant has the expertise and capacity to carry out the functions authorised under the licence.

Debate ensued.

Senator Harradine, by leave, withdrew the amendments.

Bill, as amended, further debated.

Explanatory memorandum: Senator Murphy, by leave, tabled an explanatory memorandum relating to amendments he intends to move to the bill.

Senator Brown, on behalf of Senator Nettle, moved the following amendment:

Clause 20, page 15 (line 11), at the end of subclause (2), add:

- ; and (c) if made by an applicant who receives Federal, State or Territory government funding—must include information on all commercial interests related to the activities for which the licence is sought, or related activities.

Debate ensued.

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

Senator Hogg moved the following amendment:

Clause 20, page 15 (after line 11), at the end of the clause, add:

- (3) For the purposes of paragraph (2)(a), it is a requirement that a person must demonstrate:
- (a) the likelihood of significant advance in knowledge, or improvement in technologies for treatment, as a result of the use of excess ART embryos proposed in the application; and
 - (b) that the significant advance in knowledge or improvement in technologies could not reasonably be achieved by other means.

Debate ensued.

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

Bill, as amended, further debated.

Senator Harradine moved the following amendment:

Page 11 (after line 5), at the end of Division 2, add:

12B Offence—use of human embryos or human embryonic stem cells in or in testing any pharmaceutical or cosmetic product

A person commits an offence if the person intentionally uses:

- (a) a human embryo (including an excess ART embryo); or
- (b) human embryonic stem cells;

in, or in the testing, creation or manufacture of, any pharmaceutical or cosmetic product.

Maximum penalty: Imprisonment for 5 years.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

Abetz	Chapman	Harris	McGauran (Teller)
Barnett	Colbeck	Heffernan	Minchin
Bishop	Collins	Hogg	Murphy
Boswell	Eggleston	Hutchins	Nettle
Brandis	Ellison	Johnston	Santoro
Brown	Ferguson	Kemp	Scullion
Buckland	Forshaw	Lightfoot	Stephens
Calvert	Harradine	Mason	Watson

NOES, 39

Senators—

Allison	Evans	Macdonald, Ian	Reid
Bartlett	Faulkner	Mackay	Ridgeway
Bolkus	Ferris (Teller)	Marshall	Stott Despoja
Campbell, George	Greig	McLucas	Tchen
Campbell, Ian	Hill	Moore	Tierney
Carr	Kirk	Murray	Troeth
Cherry	Knowles	O'Brien	Vanstone
Cook	Lees	Patterson	Webber
Crossin	Ludwig	Payne	Wong
Denman	Lundy	Ray	

Question negatived.

Bill, as amended, further debated.

Senator Harradine moved the following amendments together by leave:

Clause 21, page 16 (after line 2), after subclause (3), insert:

- (3A) The NHMRC Licensing Committee must not issue the licence if the use of human embryos, human embryonic stem cells or any product derived from human embryos or human embryonic stem cells, proposed in the application involves:
- (a) the testing, creation or manufacture of any pharmaceutical or cosmetic product; or
 - (b) the manufacture of any pharmaceutical or cosmetic product.

Clause 48, page 35 (after line 13), at the end of the clause, add:

- (3) The regulations must include provision for labelling pharmaceutical and cosmetic products including the notification that human embryos or human embryonic stem cells have not been used in the testing, creation or manufacture of any pharmaceutical or cosmetic product.

Debate ensued.

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

Senator Barnett moved the following amendments together by leave:

Clause 21, page 16 (after line 2), after subclause (3), insert:

- (3B) The NHMRC Licensing Committee may only issue the licence to authorise the extraction from human embryos of human embryonic stem cells and for no other purpose.

Clause 21, page 16 (after line 2), after subclause (3), insert:

- (3C) The NHMRC Licensing Committee must not issue the licence if the use of an excess ART embryo proposed in the application involves the testing, creation or manufacture of any pharmaceutical or cosmetic product.

Debate ensued.

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

On the motion of Senator Collins the following amendment was debated and agreed to:

Clause 21, page 16 (lines 8 and 9), omit “advance in knowledge, or improvement in technologies for treatment, as a result”, substitute “advance in knowledge or improvement in technologies for treatment as a result”.

Senator Bishop moved the following amendment:

Clause 21, page 16 (line 5), before “the”, insert “restricting”.

Debate ensued.

Senator Bishop, by leave, amended the amendment to read as follows:

Clause 21, page 16 (line 5), omit “the number of excess ART embryos”, substitute “restricting the number of excess ART embryos to that”.

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

Senator Brown, on behalf of Senator Nettle, moved the following amendment:

Page 16 (after line 30), after clause 22, insert:

22A Further notification of applications, decisions and appeals

- (1) Subject to subsection (2), any person may request information to be provided by the NHMRC Licensing Committee in relation to:
 - (a) the receipt of an application for a licence by the Committee;
 - (b) the decision by the Committee on an application for a licence;
 - (c) the variation of a licence by the Committee;
 - (d) the suspension of a licence by the Committee;
 - (e) the revocation of a licence by the Committee;
 - (f) the application for review of a decision of the Committee.
- (2) The following table sets out the circumstances in which information may be requested, the information that must be provided in those circumstances, and the timeframe for its provision.

If the NHMRC Licensing Committee:	the NHMRC Licensing Committee must disclose:	whichever is the later of the following: within 10 days of the Committee receiving the request for information or within 10 days of:
receives an application for a licence	all information that is relevant to deciding the application	receiving that application
decides an application for a licence	all information that was relevant to deciding the application	deciding that application
varies a licence	all information that was relevant to deciding to vary the licence	varying that application
suspends a licence	all information that was relevant to deciding to suspend the licence	suspending that application
revokes a licence	all information that was relevant to deciding to revoke the licence	revoking that application
receives an application for review of a decision of the Committee	the fact that such an application has been made	becoming aware that the application for review was made

(3) A request for information under this section must be made in accordance with the requirements prescribed by the regulations.

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

Senator Brown, on behalf of Senator Nettle, moved the following amendment:

Clause 23, page 17 (lines 3 and 4), omit paragraph (b), substitute:

- (b) remains in force for the lesser of the following periods:
- (i) until two years after the licence comes into effect; or
 - (ii) until the day it is suspended, revoked or surrendered; or
 - (iii) until the day specified in the licence.

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

Senator Harradine moved the following amendment:

Clause 24, page 17 (before line 7), before subclause (1), insert:

- (1A) A licence is subject to the condition that before the use of an excess ART embryo may be authorised by the licence, the regulations must provide a mechanism for the proof of date of the creation of each embryo covered by the licence.
- (1B) A licence may only be issued in respect of an excess ART embryo which has a proven date of creation.

Debate ensued.

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

Senator Barnett moved the following amendment:

Clause 24, page 17 (after line 21), after subclause (2), insert:

- (2A) A licence is subject to the following specific conditions:
 - (a) a licence holder must provide a report to the NHMRC every 6 months itemising and describing each research project commenced or undertaken by the licence holder during the preceding 6 month period;
 - (b) a licence holder must include in each report required by paragraph (a) an analysis of whether or not the research project could have proceeded without the use of human embryos;
 - (c) a licence holder must report to the NHMRC any variation in the circumstances contained in the licence holder's application for a licence within 2 weeks of the occurrence of the variation;
 - (d) a licence holder must report every 6 months detailing the number of human embryos used by the licence holder during the preceding 6 month period.

Debate ensued.

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

The Minister for Health and Ageing (Senator Patterson) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Brandis) reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Patterson, that the committee have leave to sit again on the next day of sitting.

27 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002 AND RELATED MATTERS

Senator Buckland, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), tabled the following report and documents:

Legal and Constitutional References Committee—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters—Report, dated December 2002, *Hansard* record of proceedings [6 vols], documents presented to the committee and submissions [435].

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

At 11.20 pm—

28 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at midnight till Wednesday, 4 December 2002 at 9.30 am.

29 ATTENDANCE

Present, all senators except Senator Sherry.

HARRY EVANS
Clerk of the Senate