

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate.....	163
2	Government Document .....	163
3	Plant Breeder's Rights Amendment Bill 2002.....	163
4	Regional Forest Agreements Bill 2002.....	163
5	Matters of Public Interest .....	165
6	Questions .....	165
7	High Court Judge—Remarks by Senator Heffernan—Statement by Deputy President .....	165
8	Unparliamentary Language—Statement by Deputy President.....	166
9	Lucas Heights Reactor—INVAP Contract—Answer to Question.....	166
10	Employment Services—Job Network—Answer to Question.....	166
11	Notices .....	166
12	Selection of Bills—Standing Committee—Report No. 1 of 2002.....	168
13	Routine of Business—Variation.....	170
14	A Certain Maritime Incident—Select Committee—Variation of Appointment	170
15	Postponements.....	170
16	Leave of Absence .....	170
17	Ministers of State (Post-Retirement Employment Restrictions) Bill 2002.....	171
18	Foreign Affairs—Tibet.....	171
19	Former Ministers—Business Appointments.....	171
20	Foreign Affairs, Defence and Trade References Committee—References.....	172
21	Retiring Members of Parliament—Entitlements.....	173
22	Australian Grand Prix—Tobacco Advertising.....	173
23	Employment, Workplace Relations and Education References Committee— Reference .....	174
24	Routine of Business—Variation—First Speech .....	174
25	Discussion of Matter of Public Importance .....	174

26	Legislation Committees—Reports—Annual Reports .....	175
27	Rural and Regional Affairs and Transport Legislation Committee—Matters Referred to Committee in Previous Parliament.....	175
28	Legislation Committees—Reports—Additional Estimates 2001-02.....	175
29	Scrutiny of Bills—Standing Committee—2nd Report and Alert Digest No. 2 of 2002 .....	176
30	Auditor-General—Audit Report No. 36 of 2001-02—Document.....	176
31	Australian Parliamentary Delegation to France—Document .....	176
32	Documents .....	176
33	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents .....	176
34	Departmental and Agency Contracts—Order for Production of Documents— Document.....	176
35	Committees—Changes in Membership .....	177
36	Australian Citizenship Legislation Amendment Bill 2002 Higher Education Legislation Amendment Bill (No. 1) 2002 Human Rights and Equal Opportunity Commission Amendment Bill 2002 Coal Industry Repeal (Validation of Proclamation) Bill 2002 Family and Community Services Legislation Amendment (Further Simplification of International Payments) Bill 2002 Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 Income Tax (Superannuation Payments Withholding Tax) Bill 2002 Taxation Laws Amendment (Film Incentives) Bill 2002 Protection of the Sea (Prevention of Pollution from Ships) Amendment Bill 2002 Student Assistance Amendment Bill 2002.....	178
37	Regional Forest Agreements Bill 2002 .....	179
38	Adjournment.....	179
39	Attendance .....	180

1 **MEETING OF SENATE**

The Senate met at 9.30 am. The Deputy President (Senator West) took the chair and read prayers.

2 **GOVERNMENT DOCUMENT**

The following government document was tabled:

Advance to the Finance Minister—Supporting applications for issues from the Advance during July 2001 to January 2002.

3 **PLANT BREEDER'S RIGHTS AMENDMENT BILL 2002**

The Minister for Health and Ageing (Senator Patterson), at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the *Plant Breeder's Rights Act 1994*, and for related purposes.

Question put and passed.

Senator Patterson presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

4 **REGIONAL FOREST AGREEMENTS BILL 2002**

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

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*In the committee*

Consideration resumed of the bill—and of the amendment moved by Senator Brown:

Clause 5, page 5 (after line 4), at the end of the clause, add:

- (2) Provisions of an RFA expressed to be non-binding are binding in so far as they relate to protection of threatened species and communities, World Heritage, ecologically sustainable forest management, CAR reserves, monitoring and review.

Debate resumed.

Question—That the amendment be agreed to—put and negatived. Senator Brown, pursuant to standing order 100, recorded his vote for the ayes.

Senator Brown moved the following amendment:

Page 5 (after line 4), after clause 5, insert:

**5A Parliamentary scrutiny of RFAs**

- (1) The Minister must not enter into an RFA on behalf of the Commonwealth except in accordance with this section.
- (2) Where a Minister has already entered into an RFA on behalf of the Commonwealth the Minister must cause a copy of that RFA to be tabled in each House of the Parliament within 15 sitting days of the commencement of this section whereupon it becomes subject to this section.
- (3) Before signing an RFA on behalf of the Commonwealth, the Minister must cause a copy of the proposed RFA to be tabled in each House of the Parliament.
- (4) Either House of the Parliament, within 15 sitting days of that House after an RFA or a proposed RFA has been tabled, may, under motion upon notice, pass a resolution disapproving of the RFA or the proposed RFA in whole or in part.
- (5) Where:
  - (a) a notice referred to in subsection (4) is given with respect to an RFA or a proposed RFA; and
  - (b) at the expiration of the period during which a resolution disapproving of the RFA or a proposed RFA would have been passed:
    - (i) the notice has not been withdrawn and the relevant motion has not been called on; or
    - (ii) the relevant motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
 the RFA or the proposed RFA is deemed to have been disapproved of.
- (6) If:
  - (a) either House of the Parliament passes a resolution in accordance with subsection (4); or
  - (b) a proposed RFA is deemed to have been disapproved of under subsection (5);
 the Minister must not enter into the proposed RFA on behalf of the Commonwealth.
- (7) If:
  - (a) neither House of the Parliament passes a resolution in accordance with subsection (4); and
  - (b) a proposed RFA is not deemed to have been disapproved of under subsection (5);
 the Minister may enter into the RFA on behalf of the Commonwealth on or after the day immediately following the last day on which a resolution disapproving of the proposed RFA could have been passed.

(8) In this section:

*RFA* includes an amended RFA.

Debate ensued.

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

**5 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**6 QUESTIONS**

Questions without notice were answered.

**7 HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—STATEMENT BY DEPUTY PRESIDENT**

The Deputy President (Senator West) indicated that the Leader of the Australian Democrats (Senator Stott Despoja) had asked whether remarks made by the Parliamentary Secretary to Cabinet (Senator Heffernan) during the debate on the address-in-reply on 12 March 2002 contravene standing order 193(3), in that they constitute offensive words, imputations and personal reflections against a judicial officer.

The Deputy President indicated that she considered that the remarks by Senator Heffernan did constitute references to a judicial officer contrary to standing order 193.

The Deputy President stated that, in relation to speeches in the Senate, petitions, notices of motion, questions and documents presented to the Senate, advice to senators in the past has followed the principle that it is not open to a senator to make allegations of illegality or misconduct against a judicial officer unless the senator is initiating action by the Senate leading to an investigation by the Senate of whether a federal judicial officer should be removed under section 72(ii) of the Constitution.

The Deputy President further stated that the chair did not intervene in the course of the speech because it was not clear until the end of the speech that Senator Heffernan was making serious allegations against an identifiable, serving judicial officer.

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*Documents:* The Deputy President tabled the following documents:

High Court Judge—Remarks by Senator Heffernan—

Letter from Senator Stott Despoja to the Deputy President, dated 13 March 2002 [copy].

Statement by Deputy President, dated 13 March 2002.

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Senator Stott Despoja, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

**8 UNPARLIAMENTARY LANGUAGE—STATEMENT BY DEPUTY PRESIDENT**

The Deputy President (Senator West) made a statement relating to comments made by the Minister for Forestry and Conservation (Senator Ian Macdonald) during debate on the Regional Forest Agreements Bill 2002 on 12 March 2002 that were contrary to standing order 193.

**9 LUCAS HEIGHTS REACTOR—INVAP CONTRACT—ANSWER TO QUESTION**

Senator Carr moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Carr today relating to a contract with the Argentinian company INVAP to build a new nuclear reactor at Lucas Heights.

Debate ensued.

Question put and passed.

**10 EMPLOYMENT SERVICES—JOB NETWORK—ANSWER TO QUESTION**

Senator Cherry moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Vanstone) to a question without notice asked by Senator Cherry today relating to Job Network and support for disadvantaged job seekers.

Question put and passed.

**11 NOTICES**

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

- (a) recognises the Community Development Employment Projects (CDEP) Achievement Awards as highlighting individual and organisational achievement in a scheme which now covers more than 36 000 Indigenous people working in urban, rural and remote locations on a diverse range of projects and enterprises right across Australia;
- (b) congratulates the following recipients of National CDEP Achievement Awards for the outstanding contributions they have made to their communities and to the nation:

Workforce Aboriginal Corporation, Launceston, Tasmania – Training Award

Ellimatta Housing Aboriginal Corporation, Coonamble, New South Wales – Community Development Award

Ngunnawal Aboriginal Corporation, Canberra – Employment Award

East Gippsland ACDEP Co-op Ltd, Bairnsdale, Victoria – Business Development Award

Barriekneal Housing and Community Ltd, Lightning Ridge, New South Wales – Business Development Award

Yarnteen Aboriginal and Torres Strait Islanders Corporation, Newcastle, New South Wales – Innovation Award

Kurrachee Co-operative Society Ltd, Coraki, New South Wales – Cultural Maintenance Award

Lombadina Aboriginal Corporation, Lombadina, Western Australia – Capacity Building Award

Glen Oliver, Tangentyere CDEP, Alice Springs – Individual Participant Award, Male

Rosemary Lennon, Bungala CDEP, Port Augusta – Individual Participant Award, Female

Wunan Regional Council, Kununurra, Western Australia – Regional Council Award for increased training opportunities; and

- (c) recognises that unemployment is an inter-generational problem in most Indigenous communities and that CDEP projects play a key role in restoring pride in Indigenous communities and individuals as they see the tangible results and benefits of their work. (*general business notice of motion no. 33*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Proceeds of Crime Bill 2002 and a related bill be extended to 10 April 2002. (*general business notice of motion no. 34*)

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

- (a) notes the recent meeting of state attorneys-general and, in particular, notes the willingness by the state attorneys-general to transfer their powers to have property issues for de facto couples settled under federal jurisdiction in the Family Court; and
- (b) calls on the Government in bringing forward legislation on this matter to ensure that:
- (i) such federal legislation will in no way limit existing rights under state legislation,
  - (ii) any federal legislation recognises the disadvantages endured by de facto couples, and
  - (iii) an equitable legislative regime is proposed which eliminates any disadvantage or discrimination against all de facto couples whether they are of the same or opposite sex. (*general business notice of motion no. 35*)

The Minister for Forestry and Conservation (Senator Ian Macdonald): To move on 14 March 2002—That any bill considered from 12.45 pm till not later than 2 pm on Thursday, 14 March 2002 and Thursday, 21 March 2002 shall not be considered in committee of the whole, unless, prior to the resolution of the question for the second reading, any senator has:

- (a) circulated in the Senate a proposed amendment or request for amendment of the bill; or
- (b) required in debate or by notification to the chair that the bill be considered in committee of the whole.

*Statement by leave:* Senator Ian Macdonald, by leave, made a statement relating to the notice of motion.

Senator Brown: To move on the next day of sitting—That the Senate conveys to His Honour Justice Michael Kirby, and to the Chief Justice of the High Court of Australia, the Senate's profound apology for the breach of Senate standing orders by the Parliamentary Secretary to Cabinet (Senator Heffernan) on 12 March 2002. (*general business notice of motion no. 36*)

Senator Brown: To move on 19 March 2002—That the Senate considers that, if Basslink proceeds, the associated powerlines in Victoria should be placed underground. (*general business notice of motion no. 37*)

Senator Brown: To move on 20 March 2002—That the Senate—

- (a) expresses its concern about reports that two Australians, amongst a party of ten members of Falun Gong arrested by police in Beijing on 8 March 2002, were beaten by the police; and
- (b) calls on the Australian Government to obtain an explanation from China and to respond appropriately, to ensure Australians are not abused in similar circumstances in the future. (*general business notice of motion no. 38*)

## 12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2002

Senator McGauran, at the request of the Chairman of the Selection of Bills Committee (Senator Calvert), tabled the following report:

### SELECTION OF BILLS COMMITTEE REPORT NO. 1 OF 2002

1. The committee met on Tuesday, 12 March 2002.
2. The committee resolved to recommend—
  - (a) That the provisions of the following bills be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation Committee	Reporting date
Airports Amendment Bill 2002	Immediately	Rural and Regional Affairs and Transport	16 May 2002
Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 Income Tax (Superannuation Payments Withholding Tax) Bill 2002	Immediately	Economics	20 March 2002

- (b) That the following bills *not* be referred to committees:
  - Australian Citizenship Legislation Amendment Bill 2002
  - Coal Industry Repeal (Validation of Proclamation) Bill 2002
  - Commonwealth Inscribed Stock Amendment Bill 2002
  - Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002
  - Disability Discrimination Amendment Bill 2002
  - Disability Services Amendment (Improved Quality Assurance) Bill 2002
  - Family and Community Services Legislation Amendment (Further Simplification of International Payments) Bill 2002
  - Financial Services Reform (Consequential Provisions) Bill 2002
  - Higher Education Legislation Amendment Bill (No. 1) 2002

Higher Education Legislation Amendment Bill (No. 2) 2002  
Human Rights and Equal Opportunity Commission Amendment Bill 2002  
Marriage Amendment Bill 2002  
Migration Agents Registration Application Charge Amendment Bill 2002  
Migration Legislation Amendment (Migration Agents) Bill 2002  
Ministers of State Amendment Bill 2002  
Protection of the Sea (Prevention of Pollution from Ships) Amendment  
Bill 2002  
Radiocommunications (Transmitter Licence Tax) Amendment Bill 2002  
Regional Forest Agreements Bill 2002  
Road Transport Charges (Australian Capital Territory) Amendment  
Bill 2002  
Interstate Road Transport Charge Amendment Bill 2002  
Sex Discrimination Amendment (Pregnancy and Work) Bill 2002  
States Grants (Primary and Secondary Education Assistance) Amendment  
Bill 2002  
Student Assistance Amendment Bill 2002  
Superannuation Legislation (Commonwealth Employment) Repeal and  
Amendment Bill 2002  
Taxation Laws Amendment (Film Incentives) Bill 2002  
Taxation Laws Amendment Bill (No. 1) 2002  
Therapeutic Goods Amendment (Medical Devices) Bill 2002  
Therapeutic Goods (Charges) Amendment Bill 2002  
Therapeutic Goods Amendment Bill (No. 1) 2002  
Transport and Regional Services Legislation Amendment (Application of  
Criminal Code) Bill 2002  
Veterans' Affairs Legislation Amendment (Further Budget 2000 and Other  
Measures) Bill 2002

***The committee recommends accordingly.***

3. The committee *deferred* consideration of the following bills:

*Bills deferred from meeting of 12 March 2002*

Space Activities Amendment Bill 2002  
Trade Practices Amendment (Small Business Protection) Bill 2002  
Workplace Relations Amendment (Fair Dismissal) Bill 2002  
Workplace Relations Amendment (Fair Termination) Bill 2002  
Workplace Relations Amendment (Genuine Bargaining) Bill 2002  
Workplace Relations Amendment (Prohibition of Compulsory Union Fees)  
Bill 2002  
Workplace Relations Amendment (Secret Ballots for Protected Action)  
Bill 2002

Paul Calvert  
Chair  
13 March 2002.

Senator McGauran moved—That the report be adopted.

Question put and passed.

**13 ROUTINE OF BUSINESS—VARIATION**

The Minister for Forestry and Conservation (Senator Ian Macdonald), by leave, moved—That consideration of government documents not be proceeded with today, and that business continue till 7.20 pm.

Question put and passed.

**14 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—VARIATION OF APPOINTMENT**

Senator McGauran, by leave, moved—That the resolution of the Senate of 13 February 2002 appointing the Select Committee on a Certain Maritime Incident (*see entry no. 27, 13 February 2002*) be amended as follows:

After paragraph (1)(b), insert:

- (ba) operational procedures observed by the Royal Australian Navy and by relevant Commonwealth agencies to ensure the safety of asylum seekers on vessels entering or attempting to enter Australian waters;

Debate ensued.

Question put and passed.

**15 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 14 standing in the name of Senator Harris for today, relating to the establishment of a select committee on the Lindeberg grievance, postponed till 19 March 2002.

General business notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to a request to the Inspector-General of Intelligence and Security to investigate certain actions in relation to the MV *Tampa*, postponed till 19 March 2002.

General business notice of motion no. 24 standing in the name of Senator Bourne for today, relating to measures to resolve tensions between India and Pakistan, postponed till 19 March 2002.

General business notice of motion no. 31 standing in the name of Senator Allison for today, proposing an order for the production of documents by the Minister for Defence (Senator Hill), postponed till 14 March 2002.

General business notice of motion no. 2 standing in the name of Senator Allison for today, relating to the establishment of a select committee on superannuation, postponed till 14 March 2002.

General business notice of motion no. 32 standing in the name of Senator Carr for today, proposing an order for the production of documents by the Minister for Health and Ageing (Senator Patterson), postponed till 14 March 2002.

**16 LEAVE OF ABSENCE**

Senator Mackay, by leave, moved—That leave of absence be granted to Senator Gibbs for the period 14 March to 21 March 2002, on account of parliamentary business overseas.

Question put and passed.

**17 MINISTERS OF STATE (POST-RETIREMENT EMPLOYMENT RESTRICTIONS) BILL 2002**

The Leader of the Australian Democrats (Senator Stott Despoja), also on behalf of Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 26—That the following bill be introduced:

A Bill for an Act to regulate certain post-retirement employment of Ministers of State, and for related purposes.

Question put and passed.

Senator Stott Despoja presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Stott Despoja moved—That this bill be now read a second time.

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

**18 FOREIGN AFFAIRS—TIBET**

Senator Bourne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 4—That the Senate—

(a) recalls its resolutions on Tibet passed on 6 December 1990 and 18 September 1996;

(b) notes:

(i) continued repression of religious freedom in Tibet and persecution of Tibetan nuns and monks,

(ii) ongoing reports of human rights abuses against the Tibetan people by the People's Republic of China, and

(iii) the impact of education, economic and migration policies in the Tibetan Autonomous Region on Tibetan language and culture;

(c) further notes:

(i) the Dalai Lama's important role as one of the world's most eminent and respected spiritual leaders,

(ii) the Dalai Lama's affirmation of a commitment to non-violence and negotiation to solve conflict, as exemplified in His Holiness' receipt of the Nobel Peace Prize in 1989, and

(iii) the Dalai Lama's successful visit to Australia in 1996 and the ongoing interest of many Australians in his teachings; and

(d) requests the President of the Senate, in her capacity as a Presiding Officer of the Joint House Department, to take the necessary action to allow the Dalai Lama to give a televised address in the Great Hall.

Question put and passed.

**19 FORMER MINISTERS—BUSINESS APPOINTMENTS**

*Motion determined as not formal:* Senator Brown requested that general business notice of motion no. 30 standing in his name for today, relating to the business appointments of ministers after leaving office, be taken as formal.

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

*Proposed suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 30.

Debate ensued.

Question put and negatived.

## 20 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCES

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hogg), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

- (1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 2 December 2002:  
Whether the current materiel acquisition and management framework of the Department of Defence is effective in meeting the organisation's equipment requirements.
- (2) In considering this matter, the committee is to examine and report on the following issues:
  - (a) whether the current materiel acquisition and through-life support system is meeting, and will continue to meet, the needs of Defence and Defence industries in a timely, cost-effective and qualitative manner;
  - (b) the impact of the Defence Materiel Organisation acquisition reform program on materiel acquisition and management;
  - (c) the current status of major equipment projects in meeting the organisation's requirements;
  - (e) the impact of the creation of decentralised System Program Offices on materiel acquisition and management; and
  - (f) any other issues relevant to the effectiveness of the current acquisitions framework which arise in the course of the inquiry.

Question put and passed.

Senator Hogg, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 2 December 2002:

Australia's relationship with Papua New Guinea and the island states of the south-west Pacific (known as Oceania or the South Pacific), with particular reference to:

- (a) the current state of political relations between regional states and Australia and New Zealand;
- (b) economic relations, including trade, tourism and investment;
- (c) development cooperation relationships with the various states of the region, including the future direction of the overall development cooperation program; and

- (d) the implications for Australia of political, economic and security developments in the region.

Question put and passed.

**21 RETIRING MEMBERS OF PARLIAMENT—ENTITLEMENTS**

*Motion determined as not formal:* Senator Murray requested that general business notice of motion no. 7 standing in his name for today, relating to the restriction of certain parliamentary entitlements for retiring members of Parliament, be taken as formal.

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

*Proposed suspension of standing orders:* Senator Murray, at the request of the Leader of the Australian Democrats (Senator Stott Despoja) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Stott Despoja moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 7.

Debate ensued.

Question put and negatived.

**22 AUSTRALIAN GRAND PRIX—TOBACCO ADVERTISING**

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 29—That the Senate—

- (a) notes that:
  - (i) the press coverage for the Australian Grand Prix in Melbourne on 28 February to 3 March 2002 again provided tobacco companies with unparalleled advertising opportunities, and
  - (ii) this will be the seventh year that the race has made an operating loss, and again Victoria taxpayers will underwrite the event;
- (b) urges the Federal Government to ban incidental advertising of tobacco products outside the confines of the Grand Prix; and
- (c) urges the Victorian Government to:
  - (i) investigate alternative venues for the Grand Prix,
  - (ii) make public the contract signed with the Grand Prix Corporation, and
  - (iii) reveal the extent to which it subsidised the race.

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*Documents:* Senator Allison, by leave, tabled the following documents:

Australian Grand Prix—Tobacco advertising—Press extracts [20] illustrating tobacco advertising associated with the Australian Grand Prix, March 2002.

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Question put and negatived.

**23 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REFERENCE**

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the Employment, Workplace Relations and Education References Committee inquire into the education of students with disabilities, including learning disabilities, throughout all levels and sectors of education, with particular reference to:
  - (a) whether current policies and programs for students with disabilities are adequate to meet their education needs, including, but not limited to:
    - (i) the criteria used to define disability and to differentiate between levels of handicap,
    - (ii) the accuracy with which students' disability-related needs are being assessed,
    - (iii) the particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds, and from rural and remote areas,
    - (iv) the effectiveness and availability of early intervention programs,
    - (v) access to and adequacy of funding and support in both the public and private sectors,
    - (vi) the nature, extent and funding of programs that provide for full or partial learning opportunities with mainstream students,
    - (vii) teacher training and professional development, and
    - (viii) the legal implications and resource demands of current Commonwealth and state and territory legislation; and
  - (b) what the proper role of the Commonwealth and states and territories should be in supporting the education of students with disabilities.
- (2) That the committee report to the Senate by the last sitting day in October 2002.

Question put and passed.

**24 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH**

The Minister for Forestry and Conservation (Senator Ian Macdonald), by leave, moved—That Senator Colbeck may now make his first speech without any question before the chair.

Question put and passed.

Pursuant to order, Senator Colbeck made his first speech.

**25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE**

The Deputy President (Senator West) informed the Senate that the Leader of the Australian Democrats (Senator Stott Despoja) had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure of the bilateral agreement between Queensland and the Commonwealth in relation to the National Action Plan for Salinity to address the matter of land-clearing in Queensland.

The proposal was supported by 4 senators and the matter was discussed.

**26 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS**

Senator McGauran, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2002, dated March 2002—

Community Affairs Legislation Committee.

Employment, Workplace Relations and Education Legislation Committee.

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

**27 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT**

Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), tabled the following report:

The Legislation Committee met on 12 March 2002 and considered references not disposed of at the end of the 39th Parliament and resolved to **recommend** to the Senate that:

That the following inquiries of the 39th Parliament be re-adopted:

- Administration of the Civil Aviation Safety Authority (*reporting date: last sitting day in June 2002*)
- Import risk assessment on New Zealand apples (*reporting date: last sitting day in June 2002*)
- Administration of AuSAR in relation to the search for the *Margaret J* (*reporting date: last sitting day in June 2002*)

Senator Winston Crane

Chair

12 March 2002.

Senator McGauran moved—That the report be adopted.

Question put and passed.

**28 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2001-02**

Pursuant to order, Senator McGauran, at the request of the chairs of the respective committees, tabled the following reports, dated March 2002, and documents:

2001-02 additional estimates—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Employment, Workplace Relations and Education Legislation Committee—Report, documents presented to the committee and *Hansard* record of proceedings [2 vols].

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Finance and Public Administration Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

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

**29 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST NO. 2 OF 2002**

Senator Mackay, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney), tabled the following report and document:

- Scrutiny of Bills—Standing Committee—  
2nd report of 2002, dated 13 March 2002.
- Alert Digest No. 2 of 2002, dated 13 March 2002.

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

**30 AUDITOR-GENERAL—AUDIT REPORT NO. 36 OF 2001-02—DOCUMENT**

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

- Auditor-General—Information support services—Benchmarking implementation and production costs of financial management information systems (Report no. 36 of 2001-02).

**31 AUSTRALIAN PARLIAMENTARY DELEGATION TO FRANCE—DOCUMENT**

Senator McGauran, by leave, tabled the following document:

- France—Report of the Australian parliamentary delegation, 1 October to 4 October 2001, dated March 2002.

**32 DOCUMENTS**

The following documents were tabled by the Clerk:

- Defence Act—Determination under section 58B—Defence Determination 2002/2.
- Financial Management and Accountability Act—  
Financial Management and Accountability (Special Accounts) Amendment  
Determination 2002 (No. 1).  
Financial Management and Accountability (Special Accounts) Determination  
2002/01.
- National Health Act—Determination under Schedule 1—HSR 6/2002.

**33 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

- Indexed lists of departmental and agency files for the period 1 July to 31 December 2001—Statements of compliance—  
Department of Defence.  
Department of Education, Science and Training.

**34 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

- Departmental and agency contracts—Letters of advice—Employment and Workplace Relations portfolio.

35 **COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Minister for Forestry and Conservation (Senator Ian Macdonald), by leave, moved—  
That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee—**

Participating member: Senator Crossin

**Community Affairs References Committee—**

Participating member: Senator Crossin

**Economics Legislation Committee—**

Participating members: Senators Cherry and George Campbell

**Economics References Committee—**

Participating members: Senators Cherry and George Campbell

**Employment, Workplace Relations and Education Legislation Committee—**

Participating members: Senators Cherry, Collins and Crossin

**Employment, Workplace Relations and Education References Committee—**

Participating members: Senators Cherry, Collins and Evans

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

Participating member: Senator George Campbell

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

Participating members: Senators George Campbell and Evans

**Finance and Public Administration References Committee—**

Participating members: Senators Crossin and Evans

**Foreign Affairs, Defence and Trade References Committee—**

Participating member: Senator Evans

**Legal and Constitutional Legislation Committee—**

Participating member: Senator Evans

Substitute member: Senator Ludwig to replace Senator McKiernan till close of business 12 April 2002

**Legal and Constitutional References Committee—**

Participating members: Senators Crossin and Evans

Substitute member: Senator Lundy to replace Senator McKiernan for the committee's inquiry into outsourcing of the Australian Customs Service's Information Technology

**Rural and Regional Affairs and Transport Legislation Committee—**

Participating member: Senator Evans

Substitute member: Senator Colbeck to replace Senator Ferris from 19 March 2002 till close of business 22 March 2002

**Rural and Regional Affairs and Transport References Committee—**

Participating members: Senators Crossin and Evans

Substitute member: Senator Colbeck to replace Senator Ferris from 19 March 2002 till close of business 22 March 2002.

Question put and passed.

- 36 **AUSTRALIAN CITIZENSHIP LEGISLATION AMENDMENT BILL 2002**  
**HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 1) 2002**  
**HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION AMENDMENT BILL 2002**  
**COAL INDUSTRY REPEAL (VALIDATION OF PROCLAMATION) BILL 2002**  
**FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FURTHER SIMPLIFICATION OF INTERNATIONAL PAYMENTS) BILL 2002**  
**TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 1) 2002**  
**INCOME TAX (SUPERANNUATION PAYMENTS WITHHOLDING TAX) BILL 2002**  
**TAXATION LAWS AMENDMENT (FILM INCENTIVES) BILL 2002**  
**PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT BILL 2002**  
**STUDENT ASSISTANCE AMENDMENT BILL 2002**

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

Message no. 15, dated 12 March 2002—A Bill for an Act to amend the *Australian Citizenship Act 1948*, and for other purposes.

Message no. 16, dated 12 March 2002—A Bill for an Act to amend the *Higher Education Funding Act 1988*, and for other purposes.

Message no. 18, dated 13 March 2002—A Bill for an Act to amend the *Human Rights and Equal Opportunity Commission Act 1986*, and for related purposes.

Message no. 19, dated 13 March 2002—A Bill for an Act to validate the Proclamation fixing 1 January 2002 as the commencement date of the *Coal Industry Repeal Act 2001*, and for related purposes.

Message no. 21, dated 13 March 2002—A Bill for an Act to amend the social security law in relation to international payments, and for related purposes.

Message no. 20, dated 13 March 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 17, dated 13 March 2002—A Bill for an Act to impose income tax upon certain superannuation payments, and for related purposes.

Message no. 22, dated 13 March 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 23, dated 13 March 2002—A Bill for an Act to amend the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, and for related purposes.

Message no. 24, dated 13 March 2002—A Bill for an Act to amend the *Student Assistance Act 1973*, and for related purposes.

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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*Explanatory memorandum:* Senator Ian Macdonald tabled a revised explanatory memorandum relating to the Taxation Laws Amendment (Film Incentives) Bill 2002.

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

*Consideration of legislation:* Senator Ian Macdonald moved—That the Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 and the Income Tax (Superannuation Payments Withholding Tax) Bill 2002 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

**37 REGIONAL FOREST AGREEMENTS BILL 2002**

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

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*In the committee*

Consideration resumed of the bill—and of the amendment moved by Senator Brown (see entry no. 4).

Debate resumed.

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*At 7.20 pm:* The Deputy President (Senator West) resumed the chair and the Temporary Chair of Committees (Senator McLucas) reported progress.

**38 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.49 pm till Thursday, 14 March 2002 at 9.30 am.

**39 ATTENDANCE**

Present, all senators except Senators Chapman\*, Ferguson\*, McKiernan\*, Reid\* and Troeth (\* on leave).

**HARRY EVANS**  
Clerk of the Senate