

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 56

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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 FOREIGN AFFAIRS—PERSONAL EXPLANATION**

The Special Minister of State (Senator Abetz), by leave, made a personal explanation relating to an interjection recorded in the Hansard record of question time on 2 December 2002 relating to foreign affairs.

*Leave refused:* Senator Brown sought leave to make a statement, relating to the matter.

An objection was raised and leave was not granted.

**3 NOTICE OF MOTION—INTENTION TO WITHDRAW**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 4 sitting days after today for the disallowance of the Public Service Amendment Regulations 2002 (No. 1), as contained in Statutory Rules 2002 No. 214 and made under the *Public Service Act 1999*.

Senator Tchen, by leave, made a statement relating to the notice of intention.

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

Charter of the United Nations Amendment Bill 2002.

No. 2 International Tax Agreements Amendment Bill (No. 2) 2002.

Trade Practices Amendment Bill (No. 1) 2002.

No. 3 Workplace Relations Legislation Amendment Bill 2002.

Question put and passed.

**5 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 10 December 2002.

Question put and passed.

**6 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 258 standing in the name of Senator O'Brien for today, relating to crises in rural and regional Australia, postponed till 9 December 2002.

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 9 December 2002.

General business notice of motion no. 287 standing in the name of the Chair of the Select Committee on Superannuation (Senator Watson) for today, relating to the reference of a matter to the Select Committee on Superannuation, postponed till 9 December 2002.

General business notice of motion no. 288 standing in the name of Senator Allison for today, relating to the long-distance trucking industry, postponed till 9 December 2002.

**7 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for the Arts and Sport (Senator Kemp) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department to construct additional security elements, including vehicular access gates and bollards, to prevent access to the ministerial entry by unauthorised vehicles.

Question put and passed.

**8 ENVIRONMENT—WATER**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 289—That the Senate calls on the Council of Australian Governments meeting in Canberra on Friday, 6 December 2002, when addressing the critical issue of water, to commit to the following outcomes:

- (a) the restoration of the Murray River to good health;
- (b) an end to broad scale land clearing; and
- (c) a national structural adjustment package, linked to binding environmental outcomes.

Question put and passed.

**9 CRIMES LEGISLATION ENHANCEMENT BILL 2002**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for Defence (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the *Crimes Act 1914* and other legislation relating to criminal law or law enforcement, and for related purposes.

Question put and passed.

Senator Ian Campbell 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 Ian Campbell moved—That this bill be now read a second time.

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*Explanatory memorandum:* Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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*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.

**10 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

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. 3—That, on Thursday, 5 December 2002:

- (a) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) not be proceeded with;
- (b) the routine of business from not later than 4.30 pm till the adjournment shall be government business only; and
- (c) divisions may take place after 6 pm.

Senator Ludwig, by leave, moved the following amendment:

Omit all words after "That", substitute, "on Thursday, 5 December 2002:

- (a) the hours of meeting shall be 9.30 am to adjournment, and standing order 54(5) shall apply to the adjournment debate as if it were Tuesday; and
- (b) government business shall take precedence over general business from not later than 4.30 pm to 6 pm".

*Statements by leave:* Senators Brown and Ian Campbell, by leave, made statements relating to the motion.

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

Main question, as amended, put and passed.

**11 JOURNALISM—MS NATALIE O'BRIEN**

Senator Mackay, at the request of Senator Cook and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 291—That the Senate—

- (a) congratulates Ms Natalie O'Brien for maintaining the highest standards of Australian journalism in reporting the fact that the 'Children Overboard' incident never happened and on receiving the Perth Press Club Award, an honourable mention at this year's George Munster Award for Independent Journalism and a nomination for, and an honourable mention in, this year's Walkley Award for journalist of the year; and
- (b) notes that:

- (i) in reporting her award the *Australian* stated that, ‘the story broke through the wall of official misinformation surrounding the “children overboard” affair. The resulting furore became a major factor in the 2001 federal election campaign. The story forced the Prime Minister to release the video of the episode and sparked a departmental enquiry’,
- (ii) the Select Committee on A Certain Maritime Incident records, at 6.194 of its report, that Ms O’Brien’s article reported comments from Christmas Island residents claiming that HMAS *Adelaide* crew members had said that children had not been thrown overboard,
- (iii) the report notes at 2.53-4 that the strictly centralised control of information through the Minister’s office meant that:
  - (A) Defence was unable to put out even factual material without transgressing the public affairs plan,
  - (B) the instruction that no information was to be released to the media by Defence personnel was explicitly reinforced on the day after Minister Reith had been told by Air Marshall Houston that no children were thrown overboard from SIEV 4, and
  - (C) as Mr Humphreys said, ‘no public correction to information could be made unless the Minister agreed to those misrepresentations being corrected’,
- (iv) consequently, legitimate inquiries by the media were not answered and, by Ministerial directive, were required to be referred to the Minister who did not answer them, and
- (v) the publication by the *Australian* of Ms O’Brien’s article played a key role in bringing to light the truth about the alleged children overboard incident.

Question put and passed.

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

Senator Ferris, 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. 286—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 10 December 2002.

Question put and passed.

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

A message from the House of Representatives was reported indicating that the House had made the amendment requested by the Senate to the following bill:

Message no. 205, dated 3 December 2002—Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the bill was read a third time.

**14 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (AUSTRALIANS WORKING TOGETHER AND OTHER 2001 BUDGET MEASURES) BILL 2002**

A message from the House of Representatives was reported as follows:

Message no. 206, dated 3 December 2002—Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002, requesting the Senate to reconsider the bill as originally transmitted to the Senate by the House of Representatives.

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 a later hour.

**15 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS—BUDGET MEASURES) BILL 2002 [NO. 2]  
COMMONWEALTH VOLUNTEERS PROTECTION BILL 2002**

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

Message no. 207, dated 4 December 2002—A Bill for an Act to change the Pharmaceutical Benefits Scheme, and for related purposes.

Message no. 208, dated 4 December 2002—A Bill for an Act to protect volunteers working for the Commonwealth from civil liability, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

*Leave refused:* Senator Ian Campbell sought leave to incorporate the second reading speech in *Hansard*.

An objection was raised and leave was not granted.

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*Documents:* Senator Ian Campbell tabled the following documents:

Second reading speeches [2] relating to the bills.

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

Question put and passed.

**16 TRADE PRACTICES AMENDMENT BILL (NO. 1) 2002**  
**CHARTER OF THE UNITED NATIONS AMENDMENT BILL 2002**

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

Message no. 209, dated 4 December 2002—A Bill for an Act to amend the *Trade Practices Act 1974*, and for related purposes.

Message no. 210, dated 4 December 2002—A Bill for an Act to amend the *Charter of the United Nations Act 1945*, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

On the motion of Senator Ludwig the debate was adjourned.

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

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

Question put and passed.

**17 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS**  
**REFERENCES COMMITTEE—REPORT—AUSTRALIA'S URBAN WATER MANAGEMENT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison) tabled the following report and documents:

Environment, Communications, Information Technology and the Arts References Committee—The value of water: Inquiry into Australia's management of urban water—Report, dated December 2002, *Hansard* record of proceedings [9 vols], documents presented to the committee and submissions [82].

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

Senator Allison moved—That the Senate take note of the report.

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

**18 RESEARCH INVOLVING EMBRYOS BILL 2002**

Order of the day read for the further consideration of the bill in committee of the whole.

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*In the committee*

Consideration resumed of the bill, as amended—and of the amendments moved by Senator Harradine:

Clause 29, page 20 (line 10), after “licence”, insert “and the reasons for the decision to issue a licence”.

Clause 29, page 20 (before line 8), before paragraph (a), insert:

- (aa) the membership of the HREC which approved the activity for which a licence was granted;

Clause 29, page 20 (after line 20), at the end of the clause, add:

- (5) Information mentioned in subsection (1) must be made available on the NHMRC Licensing Committee Internet site within 30 days of the HREC assessment.

Debate resumed.

Senator Harradine, by leave, withdrew the amendments.

Question—That the bill, as amended, be agreed to—divided in respect of clause 30.

Clause 30 debated and agreed to.

Senator Harradine moved the following amendment:

Clause 29, page 20 (lines 19 and 20), omit subclause (4).

Debate ensued.

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

Consideration resumed of the amendment moved by Senator Barnett and postponed on 4 December 2002:

Clause 11, page 10 (lines 16 to 25), omit subclause (2), substitute:

- (2) In this section:

*ART program* means an assisted reproductive technology program carried out in accordance with regulations as prescribed from time to time.

Senator Barnett, by leave, withdrew the amendment.

On the motion of Senator Barnett the following amendments, taken together by leave, were debated and agreed to:

Clause 11, page 10 (lines 12 to 14), omit paragraph (1)(b), substitute:

- (b) the use is not for a purpose relating to the assisted reproductive technology treatment of a woman carried out by an accredited ART centre, and the person knows or is reckless as to that fact.

Clause 11, page 10 (lines 16 to 25), omit subclause (2).

Senator Harradine moved the following amendment:

Page 22 (after line 6), at the end of Division 5, add:

**30A Public interest disclosure**

- (1) A person may make a public interest disclosure about conduct arising from Division 3 or 4 of this Act if:
  - (a) the person has information about the conduct; and
  - (b) the conduct relates to one or more of the following:
    - (i) conflict of interest;
    - (ii) malpractice or maladministration;
    - (iii) corruption;
    - (iv) substantial and specific danger to public health or safety.

- (2) The conduct referred to in subsection (1) may relate to members of the NHMRC, the NHMRC Licensing Committee, staff or contractors of the NHMRC or any of its committees, or a licence holder.
- (3) A person is declared not to be liable civilly, criminally or under an administrative process for making a public interest disclosure provided that the disclosure is made to an appropriate entity.
- (4) An *appropriate entity* for the purposes of subsection (3) is any one or more of the following:
- (a) the Commonwealth Ombudsman;
  - (b) the Australian Public Service Commissioner;
  - (c) the Commissioner of the Australian Federal Police;
  - (d) the Auditor-General for the Commonwealth of Australia;
  - (e) the Chief Executive Officer of the Australian Customs Service;
- any one or more of whom may investigate the conduct disclosed in accordance with their usual powers and procedures.

Debate ensued.

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

Senator Bishop moved the following amendment:

Clause 31, page 23 (line 20), at the end of the definition of *eligible person*, add:  
 ; or (f) a responsible person, as defined under section 8 of this Act; or  
 (g) any other person who is acting in the public interest.

Debate ensued.

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

Senator Barnett moved the following amendment:

Clause 42, page 29 (lines 4 to 7), omit the clause, substitute:

**42 Operation of State laws**

Nothing in this Act is to be taken to affect the operation of any law of a State that prohibits absolutely the use of excess ART embryos, or that imposes additional conditions, whether consistent or inconsistent with this Act, on the use of such embryos.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 29

Senators—

Alston	Collins	Heffernan	Murphy
Barnett	Conroy	Hogg	Santoro
Bishop	Eggleston	Hutchins	Sherry
Boswell	Ellison	Lightfoot	Stephens
Brandis	Ferguson	Macdonald, Sandy	Watson
Buckland	Forshaw	Mason	
Calvert	Harradine	McGauran (Teller)	
Chapman	Harris	Minchin	

NOES, 43

Senators—

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

Question negatived.

*Limitation of debate:* The time allotted for the consideration of amendments to Parts 3, 4 and 5 and any remaining amendments expired.

The following amendment circulated by Senator Barnett was negatived:

Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Sections 13 to 41	The 28th day after the day on which this Act receives the Royal Assent
5. Section 42	At the end of the period of 6 months beginning on the day on which this Act receives the Royal Assent
6. Sections 43 to 48	The 28th day after the day on which this Act receives the Royal Assent

Question—That the bill, as amended, be agreed to—divided in respect of Part 5, Division 1.

Part 5, Division 1 agreed to.

The following amendment circulated by Senators Stott Despoja and McLucas was agreed to:

Clause 47, page 33 (line 24), at the end of subclause (4), add:  
; (d) the applicability of establishing a National Stem Cell Bank.

The following amendment circulated by Senator Nettle was negatived:

Clause 47, page 33 (line 31), after paragraph (6)(b), insert:  
and (c) the general public;

The following amendment circulated by Senator Murphy was agreed to:

Clause 47, page 33 (line 14), after “Governments”, insert “and both Houses of the Parliament”.

The following amendment circulated by Senator Bishop was negatived:

Division 2, page 33 (line 2) to page 34 (line 7), omit the Division, substitute:

**Division 2—Review of Act****47 Review of operation of Act**

- (1) As soon as practicable after the second anniversary of the day on which this Act received the Royal Assent, a joint committee of members of the Parliament, to be known as the Parliamentary Joint Committee into Research Involving Human Embryos, must be appointed to review the operation of this Act.
- (2) The Parliamentary Joint Committee must consist of 12 members of whom:
  - (a) 6 must be senators appointed by the Senate; and
  - (b) 6 must be members of the House of Representatives appointed by that House.
- (3) The appointment of members by a House must be in accordance with that House's practice relating to the appointment of members of that House to serve on joint select committees of both Houses.
- (4) A person is not eligible for appointment as a member if he or she is:
  - (a) a Minister; or
  - (b) the President of the Senate; or
  - (c) the Speaker of the House of Representatives; or
  - (d) the Deputy President and Chairman of Committees of the Senate; or
  - (e) the Deputy Speaker and Chairman of Committees of the House of Representatives.
- (5) A member ceases to hold office:
  - (a) when the House of Representatives expires or is dissolved; or
  - (b) if he or she becomes the holder of an office referred to in a paragraph of subsection (4); or
  - (c) if he or she ceases to be a member of the House by which he or she was appointed; or
  - (d) if he or she resigns his or her office as provided by subsection (6) or (7), as the case requires.
- (6) A member appointed by the Senate may resign his or her office by writing signed and delivered to the President of the Senate.
- (7) A member appointed by the House of Representatives may resign his or her office by writing signed and delivered to the Speaker of that House.
- (8) A House may appoint one of its members to fill a vacancy among the members of the Parliamentary Joint Committee appointed by that House.
- (9) The review must be completed within 3 years.
- (10) The Parliamentary Joint Committee in undertaking the review must consider and report on the scope and operation of this Act and such matters as may be referred to it by either House of Parliament.
- (11) The report must contain recommendations about amendments (if any) that should be made to this Act.

The following amendment circulated by Senator Nettle was considered:

Page 34 (after line 7), after Division 2, insert:

**Division 2A—National Public Human Stem Cell Bank**

**47A National Public Human Stem Cell Bank**

- (1) The AHEC of the NHMRC must commence investigating the establishment of a National Public Human Stem Cell Bank, on the day after the day on which this Act receives the Royal Assent.
- (2) The investigation must be undertaken in consultation with the general public and with relevant experts in the following areas:
  - (a) research ethics;
  - (b) a relevant area of research;
  - (c) assisted reproductive technology;
  - (d) a relevant area of law;
  - (e) consumer health issues relating to disability and disease;
  - (f) consumer issues relating to assisted reproductive technology;
  - (g) regulation of assisted reproductive technology;
  - (h) embryology.
- (3) The AHEC must include in its report of the investigation draft protocols for the establishment, management, operation and control of the National Public Human Stem Cell Bank with recommendations for a legislative framework.
- (4) A report of the investigation must be presented by the NHMRC to both Houses of Parliament not later than 1 July 2003.
- (5) In this section:
 

**National Public Human Stem Cell Bank** means an independent institution that:

  - (a) will provide a repository for human stem cell lines; and
  - (b) will make human stem cell lines available to accredited bodies for approved research; and
  - (c) may have additional related functions.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 26

Senators—

Alston	Collins	Hogg	Nettle
Barnett	Eggleston	Hutchins	Santoro
Bishop	Ellison	Lightfoot	Sherry
Boswell	Forshaw	Macdonald, Sandy	Stephens
Brown	Harradine	McGauran (Teller)	Watson
Buckland	Harris	Minchin	
Chapman	Heffernan	Murphy	

## NOES, 42

Senators—

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

Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments and with an amendment to the title.

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

On the motion of the Minister for Health and Ageing (Senator Patterson) the report from the committee was adopted.

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

Debate ensued.

*Limitation of debate:* The time allotted for the consideration of the bill expired.

Question—That the bill be now read a third time—put.

The Senate divided—

## AYES, 45

Senators—

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

NOES, 26

Senators—

Alston	Chapman	Harris	Minchin
Barnett	Collins	Heffernan	Murphy
Bishop	Coonan	Hogg	Santoro
Boswell	Eggleston	Hutchins	Sherry
Brown	Ellison	Lightfoot	Stephens
Buckland (Teller)	Forshaw	Macdonald, Sandy	
Calvert	Harradine	McGauran	

Question agreed to.

Bill read a third time.

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*After 12.45 pm—*

**19 CHARTER OF THE UNITED NATIONS AMENDMENT BILL 2002**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

**20 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

**21 TRADE PRACTICES AMENDMENT BILL (NO. 1) 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.

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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

## 22 WORKPLACE RELATIONS LEGISLATION AMENDMENT BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

*Suspension of sitting:* On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

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*At 2 pm—*

## 23 QUESTIONS

Questions without notice were answered.

## 24 PARLIAMENT HOUSE—WATER CONSUMPTION—STATEMENT BY PRESIDENT—DOCUMENT

The President made a statement relating to water consumption within the parliamentary precincts and tabled the following document:

Parliament House—Measures to restrict water consumption—Parliament House—Water usage, dated December 2002—Paper prepared by the Joint House Department.

## 25 DEFENCE—NATIONAL SECURITY—ANSWERS TO QUESTIONS

Senator Mackay moved—That the Senate take note of the answers given by the Minister for Justice and Customs (Senator Ellison) to questions without notice asked by Senators Mackay and Bolkus today relating to national security.

Debate ensued.

Question put and passed.

## 26 FOREIGN AFFAIRS—EAST TIMOR—DOCUMENT

The Minister for Defence (Senator Hill) tabled the following document:

Foreign Affairs—East Timor—Travel advice for East Timor—Copy of advice from the Department of Foreign Affairs and Trade website, issued on 30 October 2002.

**27 REMUNERATION TRIBUNAL—JUDICIAL REMUNERATION—REVIEW—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**

The Minister for Defence (Senator Hill), by leave, made a statement relating to the order of the Senate of 3 December 2002 for the production of documents relating to judicial and related offices' remuneration and, pursuant to that order, tabled the following document:

Remuneration Tribunal—Judicial remuneration—Review—Copy of submission by the Attorney-General (Mr Williams) on behalf of the Commonwealth Government to the Remuneration Tribunal's review of judicial and related offices' remuneration, dated April 2002.

**28 URGENCY MOTION—FOREIGN AFFAIRS—PRE-EMPTIVE MILITARY ACTION**

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

The need for the Prime Minister (Mr Howard) to act to limit the continuing damage to our nation arising from his comments on pre-emptive strikes, and to restore confidence in Australia as a constructive and non-belligerent neighbour in our region.

The proposal was supported by 4 senators.

Senator Brown moved the motion.

Debate ensued.

Question put and passed.

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*At 4.30 pm—*

**29 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Family and Community Services (Senator Vanstone) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Taxation Laws Amendment (Structured Settlements) Bill 2002).

Question put and passed.

**30 TAXATION LAWS AMENDMENT (STRUCTURED SETTLEMENTS) 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.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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Bill further debated.

On the motion of Senator Coonan the following amendments, taken together by leave, were debated and agreed to:

Title, page 1 (line 9), after “**settlements**”, insert “**and structured orders**”.

Clause 1, page 1 (line 14), after “*Settlements*”, insert “*and Structured Orders*”.

Schedule 1, heading, page 3 (line 2), at the end of the heading, add “**and structured orders**”.

Schedule 1, item 1, page 3 (line 8), at the end of the heading to Division 54, add “**and structured orders**”.

Schedule 1, item 1, page 3 (line 19), after “settlements”, insert “and structured orders”.

Schedule 1, item 1, page 3 (line 20), after “settlement is”, insert “and what a structured order is”.

Schedule 1, item 1, page 4 (lines 2 to 16), omit section 54-5, substitute:

**54-5 Definitions**

In this Division:

***date of the settlement or order:***

- (a) for a \*structured settlement, means:
  - (i) the date on which the agreement that is the structured settlement was entered into; or
  - (ii) if that agreement depends, for its effectiveness, on being approved (however described) by an order of a court, or on being embodied in a consent order made by a court, the date on which that order was made; and
- (b) for a \*structured order, means the date on which the order was made.

***personal injury annuity*** means an \*annuity:

- (a) that is purchased under the terms of a \*structured settlement as mentioned in paragraph 54-10(1)(e); or
- (b) that is purchased under the terms of a \*structured order as mentioned in paragraph 54-10(1A)(e).

***personal injury lump sum*** means a lump sum:

- (a) that is purchased under the terms of a \*structured settlement as mentioned in paragraph 54-10(1)(e); or
- (b) that is purchased under the terms of a \*structured order as mentioned in paragraph 54-10(1A)(e).

Schedule 1, item 1, page 4 (line 17), at the end of the heading to section 54-10, add “**and structured order**”.

Schedule 1, item 1, page 5 (after line 17), after subsection (1), insert:

- (1A) A **structured order** is an order of a court that satisfies the following conditions:
- (a) the order is made in respect of a claim that:
    - (i) is for compensation or damages for, or in respect of, personal injury suffered by a person (the **injured person**); and
    - (ii) is made by the injured person or by his or her \*legal personal representative;
  - (b) the order is not an order approving or endorsing an agreement as mentioned in paragraph (1)(d);
  - (c) the claim is based on the commission of a wrong, or on a right created by statute;
  - (d) the claim is made against a person (the **defendant**) and satisfies the following conditions:
    - (i) the claim is not made against the defendant in his or her capacity as an \*employer, or \*associate of an employer, of the injured person;
    - (ii) the claim is not made under a \*workers’ compensation law, and is not made as an alternative to a claim under such a law;
  - (e) under the terms of the order, some or all of the compensation or damages is to be used by the defendant (or by a person with whom the defendant has insurance against the liability to which the claim relates) to purchase from one or more \*life insurance companies or State insurers:
    - (i) an \*annuity or annuities to be paid to the injured person, or to a trustee for the benefit of the injured person; or
    - (ii) such an annuity or annuities, together with one or more lump sums that are also to be paid to the injured person, or to a trustee for the benefit of the injured person.

Schedule 1, item 1, page 5 (line 18), omit “paragraph (1)(e)”, substitute “paragraphs (1)(e) and (1A)(e)”.

Schedule 1, item 1, page 5 (line 28), after “agreement”, insert “, or in the order”.

Schedule 1, item 1, page 5 (lines 31 and 32), omit “**structured settlement annuities**”, substitute “**personal injury annuities**”.

Schedule 1, item 1, page 6 (line 8), omit “**Structured settlement annuity**”, substitute “**Personal injury annuity**”.

Schedule 1, item 1, page 6 (line 9), omit “\*structured settlement annuity”, substitute “\*personal injury annuity”.

Schedule 1, item 1, page 6 (line 17), after “settlement”, insert “or order”.

Schedule 1, item 1, page 6 (line 24), after “settlement”, insert “or \*structured order”.

Schedule 1, item 1, page 8 (line 5), after “settlement”, insert “or order”.

- Schedule 1, item 1, page 8 (line 9), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 9 (line 5), after “settlement”, insert “or \*structured order”.
- Schedule 1, item 1, page 9 (line 12), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 9 (line 22), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 9 (line 33), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 10 (line 13), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 10 (lines 20 and 21), omit “**structured settlement lump sums**”, substitute “**personal injury lump sums**”.
- Schedule 1, item 1, page 11 (line 2), omit “**Structured settlement lump sum**”, substitute “**Personal injury lump sum**”.
- Schedule 1, item 1, page 11 (line 3), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.
- Schedule 1, item 1, page 11 (line 5), omit “\*structured settlement annuity”, substitute “\*personal injury annuity”.
- Schedule 1, item 1, page 11 (line 6), after “settlement”, insert “or \*structured order”.
- Schedule 1, item 1, page 11 (line 13), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.
- Schedule 1, item 1, page 11 (line 14), after “settlement”, insert “or order”.
- Schedule 1, item 1, page 11 (line 21), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.
- Schedule 1, item 1, page 11 (line 23), after “settlement”, insert “or \*structured order”.
- Schedule 1, item 1, page 12 (line 2), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.
- Schedule 1, item 1, page 13 (line 4), omit “\*structured settlement annuity”, substitute “\*personal injury annuity”.
- Schedule 1, item 1, page 13 (lines 17 and 18), omit “\*structured settlement annuity or a \*structured settlement lump sum”, substitute “\*personal injury annuity or a \*personal injury lump sum”.
- Schedule 1, item 1, page 14 (line 10), after “**settlements**”, insert “**and orders**”.
- Schedule 1, item 1, page 14 (lines 20 and 21), omit “structured settlement provisions”, substitute “structured settlements and orders provisions”.
- Schedule 1, item 1A, page 15 (line 1), omit “\*structured settlement annuity”, substitute “\*personal injury annuity”.
- Schedule 1, item 1A, page 15 (line 3), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.
- Schedule 1, item 2, page 15 (line 9), at the end of the heading to Division 2A, add “**and structured orders**”.
- Schedule 1, item 2, page 15 (after line 14), after the definition of *date of the settlement*, insert:

*structured order* has the same meaning as it has in Division 54 of the *Income Tax Assessment Act 1997*.

Schedule 1, item 2, page 16 (line 12), after “settlements”, insert “and structured orders”.

Schedule 1, item 4, page 17 (line 10), after “settlements”, insert “and structured orders”.

Schedule 1, item 5, page 17 (line 17), after “settlements”, insert “and structured orders”.

Schedule 1, item 6, page 17 (lines 19 to 21), omit the item, substitute:

**6 Section 11-15 (after the table item headed “social security or like payments”)**

Insert:

**structured settlements and structured orders**

annuities and lump sums..... Subdivisions 54-B,  
54-C and 54-D

Schedule 1, item 10, page 18 (lines 8 and 9), omit the definition of *date of the settlement*, substitute:

*date of the settlement or order*, for a \*structured settlement or a \*structured order, has the meaning given by section 54-5.

Schedule 1, item 11, page 18 (line 13), after “settlement”, insert “or a \*structured order”.

Schedule 1, item 12, page 18 (lines 16 and 17), omit the definition of *injured person*, substitute:

***injured person:***

- (a) in relation to a \*structured settlement, has the meaning given by subparagraph 54-10(1)(a)(i); and
- (b) in relation to a \*structured order, has the meaning given by subparagraph 54-10(1A)(a)(i).

Schedule 1, item 12A, page 18 (line 20), omit “\*structured settlement lump sum”, substitute “\*personal injury lump sum”.

Schedule 1, page 18 (after line 20), after item 12A, insert:

**12B Subsection 995-1(1)**

Insert:

*personal injury annuity* has the meaning given by section 54-5.

**12C Subsection 995-1(1)**

Insert:

*personal injury lump sum* has the meaning given by section 54-5.

**12D Subsection 995-1(1)**

Insert:

*structured order* has the meaning given by section 54-10.

Schedule 1, item 16, page 20 (line 9), at the end of the heading to Division 54, add “**and structured orders**”.

Schedule 1, item 16, page 20 (line 17), after “settlement”, insert “or order”.

Schedule 1, item 16A, page 21 (line 8), after “settlement”, insert “or order”.

Schedule 1, item 17, page 22 (line 6), after “settlement”, insert “, or under a structured order.”.

Schedule 1, item 17, page 22 (line 7), omit “date of the settlement (within the meaning of that Division)”, substitute “date of the settlement or order”.

Schedule 1, item 17, page 22 (after line 8), at the end of the item, add:

- (2) In subitem (1), **structured settlement**, **structured order** and **date of the settlement or order** have the same meanings as they have in Division 54 of the *Income Tax Assessment Act 1997*.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 14 and 15.

Question—That Schedule 1, items 14 and 15 stand as printed—put and negatived.

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

Schedule 1, item 1, page 5 (lines 8 to 17), omit paragraph (e), substitute:

- (e) under the terms of the settlement, some or all of the compensation or damages is to be used by the defendant, a person with whom the defendant has insurance against the liability to which the claim relates, the injured person or the injured person’s legal personal representative to purchase from one or more \*life insurance companies or State insurers:
- (i) an \*annuity or annuities to be paid to the injured person, or to a trustee for the benefit of the injured person; or
  - (ii) such an annuity or annuities, together with one or more lump sums that are also to be paid to the injured person, or to a trustee for the benefit of the injured person.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 1, page 4 (after line 10), after the definition of **date of settlement**, insert:

**life expectancy** has the same meaning as **life expectation factor** has in section 27H of the *Income Tax Assessment Act 1936*.

Schedule 1, item 1, page 7 (line 9), omit subsection (1)(b), substitute:

- (b) for the life of the injured person; or
- (c) in the event of the death of the injured person for the period of the \*life expectancy of the injured person; whichever period is chosen by the injured person and specified in the \*annuity instrument.

Schedule 1, item 1, page 8 (lines 3 to 15), omit subsections (1) and (2), substitute:

- (1) This section applies where a person:

- (a) has purchased an \*annuity instrument for a period of at least 10 years; or
- (b) has purchased an \*annuity instrument for a period of life expectancy.
- (2) The \*annuity instrument may specify a period (the *guarantee period*) of:
  - (a) up to 10 years; or
  - (b) life expectancy;
 after the date of settlement, during which, if the \*injured person dies, the payments (the *remaining payments*) for the remainder of the guarantee period that would have been paid to the injured person are to be paid instead to:
  - (c) the injured person’s estate; or
  - (d) a reversionary beneficiary.

Note: For tax exemptions in this situation, see sections 54-65 and 54-70.

Debate ensued.

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

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

Schedule 1, item 1, page 5 (after line 30), at the end of section 54-10, add:

- (4) Before entering into a \*structured settlement, the injured person must obtain independent financial advice about the best choices and the process and consequences of entering into a \*structured settlement.

On the motion of Senator Coonan the following amendments, taken together by leave, were agreed to:

Schedule 1, item 1, page 8 (lines 26 to 28), omit subsection (5), substitute:

- (5) The amount of the lump sum under subparagraph (3)(b)(ii) or subsection (4) is the \*policy termination value of the \*life insurance policy that is the \*annuity instrument, as calculated by an \*actuary as at the date of the injured person’s death. In making this calculation, the following are to be disregarded:
  - (a) any payments of the annuity due to be made after the end of the guarantee period;
  - (b) any \*structured settlement lump sums that are also provided for by that policy.

Schedule 1, item 1, page 10 (line 1), omit the formula, substitute:

Most recently published \* All Groups  
Consumer Price Index number  
for a \*quarter

-----  
\*All Groups Consumer Price Index number  
for the same \*quarter in the base year

where:

*base year* means:

- (a) if there have been one or more previous years for which the indexation factor was greater than 1—the year ending immediately before the most recent year for which the indexation factor was greater than 1; or
- (b) otherwise—the year ending immediately before the \*date of the settlement or order.

Schedule 1, item 1, page 13 (line 11), omit “making up the lump sum worked out”, substitute “taken into account in working out the amount of the lump sum”.

Schedule 1, page 15 (after line 4), after item 1A, insert:

**1B Subsection 995-1(1)**

Insert:

*policy termination value*, in relation to a \*life insurance policy at a particular time, means the amount that is, within the meaning of the \*Solvency Standard, the termination value of that policy at that time.

Schedule 1, item 2, page 15 (lines 12 to 14), omit the definition of *date of the settlement*.

Bill, as amended, agreed to.

Bill to be reported with amendments and with an amendment to the title.

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

On the motion of Senator Coonan the report from the committee was adopted and the bill read a third time.

**31 TELECOMMUNICATIONS COMPETITION 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.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

**32 DOCUMENTS**

The following documents were tabled by the Clerk:

Defence Act—Determination under section—

58B—Defence Determination 2002/26.

58H—Defence Force Remuneration Tribunal—Determinations Nos 22, 24 and 25 of 2002.

Financial Management and Accountability Act—Regulations—Statutory Rules 2002 No. 298.

Fisheries Management Act—Regulations—Statutory Rules 2002 No. 283.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2002 No. 301.

Health Insurance Act—

HS/11/2002—Health Insurance (Accredited Pathology Laboratories—Approval) Principles 2002.

HS/12/2002—Health Insurance (Approved Pathology Undertakings) Approval 2002.

HS/13/2002—Health Insurance (Application for Acceptance of Approved Pathology Practitioner Undertaking) Determination 2002.

HS/14/2002—Health Insurance (Application for Acceptance of Approved Pathology Authority Undertaking) Determination 2002.

Horticulture Marketing and Research and Development Services Act—Regulations—Statutory Rules 2002 No. 284.

*Income Tax Assessment Act 1936*—Regulations—Statutory Rules 2002 No. 302.

International Transfer of Prisoners Act—Regulations—Statutory Rules 2002 No. 296.

Migration Act—Regulations—Statutory Rules 2002 No. 299.

Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2002 No. 300.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2002 Nos 286 and 289.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 Nos 287 and 290.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2002 Nos 288 and 291.

Primary Industries Levies and Charges Collection Act, National Residue Survey (Customs) Levy Act and National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2002 No. 292.

Quarantine Act—Regulations—Statutory Rules 2002 No. 285.

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2002 (No. 2).

Spirits Act—Regulations—Statutory Rules 2002 No. 303.

Superannuation Industry (Supervision) Act—Request from Minister to APRA, dated 8 October 2002.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 12/02.

Telecommunications Act—Regulations—Statutory Rules 2002 No. 297.

### 33 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, moved—That senators be discharged from and appointed to committees as follows:

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

Appointment—Substitute member: Senator Moore to replace Senator Wong for the committee's inquiries into the role of libraries as providers of public information in the online environment and the Australian telecommunications network on Friday, 6 December 2002

**Treaties—Joint Standing Committee—**

Discharged—Senator Stott Despoja.

Question put and passed.

**34 NOTICE**

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, gave a notice of motion as follows: 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:

Taxation Laws Amendment (Venture Capital) Bill 2002  
Venture Capital Bill 2002.

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*Document:* Senator Alston tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2002 spring sittings.

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*General business was called on.*

**35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to government documents were considered:

Film Finance Corporation Australia Limited—Report for 2001-02. Motion of Senator Marshall to take note of the document agreed to.

International Air Services Commission—Report for 2001-02. Motion of Senator Marshall to take note of the document agreed to.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

CrimTrac Agency—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Land and Water Resources Research and Development Corporation (Land and Water Australia) and Land and Water Australia Selection Committee—Reports for 2001-02. Motion of Senator O'Brien to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Registration Authority for Agricultural and Veterinary Chemicals—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Fisheries Research and Development Corporation—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Dairy Research and Development Corporation and Dairy Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Rural Industries Research and Development Corporation and Rural Industries Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report—Visits to immigration detention facilities by the Human Rights Commissioner 2001, August 2002. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Grains Research and Development Corporation—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Dairy Adjustment Authority—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Wine and Brandy Corporation—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Grape and Wine Research and Development Corporation and Grape and Wine Research and Development Corporation Selection Committee—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Fisheries Management Authority—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Defence Housing Authority—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Export Finance and Insurance Corporation (EFIC)—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Electoral Commission—Report for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Australian Trade Commission (AUSTRADE)—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Department of the Prime Minister and Cabinet—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Safeguards and Non-Proliferation Office—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Strategic Policy Institute Limited—Report for the period 22 August 2001 to 30 June 2002. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Australian Greenhouse Office—Report for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Film Australia Limited—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Film, Television and Radio School—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australia Council—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

National Gallery of Australia—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

National Library of Australia—Report for 2001-02. Motion of Senator Tierney to take note of document agreed to.

Australian Film Commission—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Sports Commission—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Bundanon Trust—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2002/2003-2004/2005. Motion of Senator Marshall to take note of document agreed to.

Centrelink—Report for 2001-02. Motion of Senator Marshall to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Indigenous Land Corporation—Report for 2001-02. Motion of Senator Marshall to take note of document agreed to.

Indigenous Land Corporation—National Indigenous Land Strategy—Changes to strategy, 18 September 2002. Motion of Senator Marshall to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Administrative Appeals Tribunal—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Cotton Research and Development Corporation and Cotton Research and Development Corporation Selection Committee—Reports for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2001-02. Motion to take note of document moved by Senator Forshaw. Debate adjourned till Thursday at general business, Senator Forshaw in continuation.

Department of Family and Community Services—Report for 2001-02—Volume 1. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Family and Community Services—Report for 2001-02—Volume 2. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Social Security Appeals Tribunal—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Great Barrier Reef Marine Park Authority—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Review Tribunal—Report for 2001-02. Motion to take note of document moved by Senator Bartlett and agreed to.

Australian Security Intelligence Organisation—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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 *Hazardous Waste (Regulation of Exports and Imports (Act) 1989*, the *Protection of Movable Cultural Heritage Act 1986* and the *Ozone Protection Act 1989*. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Equal Opportunity for Women in the Workplace Agency—Report for 1 June 2001 to 31 May 2002. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Employment Advocate—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Veterans' Review Board—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Heritage Commission—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Sydney Harbour Federation Trust—Report for the period 20 September 2001 to 30 June 2002. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Refugee Review Tribunal—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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*. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal and Torres Strait Islander Commission—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Commonwealth Ombudsman—Report for 2001-02, including a report of the Defence Force Ombudsman and a report pursuant to the *Complaints (Australian Federal Police) Act 1981*. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*Housing Assistance Act 1996*—Report for 1999-2000 on the operation of the 1996 Commonwealth-State Housing Agreement. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Human Rights and Equal Opportunity Commission—Report—No. 21—Inquiry into a complaint by six asylum seekers concerning their transfer from immigration detention centres to state prisons and their detention in those prisons. Motion of Senator Nettle to take note of the document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business

Wet Tropics Management Authority—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Gene Technology Regulator—Quarterly report for the period 1 January to 30 March 2002. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2002. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaty—*Multilateral*—Text of the proposed treaty action together with the national interest analysis and the current status list—Amendments, done at Bonn, Germany on 24 September 2002, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaty—*Multilateral*—Text of the proposed treaty action together with the national interest analysis and the 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. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaty—*Multilateral*—Text of the proposed treaty action together with the national interest analysis—International Treaty on Plant Genetic Resources for Food and Agriculture (Rome, 3 November 2001). Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaty—*Multilateral*—Text of the proposed treaty action together with the 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. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Bankstown Airport Limited—Report for 2001-02. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Bankstown Airport Limited—Statement of corporate intent 2002. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 41-44, 46, 47, 49-63, 65-67, 71-76, 78-93, 95-99, 101-104, 106-109, 112-116, 120-125, 127-137, 140-143, 145-147, 149-156, 158-162, 164-169, 172, 173, 175-194, 198, 199 and 202-207 relating to government documents were called on but no motion was moved.

*General business concluded.*

### 36 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Legal and Constitutional References Committee—Report—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters. Motion of Senator Harris to take note of report debated and agreed to.

Legal and Constitutional References Committee—Report—Outsourcing of the Australian Customs Service's information technology—Government response. Motion of Senator Lundy to take note of document agreed to.

Superannuation and Financial Services—Select Committee—Report—Prudential supervision and consumer protection for superannuation, banking and financial services—Second report: Some case studies—Government response. Motion of Senator Bartlett to take note of document agreed to.

Superannuation and Financial Services—Select Committee—Report—Prudential supervision and consumer protection for superannuation, banking and financial services: First report—Government response. Motion of Senator Bartlett to take note of document agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Regulations and ASIC policy statements made under the *Financial Services Reform Act 2001*. Motion of the chair of the committee (Senator Chapman) to take note of report debated and agreed to.

Economics References Committee—Report—A review of public liability and professional indemnity insurance. Motion of the chair of the committee (Senator Collins) to take note of report agreed to.

**37 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

Orders of the day relating to reports of the Auditor-General were called on but no motion was moved.

**38 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 8.11 pm till Monday, 9 December 2002 at 12.30 pm.

**39 ATTENDANCE**

Present, all senators except Senator Kemp.

**HARRY EVANS**  
Clerk of the Senate