

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 2 pm. The Deputy President (Senator Hogg) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Administrative Review Council—Report—Council of Australasian Tribunals, October 2002.

Audio-Visual Copyright Society Ltd (Screenrights)—Report for 2001-02.

Australian Broadcasting Corporation—Equity and diversity—Report for 1 September 2001 to 31 August 2002.

Australian Trade Commission (AUSTRADE)—Export Market Development Grants—List of grant recipients for 2001-02.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2001-02.

Copyright Agency Limited—Report for 2001-02.

Department of Communications, Information Technology and the Arts—Report—Review of the operation of Schedule 6 of the *Broadcasting Services Act 1992* (Datacasting services), December 2002.

Human Rights and Equal Opportunity Commission—Reports—

No. 22—Inquiry into a complaint by Mr XY concerning his continuing detention despite having completed his criminal sentence.

No. 23—Inquiry into a complaint by Mr Hassan Ghomwari concerning his immigration detention and the adequacy of the medical treatment he received while detained.

No. 24—Inquiry into complaints by five asylum seekers concerning their detention in the separation and management block at the Port Hedland Immigration Reception and Processing Centre.

No. 25—Inquiry into a complaint by Mr Mohammed Badraie on behalf of his son Shayan regarding acts or practices of the Commonwealth of Australia (the Department of Immigration and Multicultural and Indigenous Affairs).

National Road Transport Commission—Report for 2001-02—Erratum.

Productivity Commission—

Report—No. 22—Radiocommunications, 1 July 2002.

Report—No. 22—Radiocommunications—Government response.

Remuneration Tribunal—Report for 2001-02.

Telecommunications Act 1997—Funding of consumer representation grants and research grants in relation to telecommunications—Report for 2001-02.

Tiwi Land Council—Report for 2001-02.

3 QUESTIONS

Questions without notice were answered.

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

Foreign Affairs—Bali—Terrorist attacks—Report by the Inspector-General of Intelligence and Security—Bali terrorist attack of 12 October 2002, dated December 2002.

4 DEFENCE—FUNDING AND ADMINISTRATION—ANSWERS TO QUESTIONS

Senator Evans moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked by opposition senators today relating to the funding and administration of the Department of Defence.

Debate ensued.

Question put and passed.

5 CULTURE AND THE ARTS—FILM INDUSTRY—ANSWER TO QUESTION

Senator Ridgeway moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Ridgeway today relating to the film industry.

Question put and passed.

6 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 728 petitioners, requesting that the Senate repeal legislation that forces children seeking refugee status in Australia to be held in detention.

Senator Reid, from 68 petitioners, requesting that the Senate support the Australian Democrats' motion opposing Australia's involvement in pre-emptive military action or a first strike against Iraq and call on the Government to pursue diplomatic initiatives towards disarmament in Iraq, and worldwide.

Senator Webber, from 243 petitioners, requesting that the Senate take action to reject deregulation of university fees, increase funding to bring Australia's university sector in line with average OECD expenditure, re-introduce a system of HECS equity scholarships and establish an inquiry into student poverty.

7 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 reports of the Employment, Workplace Relations and Education References Committee be extended as follows:

- (a) small business employment—to 6 February 2003; and
- (b) refusal of the Government to respond to the order of the Senate of 21 August 2002 for the production of documents relating to financial information concerning higher education institutions—to 6 March 2003. (*general business notice of motion no. 306*)

Senator Ferris: To move on the next day of sitting—

- (1) That, with effect from 1 January 2003, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Crime Commission shall be as set out in the resolution of 14 February 2002 relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority.
- (2) That a message be sent to the House of Representatives requesting concurrence with this resolution. (*general business notice of motion no. 307*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 December 2002, from 4 pm, to take evidence for the committee's inquiry into the rural water resource usage. (*general business notice of motion no. 308*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport Legislation Committee be extended to the last sitting day in June 2003:

- (a) the administration of the Civil Aviation Safety Authority;
- (b) the import risk assessment on New Zealand apples; and
- (c) the administration of AusSAR in relation to the search for the *Margaret J.* (*general business notice of motion no. 309*)

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

- (1) That estimates hearings by legislation committees for the year 2003 be scheduled as follows:

2002-03 additional estimates:

Monday, 10 February and Tuesday, 11 February and, if required, Friday, 14 February (*Group A*)

Wednesday, 12 February and Thursday, 13 February and, if required, Friday, 14 February (*Group B*).

2003-04 Budget estimates:

Monday, 26 May to Thursday, 29 May and, if required, Friday, 30 May (*Group A*)

Monday, 2 June to Thursday, 5 June and, if required, Friday, 6 June (*Group B*)

Wednesday, 5 November, and, if required, Friday, 7 November (*supplementary hearings—Group A*)

Thursday, 6 November and, if required, Friday, 7 November (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts
 Finance and Public Administration
 Legal and Constitutional
 Rural and Regional Affairs and Transport

Group B:

Community Affairs
 Economics
 Employment, Workplace Relations and Education
 Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
 Wednesday, 19 March 2003 in respect of the 2002-03 additional estimates,
 and
 Thursday, 19 June 2003 in respect of the 2003-04 Budget estimates.

Senator Murray: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to encourage the disclosure of conduct adverse to the public interest in the public sector, and for related purposes. **Public Interest Disclosure (Protection of Whistleblowers) Bill 2002**. (*general business notice of motion no. 310*)

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

- (a) notes the ceasefire agreement signed by Indonesia and the Free Aceh Movement in Geneva on 9 December 2002;
- (b) expresses sorrow over the many lives that have been lost as a result of ongoing violence between Indonesia and the Free Aceh Movement over the past 26 years;
- (c) congratulates Indonesia and the Free Aceh Movement on their commitment to deal with ongoing issues through peaceful negotiation rather than violent means;
- (d) welcomes the Government's initial commitment of support to the international ceasefire monitoring group to implement the agreement; and
- (e) urges the Government to continue to provide assistance to the international ceasefire monitoring group, particularly in the lead-up to the provincial elections to be held in Aceh in 2004. (*general business notice of motion no. 311*)

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

- (a) notes:
 - (i) the introduction by Swimming Australia of a member protection policy requiring police checks for instructors and other sports officials who have unsupervised contact with children,
 - (ii) the call by the Australian Sports Commission that this requirement be extended to all sports within 12 months, and
 - (iii) that this requirement is already law in New South Wales and Queensland;
- (b) congratulates Swimming Australia and the Australian Sports Commission for this initiative;

- (c) urges the Federal Government, through the Council of Australian Governments process, to put in place nationally-consistent requirements for police checks for those who have unsupervised contact with children; and
- (d) urges state governments:
 - (i) to extend this requirement to schools, particularly for teachers and others involved in school camps and other situations in which children may be vulnerable, and
 - (ii) to provide funds for groups and schools to cover the cost of such police checks. (*general business notice of motion no. 312*)

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

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament. (*general business notice of motion no. 313*)

The Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—

- (1) That the Senate notes:
 - (a) that the scheduled program of sittings for 2003 is just 63 days;
 - (b) that the scheduled sittings for 2002 and 2003 are the shortest parliamentary sitting years since 1988 that have not been election years; and
 - (c) that by providing for minimal sittings of the Senate the Government does not allow the Senate enough time to properly consider and evaluate the Government's heavy legislative program.
- (2) That the order of the Senate relating to the days of meeting of the Senate for 2003 be varied as follows:
 - (a) by adding additional sitting weeks as follows:
 - Monday, 24 February to Thursday, 27 February 2003
 - Monday, 7 April to Thursday, 10 April 2003; and
 - (b) the routine of business for the week beginning Monday, 7 April 2003 be in accordance with standing order 57 except that, on each day, general business orders of the day relating to private senators' bills shall take precedence of government business. (*general business notice of motion no. 314*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That the Senate congratulates:

- (a) writer Doris Pilkington, film director Phillip Noyce and producers Christine Olsen and John Winter for their Australian Film Institute (AFI) award for best Australian feature film, in *Rabbit-Proof Fence*;
- (b) the actors and the film crew for this achievement;
- (c) the makers of the soundtrack which won AFI awards for best score and best sound; and

- (d) Senator Abetz for his constant assistance in promoting this powerful film about the tragedy of the children of the Stolen Generations. (*general business notice of motion no. 315*)

Senator Sherry: To move on the next day of sitting—That the following matters be referred to the Select Committee on Superannuation for inquiry and report by the last sitting day in June 2003:

- (a) in the context of the ageing and longer life expectancies of the Australian population identified in the *Intergenerational Report*, the implications of evolving employment and retirement trends for the superannuation and social security systems, with particular reference to:
- (i) the effects of ageing on workers' productivity,
 - (ii) the continuing relevance of the concept of a fixed retirement age,
 - (iii) the potential to encourage progressive transitions from work to retirement, including through possible new benefit access and contribution arrangements,
 - (iv) any scope for older workers to access their superannuation to finance retraining to continue work that is more suitable for elderly people,
 - (v) the potential implications for individual standards of living in retirement, especially for those who are over the age of 45,
 - (vi) how to assist older workers plan for their retirement,
 - (vii) the short- and long-term effect on the Budget of any proposals for change, and
 - (viii) issues for the federal and state workplace relations systems; and
- (b) corporate governance and standards for superannuation funds. (*general business notice of motion no. 316*)

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to broadcasting, and for related purposes. ***Broadcasting Legislation Amendment Bill (No. 3) 2002.***

Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister for Fisheries, Forestry and Conservation, no later than noon on Thursday, 12 December 2002, all documents relating to the answers to question on notice no. 404 (Senate *Hansard*, 14 October 2002, p. 5093) and subsequent related questions on logging activities in Tasmania. (*general business notice of motion no. 317*)

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 Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002, allowing it to be considered during this period of sittings.

Document: Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002 in the 2002 spring sittings.

Senator Brown: To move on the next day of sitting—That the Senate calls on the Australian Government to urgently pursue alternatives with the Chinese Government to the death sentence handed down on Tibetan activists Trulku Tenzin Delek and Lobsang Dhondup in Karze, Sichuan province. (*general business notice of motion no. 318*)

Senator O'Brien: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) on 16 October 2002 it agreed to a motion seeking documents relating to the Government's consideration of an ethanol excise and production subsidy,
 - (ii) on 21 October 2002 the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) advised the Senate that 'the government intends to comply with the order as soon as possible and fully expects to be in a position to do so shortly', and
 - (iii) 50 days have passed since Senator Ian Campbell gave the Senate a commitment the Government would respond to the order of the Senate in a timely fashion; and
- (b) calls on the Government to comply with the order of the Senate no later than 5 pm on 11 December 2002. (*general business notice of motion no. 319*)

Senator Collins on behalf of all Opposition senators, the Leader of the Australian Democrats (Senator Bartlett) on behalf of all Australian Democrats senators, and Senators Brown, Nettle, Lees, Harradine and Murphy: To move on the next day of sitting—That the Senate—

- (a) notes the evidence presented to the Select Committee on a Certain Maritime Incident regarding the central role played by the person known as Abu Quassey in organising people smuggling operations in Indonesia;
- (b) welcomes the statement by the Australian Federal Police that they have issued a further warrant for the arrest of Quassey, in relation to his involvement in people smuggling specifically in relation to the vessel known as SIEV X;
- (c) further notes that the issue of this warrant indicates the strength of evidence linking Quassey with the people smuggling aspects of SIEV X, including the procurement of the vessel, the recruiting of crew, the provision of passage on the vessel in return for payment, the loading of the vessel (including the gross overloading), and the departure of the vessel bound for Australia;
- (d) further notes that Abu Quassey is currently in prison in Indonesia for unrelated immigration offences, and is due to be released on 1 January 2003, with a high risk of him remaining out of reach of Australian legal authorities after that time; and therefore

- (e) calls on the Australian and Indonesian Governments to undertake all actions necessary prior to 1 January 2003 to ensure that Abu Quassey is immediately brought to justice:
 - (i) on all matters relating to the outstanding warrants relating to people smuggling, and
 - (ii) in relation to his involvement with the vessel known as SIEV X, including the foundering and sinking of that vessel with the resultant tragic loss of 353 lives. (*general business notice of motion no. 320*)

8 POSTPONEMENTS

Senator O'Brien, by leave, moved—That business of the Senate notices of motion nos 2, 3 and 4 standing in his name for today, relating to the disallowance of certain regulations, be postponed till the next day of sitting.

Question put and passed.

Items of business were postponed as follows:

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 11 December 2002.

9 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. 1—That—

- (1) On Tuesday, 10 December 2002:
 - (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to 11.10 pm;
 - (b) the routine of business from 7.30 pm to 10.30 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.
- (2) On Wednesday, 11 December 2002, 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.

Question put and passed.

10 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 297—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Financial Sector Legislation Amendment Bill (No. 2) 2002 be extended to 12 December 2002.

Question put and passed.

11 CONSIDERATION OF LEGISLATION

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. 2—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:

- Aviation Legislation Amendment Bill 2002
- Copyright Amendment (Parallel Importation) Bill 2002
- Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Bill 2002
- Financial Sector Legislation Amendment Bill (No. 2) 2002
- Inspector-General of Taxation Bill 2002
- National Environment Protection Council Amendment Bill 2002
- Renewable Energy (Electricity) Amendment Bill 2002
- Taxation Laws Amendment (Earlier Access to Farm Management Deposits) Bill 2002
- Workplace Relations Amendment (Fair Termination) Bill 2002.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Mackay, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 14 May 2003:
 - An examination of the adequacy and effectiveness of the Government's foreign and trade policy strategy, with particular reference to the forthcoming Foreign and Trade Policy White Paper, *Advancing the National Interest*.
- (2) That, in examining this matter, the committee have regard to the following:
 - (a) the merits of new policy directions identified by *Advancing the National Interest*;
 - (b) whether *Advancing the National Interest* meets its stated objective of best using Australia's credentials and attributes to enhance Australia's national interests;
 - (c) the strategy's consistency with Australia's international obligations; and
 - (d) the process for implementation.

Question put and passed.

13 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. 299—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 11 December 2002.

Question put and passed.

14 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 298—That the time for the presentation of the report of the Finance and Public Administration References Committee on recruitment and training in the Australian Public Service be extended to 27 March 2003.

Question put and passed.

15 TRANSPORT—TRUCKING INDUSTRY

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 288—That the Senate—

(a) notes:

- (i) the truck blockade on the Hume Highway on 3 December 2002,
- (ii) that the purpose of the blockade was to call attention to the lack of safety standards and a national code of conduct for long distance truck drivers,
- (iii) that the primary cause of long-distance truck driver death is driver fatigue,
- (iv) the concern of the long-distance truck industry that unreasonable driving hours are partially a result of demands made by shippers,
- (v) the concern of the long-distance trucking industry that transport rates are so low that increased driving hours are increasingly necessary in order for long haul truckers to remain economically viable, and
- (vi) that these pressures to drive longer hours create a threat for drivers and the broader community; and

(b) calls on the Government to implement national safety standards and an enforceable code of conduct for long-distance drivers in consultation with that industry.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 45

Senators—

Barnett	Denman	Mackay	Scullion
Bishop	Eggleston	Marshall	Sherry
Boswell	Ferris (Teller)	Mason	Stephens
Brandis	Forshaw	McGauran	Tchen
Buckland	Hogg	McLucas	Tierney
Campbell, George	Hutchins	Moore	Troeth
Campbell, Ian	Johnston	Murphy	Watson
Carr	Kirk	O'Brien	Webber
Chapman	Knowles	Payne	Wong
Colbeck	Lightfoot	Ray	
Collins	Ludwig	Reid	
Crossin	Lundy	Santoro	

Question negatived.

16 ENVIRONMENT—WALLA WEIR IRRIGATION PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 294—That there be laid on the table no later than 4 pm on Thursday, 12 December 2002, the following documents:

- (a) the agreement signed by the Commonwealth for the Walla Weir Irrigation Project, funded under the Sugar Industry Infrastructure Package; and
- (b) any materials relating to compliance with the terms of the agreement.

Question put and passed.

17 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—REPORT—FINDINGS

The Leader of the Opposition in the Senate (Senator Faulkner) on behalf of all Opposition senators, the Leader of the Australian Democrats (Senator Bartlett) on behalf of all Australian Democrats senators, and Senators Harradine, Murphy, Brown and Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 292—That the Senate—

- (a) expresses:
 - (i) its support for the majority findings in the report of the Select Committee on a Certain Maritime Incident and calls on the Commonwealth Government to immediately implement all of the recommendations contained in that report, and
 - (ii) its serious concern at the apparent inconsistencies in evidence provided to the committee and estimates committees by Commonwealth agencies in relation to the People Smuggling Disruption Program and in relation to Suspected Illegal Entry Vessels (SIEVs), including the boat known as SIEV X; and
- (b) calls on the Commonwealth Government to immediately establish a comprehensive, independent judicial inquiry into all aspects of the People

Smuggling Disruption Program operated by the Commonwealth Government and agencies from 2000 to date, including:

- (i) all funding and other resources put to the program, both within Australia and overseas,
- (ii) the involvement and activities of all Australian Departments and agencies involved in the program, both within Australia and overseas,
- (iii) the extent of ministerial knowledge of, and authorisation for, the program,
- (iv) allegations raised in the media in relation to the program, including by the *Sunday* program,
- (v) the nature of the co-operative relationship between the Australian and Indonesian Governments and agencies, including the operation of agreements and protocols, the funding and resources provided under those arrangements, and the activities of individual Australian and Indonesian citizens,
- (vi) the use of Australian equipment and resources in the program, including use by persons outside of Australian agencies,
- (vii) the effect of the program on persons seeking asylum from Indonesia or Australia, including the effect on means of transport, and
- (viii) the circumstances and outcomes of all departures from Indonesia of all boats carrying asylum-seekers, including the circumstances of the sinking of SIEV X.

Question put and passed.

18 MINISTER FOR REVENUE AND ASSISTANT TREASURER—MINISTERIAL RESPONSIBILITY—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Opposition in the Senate (Senator Faulkner), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 293—That there be laid on the table, no later than immediately after motions to take note of answers on Thursday, 12 December 2002, all documents relating to the inquiries undertaken by the Department of the Prime Minister and Cabinet into the possible conflict of interest between the ministerial responsibilities of the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the commercial activities of Endispute Pty Ltd (including, but not limited to, a copy of the report of those inquiries furnished to the Prime Minister (Mr Howard) and referred to by him during question time in the House of Representatives on Tuesday, 3 December 2002).

Question put and passed.

19 ENVIRONMENT—QUEENSLAND—SEISMIC TESTING—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 295—That there be laid on the table no later than 4 pm on Thursday, 12 December 2002, all materials prepared by Geoscience Australia in response to the proposal by TGS-NOPEC to conduct seismic testing in the Townsville Trough.

Question put and passed.

20 FOREIGN AFFAIRS—HUMAN RIGHTS—MR DAVID HICKS AND MR MAMDOUH HABIB

Senator Nettle amended her notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 305—That the Senate—

- (a) notes its profound concern that Mr David Hicks and Mr Mamdouh Habib remain incarcerated in Camp X-Ray at Guantanamo Bay, Cuba, without having been charged or brought before the courts for trial;
- (b) notes that Article 9 of the Universal Declaration of Human Rights states that, “No-one shall be subject to arbitrary arrest, detention or exile”;
- (c) recalls the commitment that the Minister for Defence and the Attorney-General made on 14 December 2001 that, “If Mr Hicks has committed a crime against Australian law, the Australian Government will do whatever is necessary to bring him to justice”; and
- (d) calls on the Australian Government as a matter of urgency to take whatever steps are required to return both Mr Hicks and Mr Habib to Australia to determine whether they should be freed or face trial, as is their right.

Question put and passed.

21 INTERNATIONAL HUMAN RIGHTS DAY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 304—That the Senate—

- (a) notes that 10 December 2002 is International Human Rights Day and joins with the many thousands around the world who are participating in events on this day to:
 - (i) condemn the ongoing abuse of human rights worldwide,
 - (ii) extend our sympathy to the victims of these abuses, and
 - (iii) support the defence of those rights both in Australia and overseas; and
- (b) condemns the Government’s appalling record in the field of human rights and, in particular, the Government’s:
 - (i) failure to endorse the optional protocol to the United Nations (UN) Convention Against Torture,
 - (ii) contravention of the UN Convention on the Rights of the Child in relation to some asylum seeker detainees,
 - (iii) proposed contraventions of the International Covenant on Civil and Political Rights to be enacted under the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002,
 - (iv) unwillingness to act in defence of Mr David Hicks and Mr Mamdouh Habib, illegally detained in Guantanamo Bay, Cuba, and
 - (v) in principle support of a United States impunity agreement in regard to Article 98 of the International Criminal Court treaty.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 41

Senators—

Barnett	Ferguson	Marshall	Sherry
Bishop	Ferris	Mason	Stephens
Brandis	Forshaw	McGauran	Tchen
Buckland (Teller)	Hogg	McLucas	Tierney
Campbell, George	Hutchins	Moore	Troeth
Carr	Johnston	O'Brien	Watson
Colbeck	Kirk	Payne	Webber
Collins	Knowles	Ray	Wong
Crossin	Ludwig	Reid	
Denman	Lundy	Santoro	
Eggleston	Mackay	Scullion	

Question negatived.

22 TRANSPORT—ALBURY BYPASS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 302—That the Senate calls on the Minister for Transport and Regional Services (Mr Anderson) to explain the sudden reversal of his decision in February 2001, repeated as recently as 4 December 2002, to support the Albury bypass.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 42

Senators—

Barnett	Eggleston	Mackay	Scullion
Bishop	Ferguson	Marshall	Sherry
Brandis	Ferris (Teller)	Mason	Stephens
Buckland	Forshaw	McGauran	Tchen
Campbell, George	Hogg	McLucas	Tierney
Campbell, Ian	Hutchins	Moore	Troeth
Carr	Johnston	O'Brien	Watson
Colbeck	Kirk	Payne	Webber
Collins	Knowles	Ray	Wong
Crossin	Ludwig	Reid	
Denman	Lundy	Santoro	

Question negatived.

23 AUDITOR-GENERAL—AUDIT REPORT NO. 20 OF 2002-03—DOCUMENT

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

Auditor-General—Performance audit—Employee entitlements support schemes:
Department of Employment and Workplace Relations (Report no. 20 of 2002-03).

24 AUSTRALIAN NATIONAL AUDIT OFFICE—INDEPENDENT AUDITOR—DOCUMENT

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

Australian National Audit Office—Independent Auditor (KPMG)—Performance
audit—Contract management arrangements within the ANAO, dated December 2002.

25 PRIVILEGES—STANDING COMMITTEE—110TH REPORT

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

Privileges—Standing Committee—110th report—Persons referred to in the Senate
(Dr Geoffrey Vaughan, Dr Peter Jonson, Professor Brian Anderson), dated December
2002.

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

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

Debate ensued.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

**26 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS'
INTERESTS**

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the
following document:

Senators' Interests—Standing Committee—Register of senators' interests
incorporating current statements of interests, including new statements of interests, and
notification of alterations of interests lodged between 25 June and 5 December 2002,
dated December 2002 [2 vols].

27 TREATIES—JOINT STANDING COMMITTEE—50TH REPORT

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

Treaties—Joint Standing Committee—50th report—Treaties tabled 15 October 2002,
dated December 2002, *Hansard* record of proceedings and minutes of proceedings.

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

Question put and passed.

28 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Exemptions Nos CASA EX35/2002 and CASA EX45/2002.

Class Ruling—

Addendum—CR 2002/55, CR 2002/78 and CR 2002/81.

CR 2002/84 and CR 2002/85.

Commonwealth Authorities and Companies Act—Notice under paragraphs 45(1)(b) and (f)—Disposal of shares and cessation of membership in National Rail Corporation Limited.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 28 November 2002 [2].

Fuel Grant and Rebate Ruling FGRR 2002/1.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Product Rulings PR 2002/137-PR 2002/140.

Taxation Determination TD 2002/26.

Telecommunications Act—Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 4 of 2002).

29 SUPERANNUATION—SELECT COMMITTEE—CHANGE IN MEMBERSHIP

The Acting Deputy President (Senator Chapman) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That Senator Hogg be discharged from and Senator Wong be appointed to the Select Committee on Superannuation.

Question put and passed.

30 COPYRIGHT AMENDMENT (PARALLEL IMPORTATION) BILL 2002

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

Message no. 219, dated 9 December 2002—A Bill for an Act to amend the *Copyright Act 1968*, and for related purposes.

The Minister for Revenue and Assistant Treasurer (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

On the motion of Senator Buckland the debate was adjourned.

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

31 AVIATION 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. 220, dated 9 December 2002—A Bill for an Act to amend or repeal certain legislation relating to aviation, and for related purposes.

The Minister for Revenue and Assistant Treasurer (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

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

32 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—EDUCATION OF STUDENTS WITH DISABILITIES

Pursuant to order, Senator Carr, at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), tabled the following report and documents:

Employment, Workplace Relations and Education References Committee—Education of students with disabilities—Report, dated December 2002, *Hansard* record of proceedings [8 vols], documents presented to the committee and submissions [247].

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

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

Debate ensued.

Question put and passed.

33 ECONOMICS LEGISLATION COMMITTEE—REPORT—TRADE PRACTICES AMENDMENT (LIABILITY FOR RECREATIONAL SERVICES) 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—Trade Practices Amendment (Liability for Recreational Services) Bill 2002—Report, dated December 2002, *Hansard* record of proceedings, documents presented to the committee and submissions [17].

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

34 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

2 December 2002—Message—

No. 38—

Excise Laws Amendment Act (No. 1) 2002 (Act No. 107, 2002)
Excise Tariff Amendment Act (No. 2) 2002 (Act No. 108, 2002)
Health Care (Appropriation) Amendment Act 2002 (Act No. 109, 2002)
Members of Parliament (Life Gold Pass) Act 2002 (Act No. 110, 2002)
Medical Indemnity Agreement (Financial Assistance—Binding Commonwealth Obligations) Act 2002 (Act No. 111, 2002)

No. 39—

Higher Education Legislation Amendment Act (No. 3) 2002 (Act No. 112, 2002)
Excise Tariff Amendment Act (No. 1) 2002 (Act No. 113, 2002)
Customs Tariff Amendment Act (No. 2) 2002 (Act No. 114, 2002)
Egg Industry Service Provision (Transitional and Consequential Provisions) Act 2002 (Act No. 115, 2002)
Egg Industry Service Provision Act 2002 (Act No. 116, 2002)

No. 40—

New Business Tax System (Consolidation and Other Measures) Act (No. 1) 2002 (Act No. 117, 2002)
New Business Tax System (Franking Deficit Tax) Amendment Act 2002 (Act No. 118, 2002)
Taxation Laws Amendment Act (No. 5) 2002 (Act No. 119, 2002)
Broadcasting Legislation Amendment Act (No. 2) 2002 (Act No. 120, 2002)
Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Act 2002 (Act No. 121, 2002)
Australian Animal Health Council (Live-stock Industries) Funding Amendment Act 2002 (Act No. 122, 2002).

35 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Medical Indemnity Bill 2002 and 3 related bills).

Question put and passed.

36 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

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

Debate resumed.

Senator Ridgeway moved the following amendment:

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

- (a) notes the fact that midwives have been left out of the package as were Indigenous and community medical centres that are dealing with enormous increases to their insurance bills and high excess charges, and calls on the Government to take action regarding these;
- (b) notes that the Government has failed to offer assistance that has made a practical differences to those others within the medical services sector, such as midwives and Indigenous and community medical centres, who remain either without indemnity or insurance cover, or who are paying unsustainably higher premiums; and
- (c) calls on the Government to urgently take action to remedy this situation”.

Debate ensued.

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

Senator Lees moved the following amendment in respect of the Medical Indemnity Bill 2002:

At the end of the motion, add “and the Senate calls on the Government to make provision immediately for indemnity insurance cover for other health professionals, particularly midwives and nurse practitioners”.

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

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

MEDICAL INDEMNITY BILL 2002—

Bill, taken as a whole by leave, debated and agreed to.

MEDICAL INDEMNITY (CONSEQUENTIAL AMENDMENTS) BILL 2002

MEDICAL INDEMNITY (ENHANCED UMP INDEMNITY) CONTRIBUTION BILL 2002

MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION BILL 2002—

Bills, taken together and as a whole by leave, debated and agreed to.

The Medical Indemnity Bill 2002 and the Medical Indemnity (Consequential Amendments) Bill 2002 to be reported without amendments, and the Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002 and the Medical Indemnity (IBNR Indemnity) Contribution Bill 2002 to be reported without requests for amendments.

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

On the motion of the Minister for Health and Ageing (Senator Patterson) the report from the committee was adopted and the bills read a third time.

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

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

In the committee

Bill taken as a whole by leave.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

Page 2 (after line 11), after clause 3, add:

4 Cessation of operation of Act

This Act, unless sooner repealed, ceases to be in force at the end of 3 years after Royal Assent.

Debate ensued.

Explanatory memorandum: The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Debate continued.

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

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

Schedule 1, item 8, page 4 (after line 14), before the definition of *terrorism offence*, insert:

terrorist act has the same meaning as in Part 5.3 of the *Criminal Code*.

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

Schedule 1, page 6 (after line 18), after item 23, insert:

23A After section 25

Insert:

25AA Conduct of ordinary or frisk search under search warrant

An ordinary search or frisk search of a person that is authorised under paragraph 25(4A)(a) must, if practicable, be conducted by a person of the same sex as the person being searched.

Schedule 1, item 24, page 20 (after line 25), after subsection 34L(1), insert:

- (1A) An ordinary search of the person under this section must, if practicable, be conducted by a police officer of the same sex as the person being searched.

Senator Ellison moved the following amendments together by leave:

Schedule 1, item 24, page 6 (after line 28), after the definition of *Federal Magistrate*, insert:

former judge means a person who has been (but is no longer):

- (a) a Judge; or
(b) a judge of a Supreme Court of a State.

Schedule 1, item 24, page 7 (after line 2), after the definition of *issuing authority*, insert:

listed former judge means a former judge included in a list kept under section 34AC.

Schedule 1, item 24, page 7 (line 26), omit “Judge.”, substitute “Judge; or”.

Schedule 1, item 24, page 7 (after line 26), at the end of subsection 34AB(1), add:

- (c) a listed former judge.

Schedule 1, item 24, page 8 (after line 3), after section 34AB, insert:

34AC List of former judges consenting to appointments

- (1) The Minister must cause to be kept a list of names of former judges who have consented to being appointed as issuing authorities, prescribed authorities or both.
- (2) The Minister may invite a former judge to consent:
 - (a) to being appointed as an issuing authority, a prescribed authority or both; and
 - (b) to having the former judge’s name included in the list.
- (3) If the former judge consents, the Minister must cause the former judge’s name to be included in the list, together with an indication of whether the former judge consents to being appointed as an issuing authority, a prescribed authority or both.
- (4) If a former judge whose name is included in the list requests the Minister:
 - (a) to have the former judge’s name removed from the list; or
 - (b) to have the list indicate that:
 - (i) the former judge no longer consents to being appointed as an issuing authority; or
 - (ii) the former judge no longer consents to being appointed as a prescribed authority;

the Minister must cause the list to be amended to give effect to the request.

- (5) The Minister may, on his or her own initiative, cause the name of a former judge to be removed from the list.

Schedule 1, item 24, page 8 (line 6), after “who”, insert “either is a listed former judge listed as consenting to the appointment or”.

Schedule 1, item 24, page 8 (line 11), after “a person”, insert “who holds an appointment to the Administrative Appeals Tribunal described in subsection (1)”.

Schedule 1, item 24, page 11 (line 9), after “Judge”, insert “, a listed former judge”.

Schedule 1, item 24, page 14 (line 31), omit “before the”, substitute “before a”.

Debate ensued.

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

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

Schedule 1, item 24, page 6 (line 25) to page 7 (line 2), omit the definitions of *approved lawyer*, *Federal Magistrate* and *issuing authority*.

Schedule 1, item 24, page 7 (after line 7), after the definition of *record*, add:

superior court means the High Court, Federal Court, Family Court, the Supreme Court of a State or Territory or a District Court of a State.

Schedule 1, item 24, page 8 (lines 4 to 15), omit section 34B, substitute:

34B Prescribed authorities

- (1) The Minister may, by writing, appoint as a prescribed authority a person who:
 - (a) has served for 10 years as a judge in one or more superior courts; and
 - (b) no longer holds a commission as a judge of a superior court; and
 - (c) is under 72 years of age.
- (2) The Minister must not appoint a person unless the person:
 - (a) has by writing consented to being appointed; and
 - (b) the consent is in force.
- (3) A person can only be appointed as a prescribed authority for a single three-year term.
- (4) The Minister must cause to be kept a list of names of former judges who have consented to being appointed as prescribed authorities.
- (5) If a former judge whose name is included in the list requests the Minister to have the former judge’s name removed from the list, the Minister must cause the list to be amended to give effect to the request.
- (6) The Minister may, on his or her own initiative, cause the name of a former judge to be removed from the list.

Schedule 1, item 24, page 12 (line 29), omit “issuing”, substitute “prescribed”.

Schedule 1, item 24, page 13 (line 9), omit “issuing”, substitute “prescribed”.

Schedule 1, item 24, page 14 (line 12), omit “24”, substitute “4”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 24, sections 34AA and 34AB.

Question—That Schedule 1, item 24, sections 34AA and 34AB stand as printed—put and negatived.

Senator Faulkner moved the following amendments together by leave:

Schedule 1, item 24, page 8 (line 16), omit “, **detention etc.**”, substitute “**warrants**”.

Schedule 1, item 24, page 8 (line 17), after “**Requesting**”, insert “**questioning**”.

Schedule 1, item 24, page 9 (lines 13 to 29), omit paragraphs (c) and (d), substitute:

- (c) if the warrant to be requested is to authorise the person to be taken into custody immediately and brought before a prescribed authority immediately for questioning—that there are reasonable grounds for believing that, if the person is not immediately taken into custody, the person:
 - (i) may alert a person involved in a terrorism offence that the offence is being investigated; or
 - (ii) may not appear before the prescribed authority; or
 - (iii) may destroy, damage or alter a record or thing the person may be requested in accordance with the warrant to produce.

Schedule 1, item 24, page 10 (lines 13 to 37), omit subsections (3B) and (3C), substitute:

- (3B) In consenting to the making of a request to issue a warrant authorising the person to be taken into custody immediately and brought before a prescribed authority immediately for questioning, the Minister must ensure that the warrant to be requested is to permit the person to contact a lawyer at any time when the person is being questioned under this Division in connection with the warrant.

Schedule 1, item 24, page 11 (lines 1 to 15), omit subsections (4) and (5), substitute:

- (4) If the Minister has consented under subsection (3), the Director-General may request the warrant by giving a prescribed authority:
 - (a) a request that is the same as the draft request except for the changes (if any) required by the Minister; and
 - (b) a copy of the Minister’s consent.

Schedule 1, item 24, page 11 (lines 17 to 30), omit subsection (1), substitute:

- (1) A prescribed authority may issue a warrant under this section relating to a person, but only if:
 - (a) the Director-General has requested it in accordance with subsection 34C(4); and
 - (b) the prescribed authority is satisfied that there are reasonable grounds for believing that the warrant will substantially assist the collection of intelligence that is important in relation to a terrorism offence.

Schedule 1, item 24, page 11 (line 37) to page 12 (line 10), omit paragraph (2)(b), substitute:

- (b) do both of the following:
 - (i) authorise a specified person to be taken into custody immediately by a police officer, brought before a prescribed authority immediately for questioning under the warrant and

- held in custody under arrangements made by a police officer until questioning has been completed;
- (ii) permit the person taken into custody to contact a lawyer (as described in section 34U) when the person is being questioned under the warrant.

Schedule 1, item 24, page 12 (lines 11 to 27), omit subsections (3) and (4), substitute:

- (3) For the purposes of subparagraph (2)(b)(i), the warrant may specify the end of the period for which the person is to be questioned by reference to the opinion of the prescribed authority that the Organisation does not have any further requests described in paragraph (5)(a) to make of the person.
- (4) The warrant may identify other persons whom the person is permitted to contact by reference to the fact that he or she has a particular familial relationship with that person or persons. This does not limit the ways in which the warrant may identify persons whom the person is permitted to contact.

Note 1: The warrant may identify persons by reference to a class. See subsection 46(2) of the *Acts Interpretation Act 1901*.

Note 2: Section 34F permits the person to contact the Inspector-General of Intelligence and Security and the Ombudsman while the person is in custody, so the warrant must identify them.

Schedule 1, item 24, page 13 (lines 22 to 24), omit paragraph (1)(a), substitute:

- (a) the period for which the warrant authorises questioning of the person;

Schedule 1, item 24, page 14 (lines 6 and 7), omit “or detention”.

Schedule 1, item 24, page 17 (lines 3 and 4), omit “or a direction given under section 34F”.

Schedule 1, item 24, page 17 (lines 6 to 10), omit subsection (2), substitute:

- (2) Strict liability applies to the circumstance of an offence against subsection (1) that the warrant was issued under section 34D.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Schedule 1, item 24, page 19 (lines 23 to 32), omit the note.

Schedule 1, item 24, page 20 (line 22), omit “detained”, substitute “taken into custody”.

Schedule 1, item 24, page 28 (lines 19 and 20), omit paragraph (c), substitute:

- (c) a statement containing details of any seizure or taking into custody under this Division;

Debate ensued.

At 10.30 pm: The Acting Deputy President (Senator Bolkus) resumed the chair and the Temporary Chair of Committees reported progress.

38 ADJOURNMENT

The Acting Deputy President (Senator Bolkus) 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 11.10 pm till Wednesday, 11 December 2002 at 9.30 am.

39 ATTENDANCE

Present, all senators except Senators Calvert*, Cook and Kemp (* on leave).

HARRY EVANS
Clerk of the Senate