

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 NOTICES

Senator Sherry: To move on 15 September 2003—That—

- (a) the Retirement Savings Accounts Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 195 and made under the *Retirement Savings Accounts Act 1997*; and
- (b) the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 No. 196 and made under the *Superannuation Industry (Supervision) Act 1993*,

be disallowed.

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003, from 6 pm to 8 pm, to take evidence for the committee's inquiry into the role of the National Capital Authority. (*general business notice of motion no. 584*)

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 258 standing in the name of Senator O'Brien, relating to crises in rural and regional Australia; and
- (b) consideration of government documents.

Question put and passed.

Senator Ian Campbell moved—That government business order of the day no. 4 (Vocational Education and Training Funding Amendment Bill 2003) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

4 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 544 standing in the name of Senator Ridgeway for today, relating to the free trade agreement negotiations between Australia and the United States of America, postponed till 17 September 2003.

General business notice of motion no. 582 standing in the name of Senator Brown for today, relating to disposable DVDs, postponed till 15 September 2003.

5 SENATORS' INTERESTS—STANDING COMMITTEE—PROPOSED VARIATION

Motion determined as not formal: The Chair of the Standing Committee of Senators' Interests (Senator Denman) requested that general business notice of motion no. 1, under committee reports and government responses, standing in her name for today, proposing amendments to the resolutions on senators' interests, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

**6 DAYS OF MEETING—LEGISLATION COMMITTEES—ESTIMATES HEARINGS—
VARIATION**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

- (1) That the order of the Senate of 12 November 2002, relating to days of meeting of the Senate for 2003, be varied to provide that the Senate not sit on Monday, 3 November 2003 and Tuesday, 4 November 2003.
- (2) That the order of the Senate of 11 December 2002, relating to estimates hearings, be varied as follows:

At the end of paragraph (1), add:

2003-04 Budget estimates – supplementary hearings

Monday, 3 November and Tuesday, 4 November 2003 (*Group A*)

Wednesday, 5 November and Thursday, 6 November 2003 (*Group B*).

Statement by leave: Senator Allison, by leave, made a statement relating to the motion.

Question put and passed.

7 FOREIGN AFFAIRS—PAPUA NEW GUINEA

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 569 standing in his name for today, relating to Australia's aid budget to Papua New Guinea, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

8 SCIENCE AND TECHNOLOGY—COMPREHENSIVE NUCLEAR TEST BAN TREATY

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 566—That the Senate—

- (a) notes the call to the United Nations Conference on Accelerating Entry-Into-Force of the Comprehensive Nuclear Test Ban Treaty (CTBT) made by prominent non-governmental organisations from around the world, in Vienna on 5 September 2003, including:

A ban on testing is an essential step towards nuclear disarmament because it helps to block dangerous nuclear competition and new nuclear threats from emerging. However, it must be recognised that technological advances in nuclear weapons research and development mean that a ban on nuclear test explosions by itself cannot prevent qualitative improvements of nuclear arsenals. Efforts to improve nuclear arsenals and to make nuclear weapons more useable in warfare will jeopardise the test-ban and non-proliferation regimes. We call on all states possessing nuclear weapons to halt all qualitative improvements in their nuclear armaments, whether or not these improvements require test explosions;

- (b) supports a comprehensive global ban on nuclear weapon testing;
- (c) notes that the United States is not attending the CTBT conference in 2003; and
- (d) calls on:
 - (i) all nuclear capable states to maintain the moratorium on testing nuclear weapons, and
 - (ii) the Government to urge all nations to commit to the CTBT.

Question put and passed.

9 WORLD SUICIDE PREVENTION DAY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 583—That the Senate—

- (a) notes that:
 - (i) 10 September 2003 is the inaugural World Suicide Prevention Day,
 - (ii) every 40 seconds someone commits suicide on the planet and that every 4 seconds someone attempts suicide, and
 - (iii) on 10 September 2003, Luke Graham, who lost his 11 year-old brother Matthew to suicide, launched a self-funded television advertisement in Parliament House designed to highlight the problem of suicide in Australia; and
- (b) calls on the Federal Government to consider providing assistance to ensure the advertisement is screened in Australia.

Question put and passed.

10 HEALTH—TOBACCO

Senator Allison 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. 578—That the Senate—

- (a) notes that:
 - (i) nineteen major reviews of the medical and scientific evidence have confirmed that there is no safe level of exposure to second-hand smoke,
 - (ii) the major study for the National Drug Strategy found that, in 1998-99, involuntary smoking killed 224 Australians, 103 of them under 15 years of age, used up 77 950 hospital bed days, and drained \$47.6 million in hospital costs,
 - (iii) New Zealand, Norway, Ireland, the Philippines and five states in the United States of America, including New York, will soon ban smoking in all workplaces, including pubs and clubs,
 - (iv) surveys of public opinion, including those by tobacco companies, confirm strong public support for smoke-free public places, including a finding that 89 per cent of people would visit more often or at least as often if licensed premises were smoke-free, and
 - (v) a review of over 98 economic studies confirms that smoke-free policies do no harm to hospitality businesses with many showing a positive benefit;
- (b) calls on the Federal Minister for Employment and Workplace Relations and state and territory ministers to take action at the November 2003 meeting of Workplace Relations Ministers' Council to ensure that all workplaces are made safe from passive smoking in accordance with occupational health and safety laws; and
- (c) urges state and territory governments to work with industry, unions and health authorities with a view to implementing bans on smoking in pubs and clubs as a matter of urgency.

Question put and passed.

11 INDIGENOUS AUSTRALIANS—ANTHONY MUNDINE

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 576—That the Senate—

- (a) notes that Anthony Mundine won the World Boxing Association (WBA) super middleweight world title on Wednesday, 2 September 2003;
- (b) notes the tremendous contribution Anthony has made to Australian sport including:
 - (i) in 1993, debuts for St George Dragons at age 18,
 - (ii) in 1996, is named player's player for 1996 and plays in the losing team in the St George v Manly grand final,
 - (iii) in 1997, plays one year with Brisbane who win the 1997 Super League grand final,
 - (iv) in 1998, returns to St George and is named player's player for 1998,
 - (v) in 1999, is selected to play in the City Origin and New South Wales State of Origin teams,
 - (vi) in 2000, announces his retirement from rugby league and 2 days later announces his career as a boxer, and
 - (vii) in 2003, less than 4 years after commencing boxing, wins the WBA super middleweight world title; and
- (c) recognises that Anthony is a role model for young Indigenous people and has been heavily involved in sport and personal mentoring of Indigenous youth in the Sydney area.

Question put and passed.

12 ENVIRONMENT—BARROW ISLAND—PROPOSED GAS DEVELOPMENT

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 573—That the Senate calls on the Government to ensure that the proposed Barrow Island gas development not proceed if it:

- (a) threatens endangered species or their habitats; and
- (b) has a negative environmental impact on the Barrow Island marine and land ecosystems.

Question put and passed.

13 INDIGENOUS AUSTRALIANS—POLITICAL REPRESENTATION

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 577—That the Senate—

- (a) notes:
 - (i) that the week beginning 7 September 2003 marks the anniversary of the first speech of Senator Neville Bonner, a Jagera man and the first Indigenous Australian to take a seat in the Federal Parliament as a Liberal Party Senator for Queensland between 1971 and 1983,
 - (ii) there was no Indigenous political representation in the Federal Parliament between 1983 and 1999, and
 - (iii) the current state of Indigenous political representation throughout Australian Parliaments generally remains low; and

- (b) calls for a more genuine effort on the part of our political parties to attract Indigenous people into the political life of the nation by pre-selecting them for safe seats, or via the consideration of dedicated seats, as a temporary measure, for Indigenous people, as in New Zealand or the Canadian example of Aboriginal electorates.

Question put and passed.

14 FOREIGN AFFAIRS—CHILE

Senator Stott Despoja 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. 579—That the Senate—

- (a) notes:
 - (i) the 30th anniversary of the military coup that overthrew the elected government of Salvador Allende in Chile on 11 September 1973,
 - (ii) evidence that 2 603 people disappeared, were executed, or tortured to death during the 17 years of military rule under General Augusto Pinochet, and
 - (iii) the recent convictions of former military officers for human rights violations committed during the period covered by the amnesty decree;
- (b) is encouraged by the current efforts of the Chilean Government to address past human rights violations, including a package of measures announced by President Ricardo Lagos on 12 August 2003;
- (c) notes that representatives of the Chilean Government have provided assurances to human rights organisations that immunity from prosecution will not be granted to anyone who has directly participated in crimes against humanity; and
- (d) expresses its hope that the Chilean Government will persist with its efforts to ensure that the perpetrators of human rights violations during the period of General Pinochet's rule are brought to justice.

Question put and passed.

15 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ludwig, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 574—That the time for the presentation of the report of the Legal and Constitutional References Committee on progress towards national reconciliation be extended to 8 October 2003.

Question put and passed.

16 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 580—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Migration Legislation Amendment (Identification and Authentication) Bill 2003 be extended to 18 September 2003.

Question put and passed.

17 HEALTH LEGISLATION AMENDMENT BILL (NO. 1) 2003

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 386, dated 10 September 2003—Health Legislation Amendment Bill (No. 1) 2003.

18 MIGRATION AMENDMENT (DURATION OF DETENTION) BILL 2003

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

Message no. 387, dated 10 September 2003—Migration Amendment (Duration of Detention) Bill 2003.

19 WORKPLACE RELATIONS AMENDMENT (IMPROVED REMEDIES FOR UNPROTECTED ACTION) BILL 2002

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

Message no. 385, dated 10 September 2003—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

20 TAXATION LAWS AMENDMENT BILL (NO. 7) 2003

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

Message no. 389, dated 10 September 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

21 SEX DISCRIMINATION AMENDMENT (PREGNANCY AND WORK) BILL 2002

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

Message no. 388, dated 10 September 2003—Sex Discrimination Amendment (Pregnancy and Work) Bill 2002.

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

22 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2003

Pursuant to order, Senator Ferguson, on behalf of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald), tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Provisions of the Non-Proliferation Legislation Amendment Bill 2003—Report, dated September 2003, *Hansard* record of proceedings, additional information and submissions [11].

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

23 AUSTRALIAN NATIONAL TRAINING AUTHORITY AMENDMENT BILL 2003

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—and of the amendment moved by Senator Allison:

Schedule 2, page 4 (after line 15), after item 1, insert:

1A After section 18

Insert:

18A Presentation of agreement to Parliament

The Commonwealth Minister must cause a copy of the agreement and any amendment to the agreement to be laid before each House of the Parliament within 15 sitting days of that House after the agreement is made or amended between the Commonwealth, State and Territory ministers.

Senator Nettle moved the following amendment to Senator Allison's proposed amendment:

At the end of item 1A, add:

18B Publication of agreement on Internet

The Commonwealth Minister must cause the Authority to publish the agreement or any amendment of the agreement on its website within 15 sitting days of either House of the Parliament after the agreement is made or amended by the Commonwealth, State and Territory Ministers.

Debate ensued.

Question—That Senator Nettle's amendment to Senator Allison's proposed amendment be agreed to—put and passed.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

24 MIGRATION LEGISLATION AMENDMENT (SPONSORSHIP MEASURES) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

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

Document: Senator Ellison tabled the following document:

Migration Legislation Amendment (Sponsorship Measures) Bill 2003—Regulation impact statement—Changes to the Migration Act: Sponsorship undertakings.

Debate continued.

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, debated.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment:

Schedule 1, page 3 (after line 9), after item 1, insert:

1A At the end of section 46

Add:

- (5) Nothing contained in any regulations made in accordance with this Act shall prevent a person who:
 - (a) at the time of last entry to Australia was the holder of a visa that:
 - (i) was granted in the person's name; and
 - (ii) was in effect; and
 - (iii) was not counterfeit; and
 - (iv) had not been altered by someone who did not have authority to do so; and
 - (v) had not been obtained using a fraudulent document; and
 - (b) at the time of last entry to Australia held a validly issued passport in the applicant's name; and
 - (c) has never been granted:
 - (i) a subclass 785 (temporary protection) visa; or

- (ii) a subclass 451 Secondary Movements relocation (temporary protection) visa; or
- (iii) a subclass 451 Secondary Movements relocation (temporary) visa;

from making a valid application for a protection visa subclass 866, or any other visa which grants a person the permanent protection of a permanent visa or from meeting the criteria to be satisfied at the time of decision to grant a protection visa subclass 866, or any other visa which grants a person the permanent protection of a permanent visa.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senators—

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

NOES, 43

Senators—

Barnett	Cook	Johnston	Payne
Bishop	Crossin	Kemp	Santoro
Bolkus	Denman	Kirk	Scullion
Brandis	Eggleston	Ludwig	Sherry
Buckland	Ellison	Mackay	Stephens
Calvert	Evans	Marshall	Tchen
Campbell, George	Ferris	Mason	Troeth
Carr	Forshaw	McGauran (Teller)	Watson
Chapman	Hogg	McLucas	Webber
Colbeck	Humphries	Moore	Wong
Collins	Hutchins	Murphy	

Question negatived.

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

Schedule 1, item 2, page 6 (after line 24), at the end of section 140I, add:

- (4) If a person (the *sponsor*) makes an undertaking in relation to the costs of the Commonwealth in locating and detaining another person, the undertaking is not enforceable against the sponsor to the extent that the amount which the sponsor has undertaken to pay in relation to those costs exceeds a limit prescribed in the regulations, as in force when the undertaking is made.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

25 WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

Order of the day read for the consideration of message no. 362 from the House of Representatives in committee of the whole (*see entry no. 25, 14 August 2003*).

In the committee

The Minister for Justice and Customs (Senator Ellison) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Senator Murray moved the following amendment:

At the end of the motion, add “but agrees to the following further amendments:

Schedule 1, item 1, page 4 (line 25), omit ‘the employee’, substitute ‘subject to subsection (3A)—the employee’.

Schedule 1, item 1, page 4 (after line 31), after subsection (3), insert:

(3A) If:

- (a) a casual employee was engaged by a particular employer on a regular and systematic basis for a sequence of periods during a period (the first period of employment) of less than 12 months; and
- (b) at the end of the first period of employment, the casual employee ceased, on the employer’s initiative, to be so engaged by the employer; and
- (c) the employer subsequently again engages the employee on a regular and systematic basis for a further sequence of periods during a period (the second period of employment) that starts not more than 3 months after the end of the first period of employment; and
- (d) the total length of the first period of employment and the second period of employment is at least 12 months;

paragraph (3)(a) is taken to be satisfied in relation to the employment of the employee.”.

Debate ensued.

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

Workplace Relations Amendment (Fair Termination) Bill 2002—Copy of “Twelve month review of federal unfair dismissal provisions”—Report by the Department of Employment, Workplace Relations and Small Business, including federal government responses to the review, dated December 1998.

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

26 VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

(a) its neglect of vocational education and training since it came to office in 1996; and

(b) making misleading statements about the future funding levels for the new Australian National Training Authority (ANTA) agreement; and

calls on the Government to amend the bill to provide appropriate funding levels for the new ANTA agreement, and provide funds for 20 000 additional TAFE places”.

Debate ensued.

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

Main question, as amended, 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 Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the bill was read a third time.

Suspension of sitting: On the motion of Senator Ian Macdonald the sitting of the Senate was suspended till 2 pm.

At 2 pm—

27 QUESTIONS

Questions without notice were answered.

28 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Evans, pursuant to standing order 74, asked the Minister for Defence (Senator Hill) for an explanation of an answer not being provided to question on notice no. 411 (notice given 2 July 2002) relating to the Defence Signals Directorate.

Senator Hill indicated that an answer would be provided.

29 ANSWERS TO QUESTIONS

Senator Carr moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

30 AUDITOR-GENERAL—AUDIT REPORT NO. 5 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report No. 5 of 2003-04—Business support process audit—The Senate order for departmental and agency contracts (Autumn 2003).

**31 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES
2003-04**

Senator Ferguson, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Budget estimates 2003-04—vol. 1).

32 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2003/25.

Product Ruling—

PR 2002/74 (Notice of Withdrawal).

PR 2003/55.

**33 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—CHANGE IN
MEMBERSHIP**

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

The Minister for Defence (Senator Hill), by leave, moved—That Senator Murray replace Senator Greig on the Legal and Constitutional References Committee for the committee's inquiry into the State Elections (One Vote, One Value) Bill 2001 [2002].

Question put and passed.

General business was called on.

34 REGIONAL AUSTRALIA

Senator Forshaw, at the request of Senator O'Brien and pursuant to notice, moved general business notice of motion no. 258—That the Senate—

- (a) notes, with grave concern, the crisis enveloping rural and regional Australia;
- (b) condemns the Howard Government for its neglect of rural and regional Australians, in particular, its failure to:
 - (i) adequately respond to the growing drought,
 - (ii) provide timely and appropriate assistance to the sugar industry, and
 - (iii) support essential services including health, banking, employment and telecommunications; and
- (c) calls on the Howard Government to reverse its neglect of rural and regional communities.

Debate ensued.

Declaration of interest: Senator Heffernan declared an interest in relation to the matter under discussion.

Debate continued.

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

35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to government documents was considered:

Queensland Fisheries Joint Authority—Report for 2001-02. Motion of Senator Murphy to take note of document debated and agreed to.

General business concluded.

Consideration of committee reports and government responses was called on.

36 SENATORS' INTERESTS—STANDING COMMITTEE—PROPOSED VARIATION

The Chair of the Standing Committee of Senators' Interests (Senator Denman), pursuant to notice, moved general business notice of motion no. 1, under committee reports and government responses—That the following amendments to the resolutions relating to senators' interests and declaration of gifts be agreed to:

Resolution 1—Registration of senators' interests

Paragraph (1), omit—

“Within 14 sitting days after the adoption of this resolution by the Senate and 28 days of making and subscribing an oath or affirmation of allegiance as a senator”,

substitute—

“Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate”.

Resolution 3—Registrable interests

Paragraph (i), omit “\$5,000”, substitute “\$7,500”.

Paragraphs (k), (l) and (m), omit “\$500” wherever occurring, substitute “\$750”; omit “\$200” wherever occurring, substitute “\$300”.

Resolution 4—Register and Registrar of Senators' Interests

Paragraph (3), omit “the commencement of each Parliament”, substitute “receipt of statement of registrable interests in accordance with resolution 1(1)”.

[Consequential on amendment to paragraph 1(1)]

Resolution 5—Declaration of interest in debate and other proceedings

To be omitted.

Resolution relating to declaration of gifts to the Senate and the Parliament

Paragraph (1)(a), omit “practical”, substitute “practicable”.

Sub-paragraph (ba), omit “\$500”, substitute “\$750”; omit “\$200”, substitute “\$300”.

Sub-paragraph (d), line 2, omit “is to”, substitute “may”.

After sub-paragraph (h), insert—

- (i) When a senator who is using or displaying a gift ceases to be a senator, the senator may retain the gift:
 - (i) if its value does not exceed the stated valuation limits of \$750 for a gift received from an official government source, or \$300 from a private person or non-government body; or
 - (ii) if the senator elects to pay the difference between the stated valuation limit and the value of the gift, as obtained from an accredited valuer selected from the list issued by the Committee for Taxation Incentives for the Arts. The Department of the Senate will be responsible for any costs incurred in obtaining the valuation.
- (j) If the senator does not retain the gift in accordance with paragraph (i), the senator must return the gift to the registrar, who shall:
 - (i) dispose of it in accordance with instructions from the Committee of Senators' Interests, as set out in paragraph 1(d) of this resolution; or
 - (ii) arrange its donation to a nominated non-profit organisation or charity, at the discretion of the senator who has returned the gift and the Committee of Senators' Interests.
- (k) Any senator subject to paragraph (j) must formally acknowledge relinquishment of the senator's claim to ownership of any surrendered gifts.

Senator Brown moved the following amendment:

Omit:

Resolution 5—Declaration of interest in debate and other proceedings

To be omitted.

Debate ensued.

Question—That the amendment be agreed to—put.

A division was called for.

Pursuant to standing order 57(3), consideration of the matter was adjourned.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That the votes be taken immediately after prayers on the next day of sitting.

Question put and passed.

37 ADJOURNMENT

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

Debate ensued.

Document: Senator Tchen, by leave, tabled the following document:

National Youth Roundtable 2003—Members and projects: Youth services and support team.

Debate continued.

The Senate adjourned at 7.24 pm till Monday, 15 September 2003 at 12.30 pm.

38 ATTENDANCE

Present, all senators except Senators Conroy*, Knowles*, Lundy, Sandy Macdonald* and O'Brien* (* on leave).

HARRY EVANS
Clerk of the Senate