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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 PETITION

The following petition, lodged with the Clerk by Senator Bartlett, was received:

From 100 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 10 Australian Prudential Regulation Authority Amendment Bill 2003.
- No. 11 Acts Interpretation Amendment (Court Procedures) Bill 2003.
- No. 12 Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2003.
- No. 13 Intellectual Property Laws Amendment Bill 2002.
- No. 14 Murray-Darling Basin Amendment Bill 2002.
- No. 16 Health Legislation Amendment Bill (No. 1) 2003.
Australian Film Commission Amendment Bill 2003.

Debate ensued.

Question put and passed.

Senator Abetz moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 482 standing in the name of Senator McLucas relating to proposed reforms to Medicare; and
- (b) consideration of government documents.

Question put and passed.

4 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 471 standing in the name of the Chair of the Select Committee on Medicare (Senator McLucas) for today, relating to an extension of time for the committee to report, postponed till 26 June 2003.

5 ORDER OF BUSINESS—REARRANGEMENT

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the committee on the 2003-04 Budget estimates, be postponed till a later hour.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the committee on the 2003-04 Budget estimates, be postponed till a later hour.

Question put and passed.

Senator Ferris, by leave, and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate orders of the day nos 3 and 4, relating to the presentation of reports of the committee, be postponed till a later hour.

Question put and passed.

6 ENERGY GRANTS (CREDITS) SCHEME—DRAFT REGULATIONS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 480—That there be laid on the table, no later than immediately after motions to take note of answers on Thursday, 19 June 2003:

- (a) draft regulations to be made under the Energy Grants (Credits) Scheme Bill 2003;
- (b) draft regulations to be made under the Energy Grants (Credits) Scheme (Consequential Amendments) Bill 2003; and
- (c) records of any meetings at which members of industry or other groups with a potential to be affected by the passage of these bills were permitted to examine the draft regulations referred to above.

Question put and passed.

7 MEDICARE—SELECT COMMITTEE—REFERENCE

Senator Mackay, at the request of Senator Evans and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 483—That the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003 be referred to the Select Committee on Medicare for inquiry and report by 9 September 2003.

Question put and passed.

8 FOREIGN AFFAIRS—IRAQ—CHILDREN—HEALTH

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 481—That the Senate—

- (a) notes the report on the health of Iraqi children by UNICEF published in May 2003, which indicates that:
 - (i) acute malnutrition rates in children under five have nearly doubled since the previous survey in February 2002 and 7.7 per cent of children under five are suffering from acute malnutrition and, without treatment are at very high risk of dying,
 - (ii) unsafe water from disrupted water services and the resulting rapidly increasing rates of diarrhoea may be playing a significant role in this malnutrition, and
 - (iii) one in ten children is in need of treatment for dehydration;

- (b) notes the 19 May 2003 update from the United Nations (UN) Office of the Humanitarian Coordinator for Iraq, which indicates that in Iraq:
 - (i) distribution systems have broken down, largely owing to a lack of running costs at the Minister of Health and prevalent insecurity,
 - (ii) there are shortages of vaccines across the country, and
 - (iii) public health programs and disease control and surveillance have not yet been fully re-established; and
- (c) calls on the Federal Government to seriously address these issues through its representations to the UN and the United States of America and by increasing its contribution to the rebuilding of Iraq through health services for Iraq's children.

Question put and passed.

9 FOREIGN AFFAIRS—INTERNATIONAL CRIMINAL COURT

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 484—That the Senate—

- (a) notes that the International Criminal Court's Prosecutor commenced office in the Hague on 17 June 2003;
- (b) reaffirms its support for the International Criminal Court and the important role that it will play in bringing to justice those who commit crimes against humanity;
- (c) welcomes the adoption by the European Union of a revised Common Position on the International Criminal Court, obliging member states to cooperate with the court; and
- (d) urges the Government to decline any request from a country seeking to enter into an agreement with Australia pursuant to Article 98 of the Rome Statute, which would grant its citizens immunity from prosecution in the International Criminal Court.

Question put and passed.

10 ENVIRONMENT—TASMANIA—FORESTRY OPERATIONS

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 478—That the Senate—

- (a) notes that:
 - (i) over 20 000 hectares of native forest is logged in Tasmania each year,
 - (ii) Tasmania has the second highest rate of land clearing in Australia,
 - (iii) the level of logging of native forests in Tasmania is threatening the natural and cultural heritage values of Tasmania and is contributing to increases in Australia's greenhouse gas emissions, and
 - (iv) earlier this year, El Grande, one of Australia's largest trees, was damaged, and possibly killed, when a regeneration burn conducted by Forestry Tasmania breached containment lines in the Florentine Valley;
- (b) condemns Forestry Tasmania and the Tasmanian Forest Practices Board for their regulation of forestry operations and management of Tasmania's native forests, in particular Forestry Tasmania's conduct of management activities and the Tasmanian Forest Practices Board's failure to ensure that a robust Forestry Practices Code is effectively implemented; and
- (c) calls on the Tasmanian Government to:

- (i) ensure logging of high conservation value old-growth forests ceases immediately, in accordance with the goals of the Tasmania Together process,
- (ii) amend the Forestry Practices Code to ensure greater protection for the natural and cultural heritage values of Tasmania's forests, and
- (iii) review the regulation and management of the Tasmanian forestry sector to ensure that forestry operations are carried out in a more sustainable manner and with greater regard to the natural and cultural heritage values of Tasmania's forests.

Question put and negatived.

**11 MINISTERIAL DISCRETION IN MIGRATION MATTERS—SELECT COMMITTEE—
APPOINTMENT**

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. 475—

- (1) That a select committee, to be known as the Select Committee on Ministerial Discretion in Migration Matters, be appointed to inquire into and report, by 3 November 2003, on the following matters:
 - (a) the use made by the Minister for Immigration of the discretionary powers available under sections 351 and 417 of the *Migration Act 1958* since the provisions were inserted in the legislation;
 - (b) the appropriateness of these discretionary ministerial powers within the broader migration application, decision-making, and review and appeal processes;
 - (c) the operation of these discretionary provisions by ministers, in particular what criteria and other considerations applied where ministers substituted a more favourable decision; and
 - (d) the appropriateness of the ministerial discretionary powers continuing to exist in their current form, and what conditions or criteria should attach to those powers.
- (2) That the committee consist of seven senators, three nominated by the Leader of the Government in the Senate, three nominated by the Leader of the Opposition in the Senate, and one nominated by minority groups and independent senators.
- (3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (4) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
- (5) That the deputy chair of the committee be elected by the committee from the members nominated by the Leader of the Government in the Senate.
- (6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (7) That the quorum of the committee be three members.
- (8) That, in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.

- (9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (10) That the committee have power to appoint subcommittees consisting of three or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) That the quorum of a subcommittee be two members.
- (12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it and a daily Hansard be published of such proceedings as take place in public.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Bishop, 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 matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report:
 - (a) the adequacy of current arrangements within the Department of Defence for the health preparation for the deployment of the Australian Defence Forces (ADF) overseas;
 - (b) the adequacy of record keeping of individual health and treatment episodes of those deployed, and access to those records by the individual;
 - (c) the adequacy of information provided to individual ADF members, pre-deployment, of the likely health risks and anticipated remedial activity required;
 - (d) the adequacy of current arrangements for the administration of preventive vaccinations, standards applied to drug selection, quality control, record keeping and the regard given to accepted international and national regulation and practice;
 - (e) the engagement in this process of the Department of Veterans' Affairs and the Repatriation Medical Authority for the purposes of administering and assessing compensation claims; and
 - (f) the adequacy of the current research effort focussing on outstanding issues of contention from the ex-service community with respect to health outcomes from past deployments, and the means by which it might be improved.
- (2) That, in undertaking the inquiry, the committee consider recommendations for an improved system within the Defence and Veterans' administrations which will give greater assurance to the individual that their health risks are minimised, and fully recorded for the purposes of future compensation where justified.

Question put and passed.

13 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

Senator Bishop, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report:

The options and preferences for a revised system of administrative review within the area of veteran and military compensation and income support, including:

- (a) an examination and assessment of the causes for such extensive demand for administrative review of decisions on compensation claims in the veterans and military compensation jurisdictions;
- (b) an assessment of the operation of the current dual model of internal review, Veterans' Review Board/Administrative Appeals Tribunal, its advantages, costs and disadvantages;
- (c) an assessment of the appropriate model for a system of administrative review within a new, single compensation scheme for the Australian Defence Forces and veterans of the future, including compensation claim preparation, evidentiary requirements, facilitation of information provision and the onus of proof;
- (d) identification of policy and legislative change required to amend the system at lowest cost and maximum effectiveness; and
- (e) an assessment of the adequacy of non-means tested legal aid for veterans, the appropriateness of the current merits test and its administration, and options for more effective assistance to veteran and ex-service claimants by ex-service organisations and the legal industry.

Question put and passed.

14 FOREIGN AFFAIRS—BURMA—DAW AUNG SAN SUU KYI

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. 485—That the Senate—

- (a) notes that 19 June 2003 marks the 58th birthday of Burmese democratic leader Daw Aung San Suu Kyi, who is under detention in Burma; and
- (b) calls upon:
 - (i) the Burmese regime to immediately release Daw Aung San Suu Kyi and all political prisoners,
 - (ii) the Government to pressure the Burmese military regime to comply with United Nations General Assembly resolutions,
 - (iii) the Government to ensure that any projects, including the proposed 3-year humanitarian assistance and training programs, are suspended until the democratic parliament is convened, and
 - (iv) the Government to exert economic and diplomatic pressure against Burma until the regime enters into official dialogue with Daw Aung San Suu Kyi as a first step towards restoring democracy.

Question put and passed.

15 POSTPONEMENT

Senator Nettle, by leave, moved—That general business notice of motion no. 486 standing in her name for today, relating to Australia's military ties with the United States of America, be postponed till the next day of sitting.

Question put and passed.

**16 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—BUDGET ESTIMATES 2002-03 AND ADDITIONAL
ESTIMATES 2002-03**

Senator Ferris, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald), tabled additional information received by the committee (Budget estimates 2002-03 (Supplementary)—vols 1 and 2; Additional estimates 2002-03—vols 1 and 2).

**17 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT
BILL 2003****AUSTRALIAN FILM COMMISSION AMENDMENT BILL 2003**

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

Message no. 323, dated 18 June 2003—A Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes.

Message no. 324, dated 18 June 2003—A Bill for an Act to amend the *Australian Film Commission Act 1975*, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

On the motion of Senator Mackay the debate was adjourned.

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

Question put and passed.

On the motion of Senator Abetz the resumption of the debate on the Australian Film Commission Amendment Bill 2003 was made an order of the day for a later hour.

18 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2003-04

Pursuant to order, Senator Ferris, at the request of the respective committees, tabled the following reports, dated June 2003 and documents:

2003-04 Budget estimates—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Employment, Workplace Relations and Education Legislation Committee—Report, *Hansard* record of proceedings [4 vols] and documents presented to the committee.

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and *Hansard* record of proceedings [5 vols].

Finance and Public Administration Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Foreign Affairs, Defence and Trade Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

Legal and Constitutional Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

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

19 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT (PROTECTING THE LOW PAID) BILL 2003

Pursuant to order, Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Workplace Relations Amendment (Protecting the Low Paid) Bill 2003—Report, dated June 2003, *Hansard* record of proceedings, documents presented to the committee, answers to questions and submissions [23].

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

20 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [NO. 2]

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

In the committee

Consideration resumed of the bill, as amended—and of the amendments moved by the Minister for Justice and Customs (Senator Ellison):

Schedule 1, item 24, page 8 (lines 32 and 33), omit subsection 34B(5).

Schedule 1, item 24, page 9 (lines 1 to 7), omit subsections 34B(6) to (8).

Schedule 1, item 24, page 9 (lines 8 to 12), omit subsection 34B(9).

Debate resumed.

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

Senator Greig moved the following amendments together by leave:

Schedule 1, item 24, page 9 (after line 34), after paragraph 34C(3)(a), insert:

(ab) that there are reasonable grounds for believing that it is likely that the person will commit, is committing or has committed a terrorism offence; and

Schedule 1, item 24, page 12 (line 21), at the end of subsection 34D(1), add:

; and (d) the issuing authority is satisfied that there are reasonable grounds for believing that it is likely that the person will commit, is committing or has committed a terrorism offence.

Debate ensued.

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

Senator Nettle moved the following amendments together by leave:

Schedule 1, item 24, page 9 (after line 19), after subsection 34C(1A), insert:

- (1B) To avoid doubt, the Director-General must not seek the Minister's consent to request the issue of a warrant under section 34D in relation to a person and the Minister must not consent to a request for the issue of a warrant under section 34D in relation to a person unless both the Director-General and the Minister are satisfied:
- (a) on reasonable grounds that it is likely that the person will commit, is committing or has committed a terrorism offence; and
 - (b) the person is to be charged with a terrorism offence.

Schedule 1, item 24, page 12 (after line 7), before subsection 34D(1), insert:

- (1A) To avoid doubt, the issuing authority must not issue a warrant under this section relating to a person unless the issuing authority is satisfied on reasonable grounds that it is likely that the person will commit, is committing or has committed a terrorism offence.

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

Senator Greig moved the following amendment:

Schedule 1, item 24, page 11 (after line 29), after subsection 34C(3C), insert:

- (3D) In consenting to the making of a request to issue a warrant authorising the person to be taken into custody immediately, brought before a prescribed authority immediately for questioning and detained, the Minister must, if the person is a citizen of an overseas country represented in Australia by a diplomatic mission, ensure that the warrant to be requested is to require the Director-General to contact that diplomatic mission as soon as practicable after the person has been taken into custody and advise it of the person's name and that they are being detained for questioning under the Act.
- (3E) However, subsection (3D) does not apply if the Minister is satisfied on reasonable grounds that advising the diplomatic mission of the person's detention would be likely to pose a serious threat to national security.

Debate ensued.

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

Senator Ellison moved the following amendments together by leave:

- Schedule 1, item 24, page 10 (line 18), omit “produce; and”, substitute “produce.”.
- Schedule 1, item 24, page 10 (lines 19 to 23), omit paragraph 34C(3)(d).
- Schedule 1, item 24, page 11 (line 36) to page 12 (line 6), omit subsection 34C(5).
- Schedule 1, item 24, page 12 (line 11), omit “, and with subsection 34C(5) if relevant”.
- Schedule 1, item 24, page 12 (line 16), omit “offence; and”, substitute “offence.”.
- Schedule 1, item 24, page 12 (lines 17 to 21), omit paragraph 34D(1)(c).
- Schedule 1, item 24, page 12 (lines 33 to 35), omit “a specified period of not more than 48 hours starting when the person is brought before the authority”, substitute “the period (the *questioning period*) described in subsection (3)”.
- Schedule 1, item 24, page 13 (lines 1 to 7), omit subsection 34D(3), substitute:

- (3) The questioning period starts when the person is first brought before a prescribed authority under the warrant and ends at the first time one of the following events happens:
- (a) someone exercising authority under the warrant informs the prescribed authority before whom the person is appearing for questioning that the Organisation does not have any further request described in paragraph (5)(a) to make of the person;
 - (b) section 34HB prohibits anyone exercising authority under the warrant from questioning the person under the warrant;
 - (c) the passage of 168 hours starting when the person was first brought before a prescribed authority under the warrant.

Schedule 1, item 24, page 16 (lines 18 to 24), omit paragraphs 34F(4)(a) and (aa), substitute:

- (a) a person being detained after the end of the questioning period described in section 34D for the warrant; or

Schedule 1, item 24, page 21 (after line 25), at the end of Subdivision B, add:

34HB End of questioning under warrant

- (1) Anyone exercising authority under a warrant issued under section 34D must not question a person under the warrant if the person has been questioned under the warrant for a total of 8 hours, unless the prescribed authority before whom the person was being questioned just before the end of that 8 hours permits the questioning to continue for the purposes of this subsection.
- (2) Anyone exercising authority under a warrant issued under section 34D must not question a person under the warrant if the person has been questioned under the warrant for a total of 16 hours, unless the prescribed authority before whom the person was being questioned just before the end of that 16 hours permits the questioning to continue for the purposes of this subsection.
- (3) Anyone exercising authority under the warrant may request the prescribed authority to permit the questioning to continue for the purposes of subsection (1) or (2). The request may be made in the absence of:
 - (a) the person being questioned; and
 - (b) a legal adviser to that person; and
 - (c) a parent of that person; and
 - (d) a guardian of that person; and
 - (e) another person who meets the requirements of subsection 34NA(7) in relation to that person; and
 - (f) anyone the person being questioned is permitted by a direction under section 34F to contact.
- (4) The prescribed authority may permit the questioning to continue for the purposes of subsection (1) or (2), but only if he or she is satisfied that:
 - (a) there are reasonable grounds for believing that permitting the continuation will substantially assist the collection of intelligence that is important in relation to a terrorism offence; and

- (b) persons exercising authority under the warrant conducted the questioning of the person properly and without delay in the period mentioned in that subsection.
- (5) The prescribed authority may revoke the permission. Revocation of the permission does not affect the legality of anything done in relation to the person under the warrant before the revocation.
- (6) Anyone exercising authority under a warrant issued under section 34D must not question a person under the warrant if the person has been questioned under the warrant for a total of 24 hours.

Release from detention when further questioning is prohibited

- (7) If the warrant meets the requirement in paragraph 34D(2)(b), the prescribed authority must, at whichever one of the following times is relevant, direct under paragraph 34F(1)(f) that the person be released immediately from detention:
 - (a) at the end of the period mentioned in subsection (1) or (2), if the prescribed authority does not permit, for the purposes of that subsection, the continuation of questioning;
 - (b) immediately after revoking the permission, if the permission was given but later revoked;
 - (c) at the end of the period described in subsection (6).

Subsection 34F(2) does not prevent the prescribed authority from giving a direction in accordance with this subsection.

Schedule 1, item 24, page 28 (after line 3), at the end of section 34NA, add:

- (10) To avoid doubt, paragraphs (6)(b) and (8)(e) do not affect the operation of section 34HB.

Schedule 1, item 24, page 29 (after line 5), after subsection 34NB(4), insert:

- (4A) A person commits an offence if:
 - (a) the person has been approved under section 24 to exercise authority conferred by a warrant issued under section 34D; and
 - (b) the person exercises, or purports to exercise, the authority by questioning another person; and
 - (c) the questioning contravenes section 34HB; and
 - (d) the person knows of the contravention.

Penalty: Imprisonment for 2 years.

Schedule 1, item 24, page 32 (lines 32 and 33), omit “(whether in connection with the warrant or another warrant issued under section 34D)”, substitute “in connection with the warrant”.

Schedule 1, item 24, page 33 (line 2), omit “any of those warrants”, substitute “the warrant”.

Schedule 1, item 24, page 33 (lines 9 and 10), omit “any of those warrants”, substitute “the warrant”.

Schedule 1, item 24, page 33 (line 33), omit “such a”, substitute “the”.

Schedule 1, item 24, page 35 (lines 22 and 23), omit “(whether in connection with the warrant or another warrant issued under section 34D)”, substitute “in connection with the warrant”.

Schedule 1, item 24, page 35 (line 26), omit “any of those warrants”, substitute “the warrant”.

Schedule 1, item 24, page 35 (lines 32 and 33), omit “any of those warrants”, substitute “the warrant”.

Schedule 1, item 24, page 36 (lines 4 and 5), omit “a warrant issued under section 34D”, substitute “the warrant”.

Schedule 1, item 24, page 36 (lines 8 and 9), omit “(whether in connection with the warrant mentioned in paragraph (a) or another warrant issued under section 34D)”, substitute “in connection with the warrant”.

Schedule 1, item 24, page 36 (lines 16 and 17), omit “any of those warrants”, substitute “the warrant”.

Debate ensued.

On the motion of Senator Ellison further consideration of the amendments was postponed.

Senator Greig moved the following amendments together by leave:

No. 1—Schedule 1, item 24, page 14 (line 32), at the end of subsection 34E(1), add:

- ; (h) subject to sections 34TA, 34TB and 34U, the person’s right to contact a lawyer of choice at any time during the questioning period.

No. 2—Schedule 1, item 24, page 14 (line 32), at the end of subsection 34E(1), add:

- ; (i) the person’s right to an interpreter on request.

No. 3—Schedule 1, item 24, page 17 (lines 26 to 30), omit paragraph 34F(9)(c), substitute:

- (c) anyone holding the person in custody or detention under this Division must, if the person requests, give the person facilities for contacting:
 - (i) any person whom the person is permitted to contact pursuant to paragraph (a); or
 - (ii) the Inspector-General of Intelligence and Security or the Ombudsman to make a complaint orally under a section mentioned in paragraph (b).

Debate ensued.

The question for the amendments was divided—

Question—That amendment no. 1 be agreed to—put and passed.

Question—That amendments nos 2 and 3 be agreed to—put and negatived.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendments together by leave:

Schedule 1, item 24, page 18 (lines 13 and 14), omit the note.

Schedule 1, item 24, page 18 (lines 30 and 31), omit the note.

At 12.45 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Cook) reported progress.

21 **AUSTRALIAN PRUDENTIAL REGULATION AUTHORITY AMENDMENT BILL 2003**

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.

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

In the committee

Bill taken as a whole by leave.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 20, page 8 (lines 10 to 22), omit section 17, substitute:

17 Procedures for merit selection of APRA members

The Minister must by writing determine a code of practice for selecting and appointing APRA members and acting APRA members which sets out general principles on which selection and appointment is to be made, including but not limited to:

- (a) merit, including but not limited to appropriate superannuation industry knowledge;
- (b) independent scrutiny of appointments;
- (c) probity, including but not limited to:
 - (i) preclusion of a person for selection and appointment as an APRA member if the person is a director, officer or employee of a financial body regulated by APRA;
 - (ii) preclusion of a person for selection and appointment as an APRA member if the person is a director, officer or employee of a financial body which is not regulated by APRA, if the absence of any conflict of interests cannot be or is not established;
- (d) openness and transparency.

Schedule 1, item 20, page 8 (after line 25), after subsection 18(1), insert:

- (1A) In making an appointment in accordance with subsection (1), the Governor-General is to have regard to the merit selection processes described in section 17.

Schedule 1, page 9 (line 7), after “may”, insert “, subject to section 17”.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

22 ACTS INTERPRETATION AMENDMENT (COURT PROCEDURES) BILL 2003

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.

23 MARITIME LEGISLATION AMENDMENT (PREVENTION OF POLLUTION FROM SHIPS) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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.

24 INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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.

25 MURRAY-DARLING BASIN AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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.

At 2 pm—

26 QUESTIONS

Questions without notice were answered.

27 DEFENCE—PROPERTY SALES—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 Senators Evans, Marshall and Hogg today relating to Defence property sales.

Debate ensued.

Question put and passed.

**28 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—DEPARTMENTAL AND AGENCY CONTRACTS**

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

Finance and Public Administration References Committee—Departmental and agency contracts: Report on the first year of the Senate order for the production of lists of departmental and agency contracts—Government response, dated June 2003.

**29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—OVINE JOHNE'S DISEASE IN THE AUSTRALIAN SHEEP
FLOCK—SECOND REPORT**

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

Rural and Regional Affairs and Transport References Committee—The incidence of Ovine Johne's disease in the Australian sheep flock—Second report—Government response, dated February 2003.

**30 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—SUITABILITY OF THE AUSTRALIAN ARMY FOR
PEACETIME, PEACEKEEPING AND WAR; MODEL FOR A NEW ARMY**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—From phantom to force: Towards a more efficient and effective army; A model for a new army: Community comments on the *From Phantom to Force* parliamentary report into the army—Reports—Government response, dated May 2003.

**31 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSES—48TH
AND 50TH REPORTS**

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

Treaties—Joint Standing Committee—Government responses—
48th report—Treaties tabled in August and September 2002.
50th report—Treaties tabled 15 October 2002.

**32 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—GOVERNMENT'S INFORMATION TECHNOLOGY
OUTSOURCING INITIATIVE**

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

Finance and Public Administration References Committee—Government's information technology outsourcing initiative—Final report—Rebooting the IT agenda in the Australian Public Service—Government response.

**33 ENERGY GRANTS (CREDITS) SCHEME—DRAFT REGULATIONS—ORDER FOR
PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

The Minister for Defence (Senator Hill), by leave, made a statement relating to the order of the Senate agreed to earlier today for the production of documents concerning draft regulations to be made under the Energy Grants (Credits) Scheme Bill 2003 and under the Energy Grants (Credits) Scheme (Consequential Amendments) Bill 2003 (*see entry no. 6*).

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

Question put and passed.

34 AUDITOR-GENERAL—AUDIT REPORT NO. 51 OF 2002-03—DOCUMENT

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

Auditor-General—Audit report no. 51 of 2002-03—Performance audit—Defence housing and relocation services: Department of Defence.

**35 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—BUDGET ESTIMATES 2003-04**

Pursuant to order, Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—2003-04 Budget estimates—Report, dated June 2003 and *Hansard* record of proceedings [5 vols].

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

**36 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAXATION LAWS
AMENDMENT BILL (NO. 4) 2003**

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

Economics Legislation Committee—Taxation Laws Amendment Bill (No. 4) 2003—Report, dated June 2003, *Hansard* record of proceedings, additional information and submissions [19].

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

**37 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAXATION LAWS
AMENDMENT BILL (NO. 8) 2002**

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

Economics Legislation Committee—Taxation Laws Amendment Bill (No. 8) 2002—Report, dated June 2003, *Hansard* record of proceedings, additional information and submission.

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

38 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 2003-04 Budget estimates be extended to 23 June 2003.

Question put and passed.

39 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—REPORT—FIT-OUT OF NEW LEASED PREMISES FOR THE AUSTRALIAN CUSTOMS SERVICE AT SYDNEY INTERNATIONAL TERMINAL, SYDNEY, NSW

Senator Ferris, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—Proposed fit-out of new leased premises for the Australian Customs Service at Sydney International Terminal, Sydney, NSW—Report, dated June 2003.

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

Question put and passed.

40 DOCUMENTS

The following documents were tabled by the Clerk:

Export Control Act—Export Control (Orders) Regulations—Livestock Export (Merino) Orders (Amendment) No. 1 of 2003.

Quarantine Act—Quarantine Service Fees 2003-2005 (Australia Post) Determination 2003.

Superannuation Industry (Supervision) Act—Requests from Minister to APRA, dated 22 September and 1 December 2002.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 2 of 2003.

Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications Universal Service Obligation (Eligible Revenue) Determination 2003.

41 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Defence (Senator Hill), by leave, moved—That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into the administrative review within the area of veteran and military compensation and income support

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into current health preparation arrangements for the deployment of Australian Defence Forces overseas.

Question put and passed.

General business was called on.

42 HEALTH—MEDICARE—BULK BILLING

Senator McLucas, pursuant to notice, moved general business notice of motion no. 482—That the Senate—

- (a) condemns the most damaging effects of the Government's proposed reforms to Medicare, which will create a user-pays, two-tiered health system in Australia and dismantle the universality of Medicare;
- (b) acknowledges that the first of the damaging effects of the Government's reform package is to cause bulk-billing rates to decline further, and that these reforms do nothing to encourage doctors to bulk bill any Australians other than pensioners and concession cardholders but make it clear that the Government considers bulk billing to be a privilege that accrues only to a subset of Australians, not an entitlement that all Australians have as a result of the Medicare charge;
- (c) notes that the second most damaging effect of the Government's proposed changes to Medicare is the facilitation and encouragement of higher and higher co-payments to be charged by medical practitioners, and that a central plank of the Government's package is the facilitation of co-payments to be charged by doctors who currently bulk bill Australian families, as well as to make it easier for doctors who currently charge a co-payment to increase the amount of this co-payment; and
- (d) notes, with concern, that the Government seeks to allow private health funds to offer insurance for out-of-pocket expenses in excess of \$1 000, a measure which, if implemented, would inflate health insurance premiums as well as be a real step towards a user-pays system in Australia where people who can afford co-payments and insurance premiums will be treated when they are sick, whereas those individuals and families on lower incomes will be forced to go without medical assistance.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Eggleston was speaking.

43 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Law Reform Commission—Report—No. 95—Principled regulation: Federal civil and administrative penalties in Australia, December 2002. Motion of Senator Ludwig to take note of document agreed to.

Housing Assistance Act 1996—Report for 2000-01 on the operation of the 1999 Commonwealth-State Housing Agreement. Motion to take note of document moved by the Leader of the Australian Democrats (Senator Bartlett). Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Great Barrier Reef Marine Park Authority—Report for 2001-02—Errata. Motion to take note of document moved by Senator Bartlett and agreed to.

Independent Soccer Review Committee—Report into the structure, governance and management of soccer in Australia, April 2003. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Higher education—Report for the 2003-05 triennium. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Crimes Act 1914—Independent review of Part 1D: Forensic procedures, May 2003. Motion of Senator Stott Despoja to take note of document agreed to.

Hepatitis C and plasma in 1990—Report of the expert advisory group, May 2003. Motion of Senator Hutchins to take note of document agreed to.

General business orders of the day nos 2 to 4, 6 to 11, 13, 14, 16, 18 to 21 and 24 to 26 relating to government documents were called on but no motion was moved.

General business concluded.

**44 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—
APPOINTMENT OF MEMBER**

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

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That Senator Brown be appointed as a participating member of the Foreign Affairs, Defence and Trade References Committee.

Question put and passed.

**45 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:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's role in United Nations reform—Government response. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of Foreign Affairs, Trade and Defence annual reports 2000-01—Government response. Motion of Senator Bartlett to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Materiel acquisition and management in Defence. Motion of the chair of the committee (Senator Cook) to take note of report called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Report—Review of the Australian Securities and Investment Commission. Motion of the chair of the committee (Senator Chapman) to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Interim report—Proposed importation of fresh apple fruit from New Zealand—Government response. Motion of Senator O'Brien to take note of document called on. On the motion of Senator O'Brien debate was adjourned till the next day of sitting.

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

Treaties—Joint Standing Committee—Report 51—Treaties tabled on 12 November and 3 December 2002. Motion of Senator Buckland to take note of report called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Treaties—Joint Standing Committee—Report 17—United Nations Convention on the Rights of the Child—Government response. Motion of Senator Murray to take note of document debated and agreed to.

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

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 38 of 2002-03—Performance audit—Referrals, assessments and approvals under the *Environment Protection and Biodiversity Conservation Act 1999*. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 41 of 2002-03—Performance audit—Annual reporting on ecologically sustainable development. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Orders of the day nos 1 to 4, 6, 7 and 9 to 17 relating to reports of the Auditor-General were called on but no motion was moved.

47 ADJOURNMENT

The Acting Deputy President (Senator Brandis) 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 7.06 pm till Monday, 23 June 2003 at 12.30 pm.

48 ATTENDANCE

Present, all senators except Senators Bolkus, Chapman and Payne* (* on leave).

HARRY EVANS
Clerk of the Senate