

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 90

MONDAY, 18 AUGUST 2003

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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 **ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002**
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL
PROVISIONS) BILL 2002

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

—————
In the committee

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002—

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

Schedule 1, item 31, page 22 (line 26), after “and”, insert “may”.

Schedule 1, item 31, page 27 (after line 6), after subsection 324G(3), insert:

Requirements relating to assessments generally

(3A) Before giving the Minister an assessment under this section whether a place meets any of the National Heritage criteria, the Australian Heritage Council:

(a) must publish, in accordance with the regulations (if any), a notice:

(i) stating that the Council is assessing whether the place meets any of the National Heritage criteria; and

(ii) inviting comments in writing, within a specified period of no less than 20 business days, on whether the place meets any of the National Heritage criteria and whether the place should be included in the National Heritage List; and

(b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

Schedule 1, item 31, page 27 (line 30), omit the heading to section 324H, substitute:

324H Inviting public comments after assessment

Schedule 1, item 31, page 27 (line 31) to page 28 (line 6), omit subsection 324H(1) (including the note), substitute:

(1) Within 20 business days of the day on which the Minister receives an assessment from the Australian Heritage Council under section 324G, the Minister may publish a notice inviting comments on whether the place that is the subject of the assessment should be included, or should remain, in the National Heritage List and what heritage values should be included, or should remain, in the National Heritage List for the place.

Schedule 1, item 31, page 28 (lines 7 to 10), omit subsection 324H(2), substitute:

- (2) If the Minister receives an assessment from the Australian Heritage Council under section 324G that a place meets one or more of the National Heritage criteria and the Minister proposes:
 - (a) not to include the place in the National Heritage List; or
 - (b) to remove the place from the National Heritage List; or
 - (c) not to include all of the heritage values of the place that the Council is satisfied cause the place to meet the National Heritage criteria in the National Heritage List; or
 - (d) to remove one or more of the National Heritage values of the place that the Council considers the place has from the National Heritage List;

the Minister must publish a notice under subsection (1).

Schedule 1, item 31, page 28 (lines 11 to 17), omit subsection 324H(3), substitute:

- (3) The notice must:
 - (a) include a statement setting out the details of the decision the Minister proposes to make under section 324J and the reasons for the proposed decision; and
 - (b) state that comments are to be given to the Minister within:
 - (i) 40 business days after the notice is published; or
 - (ii) if the place is included in the National Heritage List under section 324F (emergency listing)—20 business days after the notice is published.

Schedule 1, item 31, page 28 (lines 22 to 26), omit subsection 324H(5), substitute:

- (5) On the first day on which the Minister publishes the notice under subsection (1), the Minister must publish, in accordance with the regulations (if any):
 - (a) the assessment given to the Minister under section 324G for the place; and
 - (b) a summary of the documents (if any) given to the Minister by the Australian Heritage Council under subsection 324G(3A) or (4) with the assessment.

Schedule 1, item 31, page 28 (after line 26), at the end of section 324H, add:

- (6) To avoid doubt, if the Minister receives an assessment from the Australian Heritage Council under section 324G that a place meets one or more of the National Heritage criteria, the Minister must not make a decision under section 324J to do any of the things outlined in paragraphs (2)(a) to (d) unless the Minister has complied with the requirements in this section.

Schedule 1, item 31, page 28 (line 29) to page 29 (line 9), omit subsections 324J(1) and (2), substitute:

- (1) After receiving from the Australian Heritage Council an assessment under section 324G whether a place, except one that is or includes a place included in the National Heritage List under section 324F (whether before, on or after receipt of the assessment), meets any of the National Heritage criteria, the Minister must:
 - (a) by instrument published in the *Gazette*, include in the National Heritage List the place and its National Heritage values specified in the instrument; or

(b) decide not to include the place in the National Heritage List.

Note 1: Section 324F is about emergency listing.

Note 2: The Minister may include a place in the National Heritage List only if the Minister is satisfied that the place has one or more National Heritage values (see subsection 324C(2)).

Note 3: Section 324N deals with how additional National Heritage values may be included in the National Heritage List for a National Heritage place.

(2) The Minister must comply with subsection (1):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if the Minister publishes a notice under section 324H in relation to the place—within 60 business days after the end of the period mentioned in paragraph 324H(3)(b) for the place.

Schedule 1, item 31, page 29 (lines 29 to 31), omit “Within 15 business days after the end of the period mentioned in subsection 324H(3) for a place included in the National Heritage List under section 324F (emergency listing)”, substitute “After receiving from the Australian Heritage Council an assessment under section 324G concerning a place (the *listed place*) included in the National Heritage List under section 324F”.

Schedule 1, item 31, page 29 (line 34), omit “place”, substitute “listed place”.

Schedule 1, item 31, page 30 (line 1), omit “place”, substitute “listed place”.

Schedule 1, item 31, page 30 (line 5), omit “place”, substitute “listed place”.

Schedule 1, item 31, page 30 (line 7), omit “place”, substitute “listed place”.

Schedule 1, item 31, page 30 (lines 18 to 20), omit the note.

Schedule 1, item 31, page 30 (after line 20), after subsection 324J(5), insert:

(5A) The Minister must comply with subsection (5):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if the Minister publishes a notice under section 324H in relation to the place—within 15 business days after the end of the period mentioned in paragraph 324H(3)(b) for the place.

Schedule 1, item 31, page 31 (line 12), omit “subsection 324G(4)”, substitute “section 324G”.

Schedule 1, item 31, page 31 (line 14), after “notice”, insert “(if any)”.

Schedule 1, item 31, page 35 (after line 32), before subparagraph 324R(2)(a)(i), insert:

(ia) publication of the assessment under section 324H; or

Schedule 1, item 31, page 36 (line 4), omit “324J(1) or (5)”, substitute “324J(2) or (5A)”.

Schedule 1, item 32, page 43 (line 16), after “and”, insert “may”.

Schedule 1, item 32, page 47 (after line 33), after subsection 341G(3), insert:

Requirements relating to assessments generally

(3A) Before giving the Minister an assessment under this section whether a place meets any of the Commonwealth Heritage criteria, the Australian Heritage Council:

- (a) must publish, in accordance with the regulations (if any), a notice:
 - (i) stating that the Council is assessing whether the place meets any of the Commonwealth Heritage criteria; and
 - (ii) inviting comments in writing, within a specified period of no less than 20 business days, on whether the place meets any of the Commonwealth Heritage criteria and whether the place should be included in the Commonwealth Heritage List; and
- (b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

Schedule 1, item 32, page 48 (line 21), omit the heading to section 341H, substitute:

341H Inviting public comments after assessment

Schedule 1, item 32, page 48 (lines 22 to 31), omit subsection 341H(1) (including the note), substitute:

- (1) Within 20 business days of the day on which the Minister receives an assessment from the Australian Heritage Council under section 341G, the Minister may publish a notice inviting comments on whether the place that is the subject of the assessment should be included, or should remain, in the Commonwealth Heritage List and what heritage values should be included, or should remain, in the Commonwealth Heritage List for the place.

Schedule 1, item 32, page 48 (lines 32 to 35), omit subsection 341H(2), substitute:

- (2) If the Minister receives an assessment from the Australian Heritage Council under section 341G that a place meets one or more of the Commonwealth Heritage criteria and the Minister proposes:
 - (a) not to include the place in the Commonwealth Heritage List; or
 - (b) to remove the place from the Commonwealth Heritage List; or
 - (c) not to include all of the heritage values of the place that the Council is satisfied cause the place to meet the Commonwealth Heritage criteria in the Commonwealth Heritage List; or
 - (d) to remove one or more of the Commonwealth Heritage values of the place that the Council considers the place has from the Commonwealth Heritage List;

the Minister must publish a notice under subsection (1).

Schedule 1, item 32, page 49 (lines 1 to 7), omit subsection 341H(3), substitute:

- (3) The notice must:
 - (a) include a statement setting out the details of the decision the Minister proposes to make under section 341J and the reasons for the proposed decision; and
 - (b) state that comments are to be given to the Minister within:
 - (i) 40 business days after the notice is published; or
 - (ii) if the place is included in the Commonwealth Heritage List under section 341F (emergency listing)—20 business days after the notice is published.

Schedule 1, item 32, page 49 (lines 12 to 17), omit subsection 341H(5), substitute:

- (5) On the first day on which the Minister publishes the notice under subsection (1), the Minister must publish, in accordance with the regulations (if any):
 - (a) the assessment given to the Minister under section 341G for the place; and
 - (b) a summary of the documents (if any) given to the Minister by the Australian Heritage Council under subsection 341G(3A) or (4) with the assessment.

Schedule 1, item 32, page 49 (after line 17), at the end of section 341H, add:

- (6) To avoid doubt, if the Minister receives an assessment from the Australian Heritage Council under section 341G that a place meets one or more of the Commonwealth Heritage criteria, the Minister must not make a decision under section 324J to do any of the things outlined in paragraphs (2)(a) to (d) unless the Minister has complied with the requirements in this section.

Schedule 1, item 32, page 49 (line 20) to page 50 (line 5), omit subsections 341J(1) and (2), substitute:

- (1) After receiving from the Australian Heritage Council an assessment under section 341G whether a place, except one that is or includes a place included in the Commonwealth Heritage List under section 341F (whether before, on or after receipt of the assessment), meets any of the Commonwealth Heritage criteria, the Minister must:
 - (a) by instrument published in the *Gazette*, include in the Commonwealth Heritage List the place and its Commonwealth Heritage values specified in the instrument; or
 - (b) decide not to include the place in the Commonwealth Heritage List.

Note 1: Section 341F is about emergency listing.

Note 2: The Minister may include a place in the Commonwealth Heritage List only if the Minister is satisfied that the place has one or more Commonwealth Heritage values and the place is either entirely within a Commonwealth area or is outside the Australian jurisdiction and is owned or leased by the Commonwealth or a Commonwealth agency (see subsection 341C(2)).

Note 3: Section 341N deals with how additional Commonwealth Heritage values may be included in the Commonwealth Heritage List for a Commonwealth Heritage place.

- (2) The Minister must comply with subsection (1):
 - (a) within 20 business days after the day on which the Minister receives the assessment; or
 - (b) if the Minister publishes a notice under section 341H in relation to the place—within 60 business days after the end of the period mentioned in paragraph 341H(3)(b) for the place.

Schedule 1, item 32, page 50 (lines 26 to 28), omit “Within 15 business days after the end of the period mentioned in subsection 341H(3) for a place included in the Commonwealth Heritage List under section 341F (emergency listing)”, substitute “After receiving from the Australian Heritage Council an assessment under section 341G concerning a place (the *listed place*) included in the Commonwealth Heritage List under section 341F”.

Schedule 1, item 32, page 50 (line 31), omit “place”, substitute “listed place”.

Schedule 1, item 32, page 50 (line 33), omit “place”, substitute “listed place”.

Schedule 1, item 32, page 51 (line 1), omit “place”, substitute “listed place”.

Schedule 1, item 32, page 51 (line 3), omit “place”, substitute “listed place”.

Schedule 1, item 32, page 51 (lines 16 to 18), omit the note.

Schedule 1, item 32, page 51 (after line 18), after subsection 341J(5), insert:

(5A) The Minister must comply with subsection (5):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if the Minister publishes a notice under section 341H in relation to the place—within 15 business days after the end of the period mentioned in paragraph 341H(3)(b) for the place.

Schedule 1, item 32, page 52 (line 11), omit “subsection 341G(4)”, substitute “section 341G”.

Schedule 1, item 32, page 52 (line 13), after “notice”, insert “(if any)”.

Schedule 1, item 32, page 57 (after line 15), before subparagraph 341R(2)(a)(i), insert:

(ia) publication of the assessment under section 341H; or

Schedule 1, item 32, page 57 (line 21), omit “341J(1) or (5)”, substitute “341J(2) or (5A)”.

Debate resumed.

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

Environment and Heritage Legislation Amendment Bill (No. 1) 2002—Norfolk Island landscape area nominations—Copy of table.

Debate continued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Hutchins) reported progress.

3 QUESTIONS

Questions without notice were answered.

4 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION—STATEMENT BY LEAVE

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, gave an explanation of answers not being provided to questions on notice nos 1584 and 1585 and indicated that answers would be provided (*see entry no. 17, 14 August 2003*).

5 HEALTH—ANSWERS TO QUESTIONS

Senator Webber moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today relating to health.

Debate ensued.

Question put and passed.

6 NOTICES

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

- (a) 16 August to 24 August 2003 is National Science Week;
- (b) National Science Week is an annual nation-wide celebration of science, innovation and technology with the aim of inspiring curiosity, discussion and debate about science and its impact in our world;
- (c) during National Science Week numerous universities, private companies, museums, galleries and research centres will offer members of the public access to their facilities and staff;
- (d) National Science Week events are being held in every state and territory and will look at topics as diverse as the science of sex, drugs and rock'n'roll to that of code breaking machines and burping sheep; and
- (e) as 2003 is the Year of Freshwater, this will be the focus for National Science Week 2003 and school students are encouraged to 'investigate freshwater' during the week. (*general business notice of motion no. 535*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the 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 be extended to 17 September 2003. (*general business notice of motion no. 536*)

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

- (a) notes:
 - (i) the great loss suffered by the Indigenous community and the Catholic communities of New South Wales and Victoria following the death of Mrs Alice Ellen Kelly on 30 June 2003, and
 - (ii) that Alice was a senior custodian of the Mutthi Mutthi people of south-western New South Wales and is survived by 10 children, 53 grandchildren, 109 great-grandchildren and 5 great-great grandchildren; and
- (b) recognises the contributions made by Alice to the Indigenous and non-Indigenous community during her lifetime, including:
 - (i) the integral role in preserving the Aboriginal heritage of the Mutthi Mutthi people in the Mungo National Park area,
 - (ii) imparting vital anthropological and archaeological knowledge of the Willandra Lakes area,
 - (iii) receiving the Aboriginal Woman of the Year award in 1988, and

- (iv) participating on many government and non-government committees concerned with land preservation and cultural heritage, including the World Heritage Committee. (*general business notice of motion no. 537*)

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

- (a) with sadness, the death of Mr Charlie Donovan on 23 July 2003;
- (b) that Charlie was a pioneer Indigenous sportsman in athletics and in rugby league during the 1950s and 60s and played with Canterbury Bankstown, Parramatta, and South Sydney Rugby League Football Clubs; and
- (c) Charlie's love of the South Sydney Rugby League Football Club with whom he played and later worked as a volunteer gear man for many years, with the club recently rewarding him with a 'Life Membership' award. (*general business notice of motion no. 538*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to 8 October 2003. (*general business notice of motion no. 539*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Financial Services Reform Amendment Bill 2003 be extended to 21 August 2003. (*general business notice of motion no. 540*)

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

- (a) that children in Australia who have type 1 or insulin dependent diabetes face the future of long-term health and social consequences of this disease and its complications;
- (b) that people with type 1 diabetes also have to inject themselves between two and five times each day, monitor their blood glucose levels (BGL) and maintain the balance between too high BGL which leads to complications and too low BGL which can lead to hypoglycaemia, in which the person can lose consciousness;
- (c) the complications of type 1 diabetes, which include:
 - (i) cardio-vascular disease such as heart disease,
 - (ii) kidney disease,
 - (iii) ulcers and limb amputation, and
 - (iv) retinopathy that is still the leading cause of blindness in Australians under the age of 65;
- (d) that of every 100 Australians with diabetes, it is estimated that:
 - (i) over 75 will develop heart disease,
 - (ii) 43 will have severe kidney disease by the time they are 50 years old,
 - (iii) 60 to 70 will have mild to severe forms of nervous system damage,
 - (iv) 24 will develop retinopathy after 5 years, almost 60 after 10 years and all 100 after 20 years, and
 - (v) one will have had an amputation, as a result of diabetes;
- (e) type 2 diabetes is costing Australians a staggering \$3 billion a year with the bill for each sufferer averaging nearly \$11 000 in expenditure and benefits according to the Ausdiab Study (26 September 2002) but, on a per person basis, the cost of type 1 diabetes is higher, with people with type 1 diabetes accounting for 10 per cent of the diabetic population but 42 per of the economic burden;

- (f) that Australia has one of the highest rates of type 1 diabetes in the world;
- (g) the important work of the Juvenile Diabetes Research Foundation to highlight the concerns of Australians with type 1 diabetes and, specifically, the watershed event 'Kids in the House' held in Parliament House, Canberra, during the week beginning 17 August 2003;
- (h) the outstanding work by Australian researchers to find a cure for type 1 diabetes through pancreatic islet cell transplantation;
- (i) that research is essential to finding a transplant procedure that is safe and available to children with type 1 diabetes; and
- (j) the need for support from the Australian Government to establish:
 - (i) a national clinical islet cell transplant centre to advance islet cell transplantation, and
 - (ii) a research grant to attract the world's best scientists and ensure Australia's position at the forefront of global research. (*general business notice of motion no. 541*)

The Chair of the Community Affairs References Committee (Senator Hutchins): To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of the 2004 winter sittings:

- (a) the history of post-transfusion Hepatitis in Australia, including when Non-A, Non-B Hepatitis (Hepatitis C) was first identified as a risk to the safety of blood supplies in Australia and internationally;
- (b) the understanding of Hepatitis C by blood bankers, virologists and liver specialists during the past 3 decades, including when Hepatitis C was first identified as a virus transmissible through blood;
- (c) when the first cases of post-transfusion Hepatitis C were recorded in Australia;
- (d) when the Australian Red Cross and the plasma fractionator Commonwealth Serum Laboratories first become aware of infections from blood contaminated by Hepatitis C, and the actions taken by those organisations in response to those infections;
- (e) the process leading to the decision by the Australian Red Cross not to implement testing (such as surrogate testing) for Hepatitis C once it became available;
- (f) the likelihood that Hepatitis C infections could have been prevented by the earlier implementation of surrogate testing and donor deferral;
- (g) the implications for Australia of the world's most extensive blood inquiry, Canada's Royal Commission (the Krever Report);
- (h) the implications for Australia of the recent criminal charges against the Canadian Red Cross for not implementing surrogate testing for Hepatitis C in the 1980s;
- (i) the Commonwealth's involvement in the provision of compensation to victims of transfused Hepatitis C, including the use of confidentiality clauses in those compensation payments;
- (j) the high infection rate of Hepatitis C for people suffering from haemophilia;
- (k) the extent to which Australia has been self-sufficient in blood stocks in the past 3 decades;

- (l) the importation of foreign-sourced blood plasma for use in the manufacture of blood products and its potential role in the proliferation of Hepatitis C infected blood;
- (m) the number of Australians who have been infected with Hepatitis C through blood transfusion;
- (n) the impact that blood-transfused Hepatitis C has had on its victims and their families; and
- (o) what services can be provided or remedies made available to improve outcomes for people adversely affected by transfused Hepatitis C.

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

- (a) notes that:
 - (i) the Special Minister of State (Senator Abetz) has launched a petition in Tasmania calling on the Australian Broadcasting Corporation (ABC) to overturn its decision to cancel the program *Behind the News*, and
 - (ii) this decision by the ABC was taken in response to insufficient funding to allow the ABC to deliver its full range of services; and
- (b) given the Government's direct responsibility for the lack of funding, calls on Senator Abetz to more usefully use his ministerial influence to lobby his colleagues, the Minister for Communications, Information Technology and the Arts (Senator Alston) and the Prime Minister (Mr Howard), to provide sufficient funding to the ABC to allow the show to be continued. (*general business notice of motion no. 542*)

7 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That general business notice of motion no. 525 (relating to the proposed amalgamation of the joint parliamentary departments) be considered before the resumption of government business orders of the day today.

Debate ensued.

Question put and passed.

8 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), moved—That the time for the presentation of the report of the committee on the provisions of the Postal Services Legislation Amendment Bill 2003 be extended to 19 August 2003.

Question put and passed.

9 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That—

- (a) the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee's inquiry into the provisions of the ACIS Administration Amendment Bill 2003 and a related bill; and

- (b) the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 19 August 2003, from 3 pm to 3.30 pm.

Question put and passed.

10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 530 standing in the name of Senator Cherry for today, relating to compensation for Indigenous workers in Queensland, postponed till 20 August 2003.

A postponement notification was announced in respect of business of the Senate notice of motion no. 1 standing in the name of Senator Brown for 19 August 2003, relating to the disallowance of Amendment 41 of the National Capital Plan (Gungahlin Drive Extension), to be postponed till 4 November 2003.

Pursuant to standing order 67, Senator Humphries requested that the question for the postponement of the notice of motion be put.

Statements by leave: Senators Brown and Humphries and the Leader of the Opposition in the Senate (Senator Faulkner), by leave, made statements relating to the matter.

Senator Brown, by leave, withdrew the notification of postponement.

11 CHILDREN—DOMESTIC VIOLENCE

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 534—That the Senate—

(a) notes that:

- (i) the impact on children who witness domestic violence is consistent with symptoms of Traumatic Stress Disorder,
- (ii) the effects of domestic violence on mothers and their children are regarded as so debilitating that some form of separation from the perpetrator must occur, and
- (iii) both the Family Law Council (2002) report titled, *Family Law and Child Protection*, and the Family Court's Magellan Project have recognised that children who are subject to serious abuse are not protected in the current Family Court system from continuing abuse; and

(b) urges the Government to:

- (i) give urgent consideration to amending the *Family Law Act 1975* to ensure that child safety is prioritised, including by giving consideration to requiring judges to prioritise child safety when determining the child's best interests as the first condition of meeting those interests,
- (ii) establish a Federal Child Protection Service for the family law system, as recommended by the Family Law Council's 2002 report, in order to perform the function of investigating child abuse concerns and provide information arising from such investigations to courts exercising jurisdiction under the Act,
- (iii) increase funding to develop cooperation between state and territory child protection authorities in order to provide the level of investigation and reporting required to improve current child protection services, and

- (iv) improve the current lack of coordination between state and territory authorities and courts exercising jurisdiction under the Act.

Question put and passed.

12 WORK OF COMMITTEES—DOCUMENT

The President tabled the following document:

Work of Committees—Financial year statistics: 1 July 2002 to 30 June 2003; and half-yearly statistics: 1 January to 30 June 2003.

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

13 ENVIRONMENT—CARBON DIOXIDE EMISSIONS—DOCUMENT

The President tabled the following document:

Environment—Carbon dioxide emissions—Letter to the President of the Senate from the Premier of New South Wales (Mr Carr) responding to the resolution of the Senate of 24 June 2003, dated 11 August 2003.

14 ANIMAL WELFARE—DOGS—TAIL DOCKING—DOCUMENT

The President tabled the following document:

Animal welfare—Dogs—Tail docking—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Truss) responding to the resolution of the Senate of 26 June 2003, dated 14 August 2003.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the document.

Question put and passed.

15 DOCUMENTS

The following documents were tabled by the Clerk:

Broadcasting Services Act—Determination under clause 37EA of Schedule 4 to the *Broadcasting Services Act 1992* (No. 1) 2003.

Class Rulings CR 2003/66-CR 2003/68.

Customs Act—CEO Instruments of Approval Nos 10-23 of 2003.

Federal Court of Australia Act—Rules of Court—Statutory Rules 2003 No. 206.

Health Care (Appropriation) Act—Statement under section 4, dated 11 August 2003.

Medical Indemnity Act—

Medical Indemnity (Non-participating MDOs) Determination 2003.

Medical Indemnity (Unfunded IBNR factor — United Medical Protection Limited) Determination 2003.

Product Ruling PR 2003/28 (Notice of Withdrawal).

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 6/03 [4 dispensations].

Taxation Ruling TR 2003/10.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 31-40 of 2003.

16 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June and 26 June 2003:

Departmental and agency contracts for 2002-03—Letters of advice—
 Agriculture, Fisheries and Forestry portfolio—
 Dairy Adjustment Authority.
 Department of Agriculture, Fisheries and Forestry.
 Department of Defence.
 Prime Minister and Cabinet portfolio—
 Australian National Audit Office.
 Australian Public Service Commission.
 Department of the Prime Minister and Cabinet.
 Office of National Assessments.
 Office of the Commonwealth Ombudsman.
 Office of the Official Secretary to the Governor-General.

17 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

14 August 2003—Message No. 28—*Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003* (Act No. 79, 2003).

18 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003

Pursuant to order, Senator Ferguson, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Australian Protective Service Amendment Bill 2003—Report, dated August 2003, *Hansard* record of proceedings and submissions [5].

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

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

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

19 PARLIAMENTARY DEPARTMENTS—AMALGAMATION

The President, pursuant to notice, moved general business notice of motion no. 525—That—

- (1) In accordance with section 54 of the *Parliamentary Service Act 1999*, the Senate resolves that:
 - (a) the Joint House Department, Department of the Parliamentary Library and Department of the Parliamentary Reporting Staff are abolished with effect from 31 January 2004; and
 - (b) a new joint service department, to be called the 'Department of Parliamentary Services' be established from 1 February 2004 to fulfil all the functions of the former joint departments.
- (2) The Senate supports the Presiding Officers in the following endeavours:

- (a) to reinforce the independence of the Parliamentary Library by strengthening the current role of the Library committees of both Houses of Parliament;
- (b) to bring forward amendments to the *Parliamentary Service Act 1999* to provide for a statutory position of Parliamentary Librarian within the new joint service department and conferring on the Parliamentary Librarian direct reporting responsibilities to the Presiding Officers and to the Library committees of both Houses of Parliament;
- (c) to ensure that the resources and services to be provided to the Parliamentary Library in the new joint service department are specified in an annual agreement between the Departmental Secretary and the Parliamentary Librarian, approved by the Presiding Officers following consideration by the Library committees of both Houses of Parliament; and
- (d) to consider, after the establishment of the joint service department, that department providing human resources and financial transaction-processing activities for all the Parliamentary departments, subject to such an arrangement being proven to be both cost-effective and efficient.

(3) This resolution be transmitted to the House of Representatives.

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

After paragraph (1), insert:

- (1A) Any savings achieved by the amalgamation may be used to offset increases in costs of security measures approved by the Presiding Officers for Parliament House, but if those increases in costs exceed those savings, the appropriations for the Parliamentary departments are to be supplemented for the excess.

Debate ensued.

Senator Brown moved the following amendments to Senator Faulkner's proposed amendment together by leave:

Omit "Any savings achieved by the amalgamation may be used".

Omit ", but if those increases in costs exceed those savings,".

Omit "for the excess".

Debate ensued.

Question—That Senator Brown's amendments to Senator Faulkner's proposed amendment be agreed to—put.

The Senate divided—

AYES, 12

Senators—

Allison (Teller)
Bartlett
Brown

Cherry
Greig
Harradine

Lees
Murphy
Murray

Nettle
Ridgeway
Stott Despoja

NOES, 46

Senators—			
Barnett	Cook	Hogg	McGauran
Bishop	Coonan	Humphries	Moore
Boswell	Crossin	Hutchins	Ray
Brandis	Denman	Johnston	Scullion
Buckland (Teller)	Eggleston	Kemp	Sherry
Calvert	Evans	Kirk	Stephens
Campbell, George	Faulkner	Knowles	Tchen
Carr	Ferguson	Ludwig	Tierney
Chapman	Ferris	Lundy	Webber
Colbeck	Forshaw	Mackay	Wong
Collins	Harris	Marshall	
Conroy	Hill	Mason	

Question negatived.

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

Senator Brown moved the following amendment:

After paragraph (1A), insert:

- (1B) Any redundancies arising from the amalgamation must be of a voluntary nature and that no staff will be forced to take involuntary redundancies as a result of the amalgamation.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 38

Senators—			
Allison	Conroy	Hutchins	Nettle
Bartlett	Cook	Kirk	Ray
Bishop	Crossin	Lees	Ridgeway
Bolkus	Denman	Ludwig	Sherry
Brown	Evans	Lundy	Stephens
Buckland (Teller)	Faulkner	Mackay	Stott Despoja
Campbell, George	Forshaw	Marshall	Webber
Carr	Greig	Moore	Wong
Cherry	Harradine	Murphy	
Collins	Hogg	Murray	

NOES, 23

Senators—			
Barnett	Coonan	Humphries	McGauran
Boswell	Eggleston	Johnston	Santoro
Brandis	Ferguson	Kemp	Scullion
Calvert	Ferris (Teller)	Knowles	Tchen
Chapman	Heffernan	Macdonald, Sandy	Tierney
Colbeck	Hill	Mason	

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 53

Senators—

Barnett	Coonan	Kemp	Ray
Bishop	Crossin	Kirk	Santoro
Bolkus	Denman	Knowles	Scullion
Boswell	Eggleston	Lightfoot	Sherry
Brandis	Evans	Ludwig	Stephens
Buckland	Faulkner	Lundy	Tchen
Calvert	Ferguson	Macdonald, Sandy	Tierney
Campbell, George	Ferris (Teller)	Mackay	Troeth
Carr	Forshaw	Marshall	Watson
Chapman	Hill	Mason	Webber
Colbeck	Hogg	McGauran	Wong
Collins	Humphries	Moore	
Conroy	Hutchins	Patterson	
Cook	Johnston	Payne	

NOES, 11

Senators—

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

Question agreed to.

Statement by leave: Senator Faulkner, by leave, made a statement relating to the divisions.

20 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

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

—————
In the committee

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002—

Consideration resumed of the bill, as amended—*and of the amendments moved by Senator Allison (see entry no. 2).*

Debate resumed.

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

Senator Lees moved the following amendments together by leave:

No. 1—Schedule 1, item 18, page 17 (line 30), omit “place.”, substitute “place; or”.

No. 2—Schedule 1, item 18, page 17 (after line 30), at the end of section 137A, add:

- (c) a plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.

No. 3—Schedule 1, item 31, page 22 (line 26), after “and”, insert “may”.

No. 4—Schedule 1, item 31, page 24 (after line 31), after subsection 324E(3), insert:

- (3A) Within 10 business days after giving the request to the Chair of the Australian Heritage Council, the Minister must publish on the Internet a brief description of the nomination.

Note: Section 324Q may affect the amount of detail in the description.

No. 5—Schedule 1, item 31, page 26 (line 11), omit “, within a reasonable time”.

No. 6—Schedule 1, item 31, page 26 (lines 12 and 13), omit paragraph 324F(5)(a), substitute:

- (a) within 10 business days, publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument published in the *Gazette*; and

No. 7—Schedule 1, item 31, page 26 (lines 19 and 20), omit paragraph 324F(5)(c), substitute:

- (c) within 10 business days, advise each person (if any) who nominated the place or requested the Minister in writing to include the place in the List under this section that the place has been included in the List.

No. 8—Schedule 1, item 31, page 26 (after line 20), at the end of section 324F, add:

- (6) If a person requests the Minister in writing to include a place in the National Heritage List under this section and the Minister has not done so within 10 business days after receiving the request, the Minister must:
- (a) publish on the Internet notice of those facts; and
 - (b) advise the person that the Minister has not included the place in the List; and
 - (c) give reasons why the Minister has not done so to the person and to anyone who requests them.

This subsection has effect (despite subsection (1)) whether or not the Minister has the belief described in that subsection in relation to the place and its heritage values (if any).

No. 9—Schedule 1, item 31, page 27 (lines 1 and 2), omit “However, the Minister may extend the period in paragraph (a) or (b).”.

No. 10—Schedule 1, item 31, page 27 (after line 2), after subsection 324G(2), insert:

- (2A) If the Australian Heritage Council does not give the Minister the assessment within the period required by subsection (2) but makes all reasonable efforts to do so, the Minister may, by notice in writing, extend the period by up to 24 months.
- (2B) If the Australian Heritage Council does not give the Minister the assessment within the period as extended under subsection (2A) but makes all reasonable efforts to do so, the Minister may, by notice in writing, further extend the period by up to 24 months.
- (2C) Within 10 business days of extending the period by notice under subsection (2A) or (2B), the Minister must:
- (a) publish on the Internet:

- (i) a copy of the notice; and
- (ii) the reasons for the extension; and
- (b) give a copy of the notice to each person (if any) who nominated the place being covered by the assessment.

No. 11—Schedule 1, item 31, page 27 (after line 6), after subsection 324G(3), insert:

Requirements relating to assessments generally

- (3A) Before giving the Minister an assessment under this section whether a place meets any of the National Heritage criteria, the Australian Heritage Council:
 - (a) must publish, in accordance with the regulations (if any), a notice:
 - (i) stating that the Council is assessing whether the place meets any of the National Heritage criteria; and
 - (ii) inviting comments in writing, within a specified period that is reasonable having regard to the time by which the Council must give the assessment to the Minister, on whether the place meets any of the National Heritage criteria and whether the place should be included in the National Heritage List; and
 - (b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

No. 12—Schedule 1, item 31, page 27 (line 30), omit the heading to section 324H, substitute:

324H Inviting public comments after assessment

No. 13—Schedule 1, item 31, page 27 (after line 30), before subsection (1), insert:

- (1A) This section applies if and only if, within 20 business days after the day on which the Minister receives from the Australian Heritage Council under section 324G an assessment whether a place meets any of the National Heritage criteria, the Minister decides that this section should apply. This section continues to apply even if the Minister revokes the decision.

No. 14—Schedule 1, item 31, page 27 (line 33), omit “a”, substitute “the”.

No. 15—Schedule 1, item 31, page 28 (lines 5 and 6), omit the note.

No. 16—Schedule 1, item 31, page 28 (lines 11 to 13), omit “include a statement setting out the National Heritage criteria the place meets or may meet and must allow the comments”, substitute “state that comments are”.

No. 17—Schedule 1, item 31, page 28 (lines 22 to 26), omit subsection 324H(5), substitute:

- (5) On the first day on which the Minister publishes the notice, the Minister must publish, in accordance with the regulations (if any):
 - (a) the assessment given to the Minister under section 324G for the place; and

- (b) a summary of the documents (if any), copies of which were given to the Minister by the Australian Heritage Council under that section with the assessment; and
- (c) if the place has not been included in the National Heritage List—
 - one of the following:
 - (i) a statement (the *listing proposal*) that the Minister proposes that the place be included in the National Heritage List;
 - (ii) a statement that the Minister proposes that the place not be included in the National Heritage List;
 - (iii) a statement that the Minister does not have a view whether or not the place should be included in the National Heritage List; and
- (d) if the Minister publishes the listing proposal—a statement:
 - (i) identifying the National Heritage values that the Minister proposes be included in the National Heritage List for the place; and
 - (ii) explaining why the Minister believes the place has those values.

No. 18—Schedule 1, item 31, page 28 (line 29) to page 29 (line 9), omit subsections 324J(1) and (2), substitute:

- (1) After receiving from the Australian Heritage Council an assessment under section 324G whether a place, except one that is or includes a place included in the National Heritage List under section 324F (whether before, on or after receipt of the assessment), meets any of the National Heritage criteria, the Minister must:
 - (a) by instrument published in the *Gazette*, include in the National Heritage List the place and its National Heritage values specified in the instrument; or
 - (b) decide not to include the place in the National Heritage List.

Note 1: Section 324F is about emergency listing.

Note 2: The Minister may include a place in the National Heritage List only if the Minister is satisfied that the place has one or more National Heritage values (see subsection 324C(2)).

Note 3: Section 324N deals with how additional National Heritage values may be included in the National Heritage List for a National Heritage place.

- (2) The Minister must comply with subsection (1):
 - (a) within 20 business days after the day on which the Minister receives the assessment; or
 - (b) if section 324H applies in relation to the place—within 60 business days after the end of the period mentioned in paragraph 324H(3)(a) for the place.

However, this subsection does not apply if the place is wholly or partly outside the Australian jurisdiction.

No. 19—Schedule 1, item 31, page 29 (lines 21 and 22), omit “, within a reasonable time”.

No. 20—Schedule 1, item 31, page 29 (lines 29 to 31), omit “Within 15 business days after the end of the period mentioned in subsection 324H(3) for a place included in the National Heritage List under section 324F (emergency listing),”, substitute “After receiving from the Australian Heritage Council an assessment under section 324G whether a place that is or includes a place (the *listed place*) included in the National Heritage List under section 324F (whether before, on or after receipt of the assessment) meets any of the National Heritage criteria,”.

No. 21—Schedule 1, item 31, page 29 (line 34), omit “place”, substitute “listed place”.

No. 22—Schedule 1, item 31, page 30 (line 1), omit “place”, substitute “listed place”.

No. 23—Schedule 1, item 31, page 30 (line 5), omit “place”, substitute “listed place”.

No. 24—Schedule 1, item 31, page 30 (line 7), omit “place”, substitute “listed place”.

No. 25—Schedule 1, item 31, page 30 (lines 18 to 20), omit the note.

No. 26—Schedule 1, item 31, page 30 (after line 20), after subsection 324J(5), insert:

(5A) The Minister must comply with subsection (5):

(a) within 20 business days after the day on which the Minister receives the assessment; or

(b) if section 324H applies in relation to the place covered by the assessment—within 15 business days after the end of the period mentioned in subsection 324H(3) for the place.

However, this subsection does not apply if the place covered by the assessment is partly outside the Australian jurisdiction.

Note: Subsection (5) cannot apply to a place wholly outside the Australian jurisdiction, because a place wholly outside the Australian jurisdiction must not be included in the National Heritage List under section 324F.

No. 27—Schedule 1, item 31, page 30 (line 35), omit “, within a reasonable time”.

No. 28—Schedule 1, item 31, page 30 (line 36) to page 31 (line 5), omit paragraphs 324J(7)(a) and (b), substitute:

(a) within 10 business days, publish on the Internet:

(i) a copy of the instrument published in the *Gazette*; and

(ii) the reasons for the removal or alteration; and

(b) within 10 business days, give written reasons for the removal or alteration to each person identified by the Minister as an owner or occupier of all or part of the place; and

(c) give written reasons for the removal or alteration to anyone else who asks the Minister for them; and

(d) if the place was included on the List following a nomination of it by a person—within 10 business days of the removal or alteration, advise the person of the removal or alteration and give the person written reasons for it.

No. 29—Schedule 1, item 31, page 31 (line 12), omit “subsection 324G(4)”, substitute “section 324G”.

No. 30—Schedule 1, item 31, page 31 (line 14), after “notice”, insert “(if any)”.

No. 31—Schedule 1, item 31, page 33 (lines 5 and 6), omit subsection 324L(6), substitute:

- (6) Within 10 business days of publication of the instrument in the *Gazette*, the Minister must publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument.

No. 32—Schedule 1, item 31, page 33 (lines 9 to 14), omit subsection 324M(1), substitute:

- (1) Before the Minister removes from the National Heritage List under section 324L all or part of a place or one or more of a place’s National Heritage values in a removal for loss of value, the Minister must:
 - (a) give the Chair of the Australian Heritage Council a written request for the Council to give the Minister advice on the proposed removal; and
 - (b) publish, on the Internet, in a daily newspaper circulating in each State and self-governing Territory and in each other way required by the regulations (if any), a notice:
 - (i) describing the proposed removal; and
 - (ii) inviting anyone to give the Minister comments, within 20 business days, on the proposed removal.

The Minister must publish the notice within 20 business days of giving the request.

No. 33—Schedule 1, item 31, page 33 (lines 17 and 18), omit subsection 324M(3), substitute:

- (3) The Minister must consider the advice, if he or she receives it by the end of that period, and the comments (if any) received in accordance with the notice.

No. 34—Schedule 1, item 31, page 35 (after line 32), before subparagraph 324R(2)(a)(i), insert:

- (ia) publication under section 324H of the assessment; or

No. 35—Schedule 1, item 31, page 36 (line 4), omit “324J(1) or (5)”, substitute “324J(2) or (5A)”.

No. 36—Schedule 1, item 31, page 38 (lines 1 to 4), omit subsection 324S(6), substitute:

- (6) Before making, amending or revoking and replacing a plan, the Minister must:
 - (a) seek in accordance with the regulations, and consider, comments from anyone about the matters to be addressed by the proposed plan or amendment; and
 - (b) seek and consider comments from the Australian Heritage Council about those matters.

No. 37—Schedule 1, item 31, page 38 (lines 15 to 19), omit section 324U, substitute:

324U Compliance with plans by the Commonwealth and Commonwealth agencies

- (1) The Commonwealth or a Commonwealth agency must not:
 - (a) contravene a plan made under section 324S; or

- (b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.
- (2) If there is no plan in force under section 324S for a particular National Heritage place described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the place are not inconsistent with the National Heritage management principles.

No. 38—Schedule 1, item 31, page 38 (lines 27 to 32), omit section 324W, substitute:

324W Review of plans at least every 5 years

- (1) At least once in every 5 year period after a plan for managing a National Heritage place is made under section 324S, the Minister must cause a review of the plan to be carried out.
- (2) The review must:
 - (a) assess whether the plan is consistent with the National Heritage management principles in force at the time; and
 - (b) assess whether the plan is effective in protecting and conserving the National Heritage values of the place; and
 - (c) make recommendations for the improved protection of the National Heritage values of the place.
- (3) The person carrying out the review must publish, on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice inviting anyone to give the person comments within 20 business days on:
 - (a) whether the plan is consistent with the National Heritage management principles; and
 - (b) the effectiveness of the plan in protecting and conserving the National Heritage values of the place.
- (4) In carrying out the review, the person must consider the comments (if any) received in accordance with the notice.

No. 39—Schedule 1, item 31, page 40 (line 26), omit “identification and assessment”, substitute “identification, assessment and monitoring”.

No. 40—Schedule 1, item 31, page 41 (after line 3), after subsection 324ZA(1), insert:

- (1A) The Commonwealth agency must give the Minister at least 40 business days’ notice before executing the contract.

No. 41—Schedule 1, item 31, page 43 (line 3), omit paragraph 324ZC(2)(e), substitute:

- (e) all nominations, assessments and changes to the National Heritage List under this Division during the period of review; and
- (f) compliance with this Act in relation to National Heritage places; and
- (g) any other matters that the Minister considers relevant.

No. 42—Schedule 1, item 32, page 43 (line 16), after “and”, insert “may”.

No. 43—Schedule 1, item 32, page 47 (line 2), omit “, within a reasonable time”.

No. 44—Schedule 1, item 32, page 47 (lines 3 and 4), omit paragraph 341F(5)(a), substitute:

- (a) within 10 business days, publish, on the Internet and in each other way required by the regulations (if any), a copy or summary of the instrument published in the *Gazette*; and

No. 45—Schedule 1, item 32, page 47 (lines 10 to 12), omit paragraph 341F(5)(c), substitute:

- (c) within 10 business days, advise each person (if any) who nominated the place or requested the Minister in writing to include the place in the List under this section that the place has been included in the List.

No. 46—Schedule 1, item 32, page 47 (after line 12), at the end of section 341F, add:

- (6) If a person requests the Minister in writing to include a place in the Commonwealth Heritage List under this section and the Minister has not done so within 10 business days after receiving the request, the Minister must:
 - (a) publish on the Internet notice of those facts; and
 - (b) advise the person that the Minister has not included the place in the List; and
 - (c) give reasons why the Minister has not done so to the person and to anyone who requests them.

This subsection has effect (despite subsection (1)) whether or not the Minister has the belief described in that subsection in relation to the place and its heritage values (if any).

No. 47—Schedule 1, item 32, page 47 (lines 28 and 29), omit “However, the Minister may extend the period in paragraph (a) or (b).”.

No. 48—Schedule 1, item 32, page 47 (after line 29), after subsection 341G(2), insert:

- (2A) If the Australian Heritage Council does not give the Minister the assessment within the period required by subsection (2) but makes all reasonable efforts to do so, the Minister may, by notice in writing, extend the period by up to 24 months.
- (2B) If the Australian Heritage Council does not give the Minister the assessment within the period as extended under subsection (2A) but makes all reasonable efforts to do so, the Minister may, by notice in writing, further extend the period by up to 24 months.
- (2C) Within 10 business days of extending the period by notice under subsection (2A) or (2B), the Minister must:
 - (a) publish on the Internet:
 - (i) a copy of the notice; and
 - (ii) the reasons for the extension; and
 - (b) give a copy of the notice to each person (if any) who nominated the place being covered by the assessment.

No. 49—Schedule 1, item 32, page 47 (after line 33), after subsection 341G(3), insert:

Requirements relating to assessments generally

(3A) Before giving the Minister an assessment under this section whether a place meets any of the Commonwealth Heritage criteria, the Australian Heritage Council:

(a) must publish, in accordance with the regulations (if any), a notice:

- (i) stating that the Council is assessing whether the place meets any of the Commonwealth Heritage criteria; and
- (ii) inviting comments in writing, within a specified period that is reasonable having regard to the time by which the Council must give the assessment to the Minister, on whether the place meets any of the Commonwealth Heritage criteria and whether the place should be included in the Commonwealth Heritage List; and

(b) must consider, subject to subsection (5), the comments (if any) the Council receives within the period.

The Council must give the Minister a copy of the comments with the assessment.

No. 50—Schedule 1, item 32, page 48 (line 21), omit the heading to section 341H, substitute:

341H Inviting public comments after assessment

No. 51—Schedule 1, item 32, page 48 (after line 21), before subsection (1), insert:

(1A) This section applies if and only if, within 20 business days after the day on which the Minister receives from the Australian Heritage Council under section 341G an assessment whether a place meets any of the Commonwealth Heritage criteria, the Minister decides that this section should apply. This section continues to apply even if the Minister revokes the decision.

No. 52—Schedule 1, item 32, page 48 (line 24), omit “a”, substitute “the”.

No. 53—Schedule 1, item 32, page 48 (lines 30 and 31), omit the note.

No. 54—Schedule 1, item 32, page 49 (lines 1 to 3), omit “include a statement setting out the Commonwealth Heritage criteria the place meets or may meet and must allow the comments”, substitute “state that comments are”.

No. 55—Schedule 1, item 32, page 49 (lines 12 to 17), omit subsection 341H(5), substitute:

(5) On the first day on which the Minister publishes the notice, the Minister must publish, in accordance with the regulations (if any):

(a) the assessment given to the Minister under section 341G for the place; and

(b) a summary of the documents (if any), copies of which were given to the Minister by the Australian Heritage Council under that section with the assessment; and

(c) if the place has not been included in the Commonwealth Heritage List—one of the following:

- (i) a statement (the *listing proposal*) that the Minister proposes that the place be included in the Commonwealth Heritage List;
 - (ii) a statement that the Minister proposes that the place not be included in the Commonwealth Heritage List;
 - (iii) a statement that the Minister does not have a view whether or not the place should be included in the Commonwealth Heritage List; and
- (d) if the Minister publishes the listing proposal—a statement:
- (i) identifying the Commonwealth Heritage values that the Minister proposes be included in the Commonwealth Heritage List for the place; and
 - (ii) explaining why the Minister believes the place has those values.

No. 56—Schedule 1, item 32, page 49 (line 20) to page 50 (line 5), omit subsections 341J(1) and (2), substitute:

- (1) After receiving from the Australian Heritage Council an assessment under section 341G whether a place, except one that is or includes a place included in the Commonwealth Heritage List under section 341F (whether before, on or after receipt of the assessment), meets any of the Commonwealth Heritage criteria, the Minister must:
- (a) by instrument published in the *Gazette*, include in the Commonwealth Heritage List the place and its Commonwealth Heritage values specified in the instrument; or
 - (b) decide not to include the place in the Commonwealth Heritage List.

Note 1: Section 341F is about emergency listing.

Note 2: The Minister may include a place in the Commonwealth Heritage List only if the Minister is satisfied that the place:

- (a) is entirely within a Commonwealth area or is both outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth agency; and
- (b) has one or more Commonwealth Heritage values.

See subsection 341C(2).

Note 3: Section 341N deals with how additional Commonwealth Heritage values may be included in the Commonwealth Heritage List for a Commonwealth Heritage place.

- (2) The Minister must comply with subsection (1):
- (a) within 20 business days after the day on which the Minister receives the assessment; or
 - (b) if section 341H applies in relation to the place—within 60 business days after the end of the period mentioned in paragraph 341H(3)(a) for the place.

However, this subsection does not apply if the place is wholly or partly outside the Australian jurisdiction.

No. 57—Schedule 1, item 32, page 50 (line 15), omit “List.”, substitute “List; and”.

No. 58—Schedule 1, item 32, page 50 (after line 15), at the end of subsection 341J(3), add:

- (c) publish on the Internet:
 - (i) a copy of the instrument published in the *Gazette* including the place and its Commonwealth Heritage values in the List; and
 - (ii) the Minister's reasons for including the place and those values in the List.

No. 59—Schedule 1, item 32, page 50 (line 23), after “decision”, insert “within 10 business days”.

No. 60—Schedule 1, item 32, page 50 (line 24), omit “decision.”, substitute “decision; and”.

No. 61—Schedule 1, item 32, page 50 (after line 24), at the end of subsection 341J(4), add:

- (c) within 10 business days, publish on the Internet notice of the decision and the reasons for the decision.

No. 62—Schedule 1, item 32, page 50 (lines 26 to 28), omit “Within 15 business days after the end of the period mentioned in subsection 341H(3) for a place included in the Commonwealth Heritage List under section 341F (emergency listing),”, substitute “After receiving from the Australian Heritage Council an assessment under section 341G whether a place that is or includes a place (the *listed place*) included in the Commonwealth Heritage List under section 341F (whether before, on or after receipt of the assessment) meets any of the Commonwealth Heritage criteria.”.

No. 63—Schedule 1, item 32, page 50 (line 31), omit “place”, substitute “listed place”.

No. 64—Schedule 1, item 32, page 50 (line 33), omit “place”, substitute “listed place”.

No. 65—Schedule 1, item 32, page 51 (line 1), omit “place”, substitute “listed place”.

No. 66—Schedule 1, item 32, page 51 (line 3), omit “place”, substitute “listed place”.

No. 67—Schedule 1, item 32, page 51 (lines 16 to 18), omit the note.

No. 68—Schedule 1, item 32, page 51 (after line 18), after subsection 341J(5), insert:

- (5A) The Minister must comply with subsection (5):
 - (a) within 20 business days after the day on which the Minister receives the assessment; or
 - (b) if section 341H applies in relation to the place covered by the assessment—within 15 business days after the end of the period mentioned in subsection 341H(3) for the place.

However, this subsection does not apply if the place covered by the assessment is wholly or partly outside the Australian jurisdiction.

No. 69—Schedule 1, item 32, page 51 (line 34) to page 52 (line 4), omit paragraphs 341J(7)(a) and (b), substitute:

- (a) within 10 business days, publish on the Internet:
 - (i) a copy of the instrument published in the *Gazette*; and

- (ii) the reasons for the removal or alteration; and
- (b) within 10 business days, give written reasons for the removal or alteration to each person identified by the Minister as an owner or occupier of all or part of the place; and
- (c) give written reasons for the removal or alteration to anyone else who asks the Minister for them; and
- (d) if the place was included on the List following a nomination of it by a person—within 10 business days of the removal or alteration, advise the person of the removal or alteration and give the person written reasons for it.

No. 70—Schedule 1, item 33, page 52 (line 11), omit “subsection 341G(4)”, substitute “section 341G”.

No. 71—Schedule 1, item 32, page 52 (line 13), after “notice”, insert “(if any)”.

No. 72—Schedule 1, item 32, page 54 (lines 16 and 17), omit subsection 341L(7), substitute:

- (7) Within 10 business days of publication of the instrument in the *Gazette*, the Minister must publish, on the Internet and in each other way required by the regulations (if any), a copy of the instrument.

No. 73—Schedule 1, item 32, page 54 (lines 20 to 25), omit subsection 341M(1), substitute:

- (1) Before the Minister removes from the Commonwealth Heritage List under section 341L all or part of a place or one or more of a place’s Commonwealth Heritage values in a removal for loss of value, the Minister must:
 - (a) give the Chair of the Australian Heritage Council a written request for the Council to give the Minister advice on the proposed removal; and
 - (b) publish, on the Internet, in a daily newspaper circulating in each State and self-governing Territory and in each other way required by the regulations (if any), a notice:
 - (i) describing the proposed removal; and
 - (ii) inviting anyone to give the Minister comments, within 20 business days, on the proposed removal.

The Minister must publish the notice within 20 business days of giving the request.

No. 74—Schedule 1, item 32, page 54 (lines 28 and 29), omit subsection 341M(3), substitute:

- (3) The Minister must consider the advice, if he or she receives it by the end of that period, and the comments (if any) received in accordance with the notice.

No. 75—Schedule 1, item 32, page 57 (after line 15), before subparagraph 341R(2)(a)(i), insert:

- (ia) publication under section 341H of the assessment; or

No. 76—Schedule 1, item 32, page 57 (line 21), omit “341J(1) or (5)”, substitute “341J(2) or (5A)”.

No. 77—Schedule 1, item 32, page 59 (lines 16 to 18), omit paragraph 341S(6)(b), substitute:

- (b) seek in accordance with the regulations, and consider, comments from anyone about the matters to be addressed by the proposed plan or amendment.

No. 78—Schedule 1, item 32, page 59 (line 25), at the end of subsection 341T(1), add “If the Commonwealth agency does so, it must give the Minister a copy of the plan.”.

No. 79—Schedule 1, item 32, page 59 (after line 27), after subsection 341T(1), insert:

- (1A) The Minister must decide within 60 business days of being given the copy of the plan whether or not to endorse the plan.
- (1B) Within 10 business days of making the decision, the Minister must inform the Commonwealth agency in writing of the decision and publish on the Internet a notice of the decision.

No. 80—Schedule 1, item 32, page 60 (lines 13 to 17), omit section 341V, substitute:

341V Compliance with plans by the Commonwealth and Commonwealth agencies

- (1) The Commonwealth or a Commonwealth agency must not:
 - (a) contravene a plan made under section 341S; or
 - (b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.
- (2) If there is no plan in force under section 341S for a particular Commonwealth Heritage place, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the place are not inconsistent with the Commonwealth Heritage management principles.

No. 81—Schedule 1, item 32, page 60 (lines 25 to 32), omit section 341X, substitute:

341X Review of plans at least every 5 years

- (1) At least once in every 5 year period after a plan for managing a Commonwealth Heritage place is made under section 341S, the Commonwealth agency concerned must cause a review of the plan to be carried out.
- (2) The review must:
 - (a) assess whether the plan is consistent with the Commonwealth Heritage management principles in force at the time; and
 - (b) assess whether the plan is effective in protecting and conserving the Commonwealth Heritage values of the place; and
 - (c) make recommendations for the improved protection of the Commonwealth Heritage values of the place.

- (3) The person carrying out the review must publish, on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice inviting anyone to give the person comments within 20 business days on:
 - (a) whether the plan is consistent with the Commonwealth Heritage management principles; and
 - (b) the effectiveness of the plan in protecting and conserving the Commonwealth Heritage values of the place.
- (4) In carrying out the review, the person must consider the comments (if any) received in accordance with the notice.

No. 82—Schedule 1, item 32, page 61 (line 17), omit “identification and assessment”, substitute “identification, assessment and monitoring”.

No. 83—Schedule 1, item 32, page 61 (lines 20 to 26), omit subsection 341ZA(1), substitute:

- (1) If a Commonwealth agency owns or controls one or more places, the agency must:
 - (a) prepare a written heritage strategy for managing the places to protect and conserve their Commonwealth Heritage values; and
 - (b) give a copy of the strategy to the Minister;
 as soon as practicable and in any event within 2 years after the later of:
 - (c) the time the agency first owns or controls a place; and
 - (d) the commencement of this section.

Note: The heritage strategy will apply to every place the agency owns or controls.

- (1A) Before making a heritage strategy, the Commonwealth agency must consult the Australian Heritage Council and take into account any advice the agency receives from the Council.

No. 84—Schedule 1, item 32, page 61 (line 28), at the end of subsection 341ZA(2), add “The Commonwealth agency must give the Minister a copy of the amended or replacement strategy within 20 business days of the amendment or replacement.”.

No. 85—Schedule 1, item 32, page 62 (line 3), omit “any).”, substitute “any); and”.

No. 86—Schedule 1, item 32, page 62 (after line 3), at the end of subsection 341ZA(3), add:

- (d) not be inconsistent with the Commonwealth Heritage management principles.

No. 87—Schedule 1, item 32, page 62 (lines 4 to 8), omit subsection 341ZA(4), substitute:

- (4) The Minister must advise the Commonwealth agency whether or not the agency’s heritage strategy (whether original, amended or replacement) is inconsistent with the Commonwealth Heritage management principles.

No. 88—Schedule 1, item 32, page 62 (after line 32), at the end of section 341ZB, add:

- (5) If a report under paragraph (1)(c) indicates that a place owned or controlled by a Commonwealth agency may have one or more Commonwealth Heritage values, information from the report may be used or referred to in a nomination of the place for inclusion in the Commonwealth Heritage List.

No. 89—Schedule 1, item 32, page 63 (lines 1 to 8), omit section 341ZC, substitute:

341ZC Minimising adverse impact on heritage values

A Commonwealth agency must not take an action that has, will have or is likely to have an adverse impact on the National Heritage values of a National Heritage place or the Commonwealth Heritage values of a Commonwealth Heritage place, unless:

- (a) there is no feasible and prudent alternative to taking the action; and
- (b) all measures that can reasonably be taken to mitigate the impact of the action on those values are taken.

No. 90—Schedule 1, item 32, page 63 (after line 34), after subsection 341ZE(1), insert:

- (1A) The Commonwealth agency must give the Minister at least 40 business days' notice before executing the contract.

No. 91—Schedule 1, item 32, page 66 (line 22), omit paragraph 341ZH(2)(e), substitute:

- (e) all nominations, assessments and changes to the Commonwealth Heritage List under this Division during the period of review; and
- (f) compliance with this Act in relation to Commonwealth Heritage places; and
- (g) any other matters that the Minister considers relevant.

No. 92—Schedule 1, item 33, page 66 (lines 25 to 31), omit paragraph (j), substitute:

- ; and (j) if the reserve includes a National Heritage place:
 - (i) not be inconsistent with the National Heritage management principles; and
 - (ii) address the matters prescribed by regulations made for the purposes of paragraph 324S(4)(a); and
- (k) if the reserve includes a Commonwealth Heritage place:
 - (i) not be inconsistent with the Commonwealth Heritage management principles; and
 - (ii) address the matters prescribed by regulations made for the purposes of paragraph 341S(4)(a).

No. 93—Schedule 1, item 46, page 68 (after line 27), after paragraph (e), insert:

Note: The places mentioned in paragraph (d) of the definition of *environment* include places included in the Register of the National Estate kept under the *Australian Heritage Council Act 2003*.

No. 94—Schedule 1, item 48, page 69 (lines 8 to 10), omit the definition of *indigenous heritage value*, substitute:

indigenous heritage value of a place means a heritage value of the place that is of significance to indigenous persons in accordance with their practices, observances, customs, traditions, beliefs or history.

No. 95—Schedule 3, heading, page 73 (lines 2 to 4), omit “**Transitional provision: places included in the Register of the National Estate**”, substitute “**New listings of places in other lists**”.

No. 96—Schedule 3, page 73 (after line 5), before item 1, insert:

1A Including World Heritage properties in National Heritage List

- (1) This item applies to a place consisting of a property that, at any time within 6 months after this item commences, is included in the World Heritage List after being submitted by the Commonwealth to the World Heritage Committee under Article 11 of the World Heritage Convention. It does not matter whether the property was first included in the List before, on or after the commencement of this item.

Place may be included in National Heritage List within 6 months

- (2) The Minister may, by instrument published in the *Gazette* within 6 months after this item commences, include in the National Heritage List the place and the National Heritage values it has because of subitem (3). To avoid doubt:
- (a) all those values must be included in the List if the Minister includes the place in the List under this item; and
 - (b) this item does not prevent the Minister from including in the List at any time under the *Environment Protection and Biodiversity Conservation Act 1999*:
 - (i) the place; and
 - (ii) a National Heritage value the place has because of subitem (3) or otherwise.

World heritage values taken to cause place to meet National Heritage criteria

- (3) For the purposes of this item and the *Environment Protection and Biodiversity Conservation Act 1999*, each world heritage value that the World Heritage Committee has identified the property as having is taken to cause the place to meet a National Heritage criterion.

Note: This has the effect that, under subsection 324D(1) of the *Environment Protection and Biodiversity Conservation Act 1999*, the place has a National Heritage value corresponding to that world heritage value. Under that subsection, the place will also have another National Heritage value if the place has a heritage value that causes the place to meet one of the National Heritage criteria apart from this item.

No. 97—Schedule 3, item 1, page 73 (after line 16), before subparagraph 1(2)(a)(i), insert:

- (ia) is, or is part of, a place to which item 1A (about World Heritage properties) applies; or

No. 98—Schedule 4, heading, page 74 (line 2), omit “**amendment**”, substitute “**amendments**”.

No. 99—Schedule 4, page 74 (after line 5), before item 1, insert:

1A After section 74

Insert:

74A Minister may request referral of a larger action

- (1) If the Minister receives a referral in relation to a proposal to take an action by a person, and the Minister is satisfied the action that is the subject of the referral is a component of a larger action the person proposes to take, the Minister may decide to not accept the referral.
- (2) If the Minister decides to not accept a referral under subsection (1), the Minister:

- (a) must give written notice of the decision to the person who referred the proposal to the Minister; and
 - (b) must give written notice of the decision to the person who is proposing to take the action that was the subject of the referral; and
 - (c) may, under section 70, request of the person proposing to take the action that was the subject of the referral, that they refer the proposal, to take the larger action, to the Minister.
- (3) To avoid doubt, sections 73 and 74 do not apply to a referral that has not been accepted in accordance with subsection (1).
 - (4) If the Minister decides to accept a referral under subsection (1), the Minister must, at the time of making a decision under section 75:
 - (a) give written notice of the decision to the person who referred the proposal to the Minister;
 - (b) publish in accordance with the regulations (if any), a copy or summary of the decision.

1B After subsection 75(1)

Insert:

(1AA) To avoid doubt, the Minister is not permitted to make a decision under subsection (1) in relation to an action that was the subject of a referral that was not accepted under subsection 74A(1).

1C Subsection 77(3)

Repeal the subsection.

1D Subsection 77(5)

Repeal the subsection.

1E After section 77

Insert:

77A Action to be taken in a particular manner

- (1) If, in deciding whether the action is a controlled action or not, the Minister has made a decision (the *component decision*) that a particular provision of Part 3 is not a controlling provision for the action because the Minister believes it will be taken in a particular manner (whether or not in accordance with an accredited management plan for the purposes of a declaration under section 33 or a bilaterally accredited management plan for the purposes of a bilateral agreement), the notice, to be provided under section 77, must set out the component decision, identifying the provision and the manner.

Note: The Minister may decide that a provision of Part 3 is not a controlling provision for an action because he or she believes that the action will be taken in a manner that will ensure the action will not have (and is not likely to have) an adverse impact on the matter protected by the provision.

- (2) A person must not take an action, that is the subject of a notice that includes a particular manner under subsection (1), in a way that is inconsistent with the manner specified in the notice.

Civil penalty:

- (a) for an individual—1,000 penalty units, or such lower amount as is prescribed by the regulations;
- (b) for a body corporate—10,000 penalty units, or such lower amount as is prescribed by the regulations.

1F Paragraph 78(1)(b)

Omit “in the notice under subsection 77(3)”, substitute “under subsection 77A(1) in the notice given under section 77”.

1G Application

The amendment of paragraph 78(1)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* made by this Schedule applies in relation to notices given under section 77 of that Act after the commencement of that amendment.

1H Section 137

Repeal the section, substitute:

137 Requirements for decisions about World Heritage

In deciding whether or not to approve, for the purposes of section 12 or 15A, the taking of an action and what conditions to attach to such an approval, the Minister must not act inconsistently with:

- (a) Australia’s obligations under the World Heritage Convention; or
- (b) the Australian World Heritage management principles; or
- (c) a plan that has been prepared for the management of a declared World Heritage property under section 316 or as described in section 321.

1J Section 318

Repeal the section, substitute:

318 Commonwealth compliance with plans

- (1) The Commonwealth or a Commonwealth agency must not:
 - (a) contravene a plan made under section 316; or
 - (b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.
- (2) If there is no plan in force under section 316 for a particular property described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the property are not inconsistent with the Australian World Heritage management principles.

1K Section 330

Repeal the section, substitute:

330 Commonwealth compliance with plans

- (1) The Commonwealth or a Commonwealth agency must not:
 - (a) contravene a plan made under section 328; or
 - (b) authorise another person to do, or omit to do, anything that, if it were done or omitted to be done by the Commonwealth or the Commonwealth agency (as appropriate), would contravene such a plan.

- (2) If there is no plan in force under section 328 for a particular wetland described in subsection (1) of that section, the Commonwealth and each Commonwealth agency must take all reasonable steps to ensure that its acts (if any) relating to the wetland are not inconsistent with the Australian Ramsar management principles.

No. 100—Schedule 4, page 74 (after line 7), at the end of the Schedule, add:

2 After Part 20

Insert:

Part 20A—Publication of information on the Internet

515A Publication of information on the Internet

Without limiting the operation of section 170A, the Secretary must publish on the Internet each week a list of:

- (a) all permits issued or granted under this Act in the immediately preceding week; and
- (b) all matters required by this Act to be made available to the public in the immediately preceding week.

Debate ensued.

The question was divided—

Question—That amendments nos 1 to 25, 27 to 95 and 97 to 100 be agreed to—put and passed.

Question—That amendment no. 26 be agreed to—put and passed.

Debate continued.

Senator Brown moved the following amendment to Senator Lees' proposed amendment no. 96:

Omit subitem 1A(3).

Debate ensued.

Question—That Senator Brown's amendment to Senator Lees' proposed amendment no. 96 be agreed to—put and negatived.

Senator Allison moved the following amendment to Senator Lees' proposed amendment no. 96:

Omit subitem 1A(1), substitute:

- (1) This item applies to all declared world heritage places at the time of commencement of this item and any properties included on the World Heritage List at any time within 6 months of commencement of this item.

Debate ensued.

Question—That Senator Allison's amendment to Senator Lees' proposed amendment no. 96 be agreed to—put and negatived.

Question—That amendment no. 96 be agreed to—put and passed.

Senator Brown moved the following amendment:

Schedule 1, page 11 (after line 7), after item 4, insert:

4A After Subdivision F

Insert:

Subdivision FA—Greenhouse gas emissions

24B Requirement for approval of greenhouse gas emissions

- (1) A person must not take an action that will or is likely to lead to emissions of greenhouse gases in excess of 500,000 tonnes in any year.

Civil penalty:

- (a) for an individual—5,000 penalty units;
 (b) for a body corporate—50,000 penalty units.

- (2) Subsection (1) does not apply to an action if:
- (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
- (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
- (c) there is in force a decision of the Minister under Division 2 of Part 7 that this section is not a controlling provision for the action and, if the decision was made because the Minister believed the action would be taken in a manner specified in the notice of the decision under section 77, the action is taken in that manner; or
- (d) the action is an action described in subsection 160(2) (which describes actions whose authorisation is subject to a special environmental assessment process), or the giving of an authorisation (however described) of such an action.

24C Interpretation

In this Act:

greenhouse gases include any of the following:

- (a) carbon dioxide;
 (b) methane;
 (c) nitrous oxide;
 (d) hydrofluorocarbons;
 (e) perfluorocarbons;
 (f) sulphur hexafluoride.

greenhouse gas emissions are emissions of greenhouse gases measured in tonnes of carbon dioxide equivalents.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison (Teller)
 Bartlett
 Brown

Cherry
 Greig

Murray
 Nettle

Ridgeway
 Stott Despoja

NOES, 43

Senators—

Barnett	Crossin	Hutchins	Payne
Bishop	Denman	Johnston	Ray
Bolkus	Eggleston	Kirk	Sherry
Brandis	Faulkner	Knowles	Stephens
Buckland	Ferguson	Lightfoot	Tchen
Campbell, George	Ferris (Teller)	Ludwig	Tierney
Chapman	Forshaw	Lundy	Troeth
Colbeck	Harris	Macdonald, Ian	Watson
Collins	Hill	Marshall	Webber
Conroy	Hogg	Mason	Wong
Cook	Humphries	Moore	

Question negatived.

Senator Brown moved the following amendment:

Schedule 1, page 11 (after line 7), after item 4, insert:

4B After Subdivision FA

Insert:

Subdivision FB—Native vegetation

24D Requirement for approval to clear native vegetation

- (1) A person must not take an action that will lead or is likely to lead to clearing of native vegetation in excess of 1,000 hectares in any period of 5 years if the action will have or is likely to have an adverse impact on any of the following:
 - (a) the habitat of flora or fauna;
 - (b) ecological processes;
 - (c) the genetic diversity of flora and fauna and their potential for evolutionary development in the wild;
 - (d) greenhouse gas emissions;
 - (e) erosion, salinisation and other forms of land degradation;
 - (f) wetlands, waterways and water resources;
 - (g) landscape quality.

Civil penalty:

 - (a) for an individual—5,000 penalty units;
 - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
 - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
 - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
 - (c) there is in force a decision of the Minister under Division 2 of Part 7 that this section is not a controlling provision for the action and, if the decision was made because the Minister believed the action would be taken in a manner specified in the notice of the decision under section 77, the action is taken in that manner; or

- (d) the action is an action described in subsection 160(2) (which describes actions whose authorisation is subject to a special environmental assessment process), or the giving of an authorisation (however described) of such an action.

24E What is *native vegetation*?

In this Act:

clearing, in relation to native vegetation, means:

- (a) lopping native vegetation; or
- (b) destroying native vegetation; or
- (c) removing native vegetation.

native vegetation means vegetation that is indigenous to the land, local government area, Territory or State in question.

Debate ensued.

At 9.50 pm: The Acting Deputy President (Senator Cherry) resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

21 ADJOURNMENT

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

Debate ensued.

Documents: Senator Harris, by leave, tabled the following documents:

Historical events—Rocky Creek War Memorial—

Order of service, 17 August 2003.

Remembering Rocky Creek WWII—Eacham Historical Society Publication, 2003.

The Senate adjourned at 10.28 pm till Tuesday, 19 August 2003 at 12.30 pm.

22 ATTENDANCE

Present, all senators except Senator McLucas.

HARRY EVANS
Clerk of the Senate