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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 NOTICES

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

- (a) notes that:
 - (i) 13 March 2002 was Burma's 14th Human Rights Day and marks the killing of student, Phone Maw, in 1988, and
 - (ii) earlier in March 2002, the United States' State Department released its 2001 report on human rights, in which it was noted that Burma's record remains extremely poor and includes disappearances, forced labour, torture, forced relocations, arbitrary detention, and severe restrictions on freedom of political expression and religion; and
- (b) calls upon the State Peace and Development Council to:
 - (i) take immediate steps to end violations of human rights, and
 - (ii) restore the rule of law in Burma. (*general business notice of motion no. 39*)

The Chair of the Economics References Committee (Senator Collins): To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 27 August 2002:

The impact of public liability insurance for small business and community and sporting organisations, with particular reference to:

- (a) the cost of public liability insurance;
- (b) reasons for the increase in public liability premiums; and
- (c) schemes, arrangements or reforms that can reduce the cost of public liability insurance and/or better calculate and pool risk.

The Leader of the Opposition in the Senate (Senator Faulkner): To move on 21 March 2002—That the Electoral and Referendum Amendment Regulations 2001 (No. 1), as contained in Statutory Rules 2001 No. 248 and made under the *Commonwealth Electoral Act 1918*, be disallowed.

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

- (a) recognises the outstanding triumph of the National Library of Australia's 'Treasures from the World's Great Libraries' exhibition, which saw 161 exhibits from 24 countries fascinate and intrigue the nation;
- (b) congratulates Library Director-General, Jan Fullerton, and Director of Exhibitions, Nat Williams, on the exhibition and its outstanding success;
- (c) appreciates the good fortune Australians had to experience exhibits first hand, which included the first ever book published in English, part of Martin Luther King Jnr's 'I have a Dream' speech, one of Beethoven's music manuscripts, and letters from Florence Nightingale, John Keats, and Groucho Marx;
- (d) applauds the National Library of Australia for attracting a record 115 081 people to the exhibition; and

- (e) encourages the National Library of Australia to organise similarly innovative exhibitions in the future. (*general business notice of motion no. 40*)

The Leader of the Australian Democrats (Senator Stott Despoja): To move on the next day of sitting—That the Senate—

- (a) notes that:
- (i) on 13 March 2002 the Deputy President ruled that Senator Heffernan's speech on the address-in-reply debate on 12 March 2002 was in breach of standing order 193, in that it contained offensive words, imputations of improper motives and personal reflections on a judicial officer,
 - (ii) the ruling noted that Senator Heffernan's speech was so structured that it was impossible for the Chair to detect that the speech was in breach of the standing orders until the very end of the speech,
 - (iii) the nature of that speech strongly suggests that this breach of the standing orders was premeditated and deliberate,
 - (iv) resolution 9 of the Senate's Privilege Resolutions enjoins senators to take the following matters into account in speaking in the Senate:
 - (A) the need to exercise their valuable right of freedom of speech in a responsible manner,
 - (B) the damage that may be done by allegations made in Parliament to those who are the subject of such allegations and to the standing of Parliament,
 - (C) the limited opportunities for persons other than members of Parliament to respond to allegations made in Parliament,
 - (D) the need for senators, while fearlessly performing their duties, to have regard to the rights of others, and
 - (E) the desirability of ensuring that statements reflecting adversely on persons are soundly based,
 - (v) the content and nature of Senator Heffernan's speech strongly suggests that the speech was made in premeditated and deliberate disregard of the matters set out in that resolution, and
 - (vi) these circumstances raise the question whether Senator Heffernan has been guilty of a contempt of the Senate by committing a premeditated and deliberate breach of the rules of the Senate compounded by wilful disregard of those rules; and
- (b) refers the following matter to the Committee of Privileges:
- Whether Senator Heffernan committed a contempt of the Senate in making his speech on 12 March 2002 in the address-in-reply debate.

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 4 Taxation Laws Amendment (Film Incentives) Bill 2002.

No. 5 Higher Education Legislation Amendment Bill (No. 1) 2002.

Road Transport Charges (Australian Capital Territory) Amendment Bill 2002
Interstate Road Transport Charge Amendment Bill 2002.

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2002.

No. 6 Coal Industry Repeal (Validation of Proclamation) Bill 2002.

No. 7 Commonwealth Inscribed Stock Amendment Bill 2002.

No. 8 Financial Services Reform (Consequential Provisions) Bill 2002.

No. 9 Protection of the Sea (Prevention of Pollution from Ships) Amendment Bill 2002.

No. 10 Human Rights and Equal Opportunity Commission Amendment Bill 2002.

No. 11 Australian Citizenship Legislation Amendment Bill 2002.

No. 13 Radiocommunications (Transmitter Licence Tax) Amendment Bill 2002.

Question put and passed.

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

- (a) general business order of the day no. 15 (Ministers of State (Post-Retirement Employment Restrictions) Bill 2002); and
- (b) consideration of government documents.

Question put and passed.

4 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 35 standing in the name of Senator Greig for today, relating to the jurisdiction for settlement of property issues for de facto couples, 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 19 March 2002.

Government business notice of motion no. 1 standing in the name of the Minister for Forestry and Conservation (Senator Ian Macdonald) for today, relating to the consideration of bills between 12.45 pm and 2 pm on Thursdays, postponed till 16 May 2002.

General business notice of motion no. 33 standing in the name of Senator Ridgeway for today, relating to the Community Development Employment Projects Achievement Awards, postponed till 19 March 2002.

5 LUCAS HEIGHTS REACTOR—INVAP CONTRACT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Carr amended his 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. 32—That there be laid on the table, by the Minister representing the Minister for Education, Science and Training (Senator Alston), no later than immediately after motions to take note of answers on Tuesday, 19 March 2002, the following documents:

- (a) all documents provided by Australian Nuclear Science and Technology Organisation (ANSTO) officials based in Argentina to ANSTO or the Government since September 2001, including but not restricted to matters of the financial condition of INVAP, its capacity to fully deliver the current contract, its repeated applications for Argentinian government loans and any discussion of renegotiated financial arrangements for the Lucas Heights contract;
- (b) all documents relating to discussions between the CEO of ANSTO and other senior ANSTO staff and INVAP or any other Argentinian government agency, including but not restricted to the financial circumstances of INVAP, its capacity to fully deliver the current Lucas Heights contract, its repeated applications for Argentinian government loans and any discussion or consideration of renegotiated financial arrangements for the contract;
- (c) all documents relating to the termination provisions in the contract entered into with INVAP;
- (d) all documents substantiating the claims made by the Minister for Science (Mr Peter McGauran) on the Radio National Earthbeat program on 23 February 2002 that, ‘We are constantly monitoring the situation, through our Ambassador specifically’ and ‘We are alert to any flow on effects from the difficulties of the Argentinian economy, but INVAP is insulated, to all intents and purposes, from those problems’; and
- (e) all documents relating to:
 - (i) any variations in the specifications and capacity of the proposed new reactor since formal negotiations with INVAP were commenced,
 - (ii) any amendment to the provision of neutron beam assemblies, specifically any amendment to the provision of two thermal neutron beam assemblies and an additional beam assembly for a hot neutron source, and
 - (iii) project cost revisions consequent on such variations, as well as documents relating to the effect of any such variations on the research capacity and potential of the reactor.

Question put and passed.

6 SUPERANNUATION—SELECT COMMITTEE—APPOINTMENT

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 2—

- (1) That a select committee, to be known as the Select Committee on Superannuation, be appointed to inquire into matters pertaining to superannuation referred to it by the Senate, and inquire initially into:

- (a) the adequacy of the tax arrangements for superannuation and related policy to address the retirement income and aged and health care needs of Australians; and
 - (b) the taxation treatment applying to transfers from an overseas superannuation fund to an Australian regulated fund, with particular reference to whether the lump sum payment from an eligible non-resident/non-complying superannuation fund, under section 27CAA of the *Income Tax Assessment Act 1936*, should be treated as income and when such tax liability (if any) should accrue and be paid.
- (2) That the committee present its final reports on (a) and (b) by the last sitting day in September 2002.
 - (3) That the committee have power to consider and use for its purposes the minutes of evidence, records and documents of the Select Committees on Superannuation and the Select Committee on Superannuation and Financial Services appointed in previous parliaments.
 - (4) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.
 - (5) That the committee appoint a member nominated by the Leader of the Government in the Senate as its chair and a member nominated by the Leader of the Opposition in the Senate as its deputy chair.
 - (6) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
 - (7) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
 - (8) That, in the event of the votes on any question before the committee being equally divided, the chair, or the deputy chair when acting as chair, have a casting vote.
 - (9) That the quorum of the committee be 3 members.
 - (10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
 - (11) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be a majority of senators appointed to the subcommittee.
 - (12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
 - (13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put and passed.

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

Senator Calvert, 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. 34—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.

Question put and passed.

8 HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 36—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.

The Leader of the Australian Democrats (Senator Stott Despoja), by leave, moved the following amendment:

Omit all words after "Senate", substitute "calls on the Parliamentary Secretary to Cabinet (Senator Heffernan) to apologise to the Senate and to His Honour Justice Michael Kirby and the Chief Justice of the High Court of Australia for his breach of Senate standing orders on 12 March 2002".

Statements by leave: Senators Brown and Stott Despoja, the Leader of the Opposition in the Senate (Senator Faulkner), Senator Harradine, the Minister for Defence (Senator Hill) and Senator Ray, by leave, made statements relating to the motion.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Allison	Collins	Faulkner	Murphy
Bartlett	Conroy	Greig	Murray
Bolkus	Cook	Hutchins	O'Brien
Bourne	Cooney	Lees	Ray
Buckland	Crossin	Ludwig	Ridgeway
Campbell, George	Crowley	Lundy	Schacht
Carr	Denman	Mackay (Teller)	Stott Despoja
Cherry	Evans	McLucas	West

NOES, 30

Senators—

Abetz	Colbeck	Herron	McGauran
Alston	Coonan	Hill	Scullion
Barnett	Crane	Kemp	Tchen
Boswell	Eggleston	Knowles	Tierney
Brandis	Ellison	Lightfoot	Vanstone
Brown	Harradine	Macdonald, Ian	Watson
Calvert (Teller)	Harris	Macdonald, Sandy	
Campbell, Ian	Heffernan	Mason	

Question agreed to.

Main question, as amended, put and passed. Senator Brown, by leave, recorded his vote for the ayes and Senator Lightfoot, by leave, recorded his vote for the noes.

9 **COMMITTEES—APPOINTMENT OF MEMBERS**

The Deputy President (Senator West) informed the Senate that the President had received letters nominating senators to be members of various committees.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That senators be appointed to committees as follows:

Finance and Public Administration Legislation Committee—

Participating member: Senator Mackay

Superannuation—Select Committee—

Appointed: Senators Allison, Chapman, Lightfoot and Watson.

Question put and passed.

10 **SECURITY LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [No. 2]**

SUPPRESSION OF THE FINANCING OF TERRORISM BILL 2002

CRIMINAL CODE AMENDMENT (SUPPRESSION OF TERRORIST BOMBINGS) BILL 2002

BORDER SECURITY LEGISLATION AMENDMENT BILL 2002

TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2002

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

Message no. 25, dated 13 March 2002—A Bill for an Act to enhance the Commonwealth's ability to combat terrorism and treason, and for related purposes.

Message no. 26, dated 13 March 2002—A Bill for an Act to amend the *Criminal Code Act 1995*, the *Financial Transaction Reports Act 1988*, the *Mutual Assistance in Criminal Matters Act 1987* and the *Charter of the United Nations Act 1945*, and for related purposes.

Message no. 27, dated 13 March 2002—A Bill for an Act to create offences relating to international terrorist activities using explosive or lethal devices, and for related purposes.

Message no. 28, dated 13 March 2002—A Bill for an Act to amend the law relating to border security, and for other purposes.

Message no. 29, dated 13 March 2002—A Bill for an Act to amend the law relating to telecommunications interceptions, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Campbell moved—That these bills be now read a second time.

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.

11 **TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2002**
ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) AMENDMENT BILL 2002
INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2002

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

Message no. 30, dated 13 March 2002—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

Message no. 31, dated 13 March 2002—A Bill for an Act to amend the *Road Transport Charges (Australian Capital Territory) Act 1993*.

Message no. 32, dated 13 March 2002—A Bill for an Act to amend the *Interstate Road Transport Charge Act 1985*.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Campbell moved—That these bills be now read a second time.

On the motion of Senator Buckland the debate was adjourned.

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

Consideration of legislation: Senator Ian Campbell moved that the Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2002 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

12 **REGIONAL FOREST AGREEMENTS BILL 2002**

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 Senate Brown:

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 resumed.

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

Senator Brown moved the following amendment:

Clause 6, page 5 (lines 7 and 8), omit subclause (1), substitute:

- (1) RFA wood is not prescribed goods for the purposes of the *Export Control Act 1982* except if it is:
 - (a) roundwood, whole logs or sawlogs; or

- (b) plantation wood, unless the RFA was entered into having regard to an assessment of the availability of plantation wood in the region and in Australia.

Debate ensued.

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Bartlett) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the committee have leave to sit again at a later hour.

Debate ensued.

Question put and passed.

Declaration of urgency: Senator Ian Campbell declared the Regional Forest Agreements Bill 2002 an urgent bill and moved—That this bill be considered an urgent bill.

Question put.

Declarations of interest: Senators Watson, Crane, Lightfoot and Barnett each declared an interest in relation to the bill.

The Senate divided—

AYES, 40

Senators—

Barnett	Collins	Hogg	O'Brien
Bishop	Cook	Hutchins	Patterson
Boswell	Cooney	Knowles	Payne
Brandis	Crane	Lightfoot	Ray
Buckland	Crossin	Ludwig	Schacht
Calvert (Teller)	Crowley	Lundy	Scullion
Campbell, George	Denman	Macdonald, Ian	Tchen
Campbell, Ian	Eggleston	Macdonald, Sandy	Tierney
Carr	Forshaw	Mason	Watson
Colbeck	Herron	McLucas	West

NOES, 10

Senators—

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

Question agreed to.

Allotment of time: Senator Ian Campbell moved—That the time allotted for consideration of the remaining stages of the Regional Forest Agreements Bill 2002 be as follows:

Commencing no later than 4 pm:

Committee of the whole—

- | | |
|--|----------|
| (a) all remaining Australian Greens amendments | 2½ hours |
| (b) all remaining Australian Democrats amendments | 2½ hours |
| (c) all remaining amendments to be moved by Senator Murphy | 2½ hours |
| (d) all remaining opposition amendments | 2½ hours |

All remaining questions 10 minutes.

Debate ensued.

Question put.

The Senate divided—

AYES, 43

Senators—

Barnett	Conroy	Herron	McLucas
Bishop	Cook	Hogg	O'Brien
Boswell	Cooney	Hutchins	Patterson
Brandis	Crane	Knowles	Ray
Buckland	Crossin	Lightfoot	Schacht
Calvert (Teller)	Crowley	Ludwig	Scullion
Campbell, George	Denman	Lundy	Tchen
Campbell, Ian	Eggleston	Macdonald, Ian	Tierney
Carr	Evans	Macdonald, Sandy	Watson
Colbeck	Forshaw	Mason	West
Collins	Harradine	McGauran	

NOES, 10

Senators—

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

Question agreed to.

13 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 4 (Taxation Laws Amendment (Film Incentives) Bill 2002) be postponed till after consideration of government business order of the day no. 13 (Radiocommunications (Transmitter Licence Tax) Amendment Bill 2002).

Question put and passed.

At 12.45 pm—

14 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 1) 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

The Acting Deputy President (Senator Cook) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

15 ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) AMENDMENT BILL 2002**INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2002**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

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

Bills to be reported without amendment.

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

On the motion of Senator Ian Campbell the report from the committee was adopted and the bills read a third time.

16 TRANSPORT AND REGIONAL SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

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

17 COAL INDUSTRY REPEAL (VALIDATION OF PROCLAMATION) BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

The Acting Deputy President (Senator Cook) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

18 COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

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

19 FINANCIAL SERVICES REFORM (CONSEQUENTIAL PROVISIONS) BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—That this bill be now read a second time.

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.

Explanatory memorandum: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Ian Campbell the following amendments, taken together by leave, were agreed to:

Clause 2, page 2, table item 3, omit the item, substitute:

- | | |
|-----------------------------|---|
| 3. Schedule 2, item 1 | Immediately after the commencement of item 329 of Schedule 1 to the <i>Financial Services Reform Act 2001</i> |
| <hr/> | |
| 4. Schedule 2, items 2 to 7 | Immediately after the commencement of item 1 of Schedule 1 to the <i>Financial Services Reform Act 2001</i> |
| <hr/> | |
| 5. Schedule 2, item 8 | Immediately after the commencement of item 436 of Schedule 1 to the <i>Financial Services Reform Act 2001</i> |

Schedule 2, page 4 (after line 9), at the end of the Schedule, add:

2 Subsection 992A(3)

Omit all the words before paragraph (a), substitute:

A person must not make an offer to issue or sell a financial product in the course of, or because of:

- (aa) an unsolicited telephone call to another person; or
 - (ab) an unsolicited contact with another person in another way that is prescribed by the regulations for the purposes of this paragraph;
- unless the other person has been:

3 After subsection 992A(3)

Insert:

- (3A) Neither subsection (1) nor (3) applies to an offer of financial products if the offer is not to a retail client.

Note: A defendant bears an evidential burden in relation to the matters in this subsection. See subsection 13.3(3) of the *Criminal Code*.

4 Section 1042A (paragraph (c) of the definition of *Division 3 financial products*)

Repeal the paragraph, substitute:

- (c) interests in a managed investment scheme; or
- (ca) debentures, stocks or bonds issued or proposed to be issued by a government; or

5 Section 1043H

Omit “entered into, one or more transactions or agreements in relation to financial products issued by that other person”, substitute “entered into or proposed to enter into, one or more transactions or agreements in relation to financial products issued by the other person or by a third person”.

6 Subsections 1043I(1) and (2)

Omit “entered into, one or more transactions or agreements in relation to financial products issued by the other person”, substitute “entered into or proposed to enter into, one or more transactions or agreements in relation to financial products issued by the other person or by a third person”.

7 Subsection 1043J(1)

Omit “entered into, one or more transactions or agreements in relation to financial products issued by the other person”, substitute “entered into or proposed to enter into, one or more transactions or agreements in relation to financial products issued by the third person or by a fourth person”.

8 Section 1317DA (definition of *financial services civil penalty provision*)

Omit “(jb)”, substitute “(ja)”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

20 PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT BILL 2002

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

Debate resumed.

Senator O’Brien moved the following amendment:

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

- (a) condemns the Government for its sustained neglect of Australia’s interstate transport network, especially the coastal shipping industry;
- (b) notes that the Government has actively supported the use of foreign ships and crews on the coast with inadequate industrial and immigration controls in place and inadequate monitoring of ship safety standards;
- (c) notes further that the Government’s neglect is leading to the demise of the Australian shipping industry, jeopardising our national security and defence, and threatening our marine environment; and
- (d) calls on the Government to drop its ideologically driven opposition to the Australian shipping industry and its blind pursuit of lower shipping charges at the expense of Australia’s broader national interests”.

Debate ensued.

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

Main question, as amended, 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, agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Cook) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

21 HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION AMENDMENT BILL 2002

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

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, agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Cook) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

22 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 12 (Ministers of State Amendment Bill 2002) and government business order of the day no. 4 (Taxation Laws Amendment (Film Incentives) Bill 2002).

Question put and passed.

23 MINISTERS OF STATE AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

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

24 TAXATION LAWS AMENDMENT (FILM INCENTIVES) BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

The Acting Deputy President (Senator Lightfoot) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

25 AUSTRALIAN CITIZENSHIP LEGISLATION AMENDMENT BILL 2002

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

The Acting Deputy President (Senator Lightfoot) resumed the chair and the Temporary Chair of Committees (Senator Watson) 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.

26 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without requests for amendments.

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

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

At 2 pm—

27 QUESTIONS

Questions without notice were answered.

28 MINISTER FOR DEFENCE—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today.

Debate ensued.

Question put and passed.

29 HIGH COURT JUDGE—REMARKS BY SENATOR HEFFERNAN—STATEMENT BY LEAVE

Senator Heffernan, by leave, made a statement relating to documents provided to the New South Wales police concerning allegations against a judge of the High Court of Australia.

Statement by leave: The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a statement relating to the matter.

30 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Economics Legislation Committee (Senator Brandis), by leave, moved—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 19 March 2002, from 3.30 pm to 6.30 pm, to take evidence for the committee's inquiry into the provisions of the Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002 and a related bill.

Question put and passed.

31 SELECTION OF BILLS—STANDING COMMITTEE—REPORT

Leave refused: Senator Calvert sought leave to present a report of the Selection of Bills Committee.

An objection was raised and leave was not granted.

32 CONSIDERATION OF LEGISLATION

Leave refused: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) sought leave to move a motion relating to the consideration of a bill.

An objection was raised and leave was not granted.

33 GOVERNMENT DOCUMENT

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

Advance to the Finance Minister—Statement—July 2001 to January 2002.

34 ESTIMATES—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIO AND EXECUTIVE DEPARTMENTS—DOCUMENTS

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

Estimates of proposed additional expenditure for 2000-01—Portfolio additional estimates statements—Portfolio and executive departments—

Health and Ageing portfolio—Corrigendum.

Industry, Tourism and Resources portfolio—Corrigendum.

35 DOCUMENTS

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice pursuant to paragraph 45(1)(a)—Participation in formation of PSMA Australia Limited.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice under paragraph 18(a), dated 1 March 2002.

36 SELECTION OF BILLS—STANDING COMMITTEE—REPORT

Leave refused: Senator Calvert sought leave to present a report of the Selection of Bills Committee.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Calvert, at the request of the Leader of the Government in the Senate (Senator Hill) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Hill moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the presentation of a report of the Selection of Bills Committee.

Debate ensued.

At 4 pm: Debate was interrupted while the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) was speaking.

37 **REGIONAL FOREST AGREEMENTS BILL 2002**

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

In the committee

Statement by Chair of Committees: The Temporary Chair of Committees (Senator Knowles) made a statement relating to the allotment of time agreed to earlier today (*see entry no. 12*) and the grouping of amendments.

Consideration resumed of the bill—*and of the amendment moved by Senate Brown (see entry no. 12).*

Debate resumed.

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

Question—That the bill be agreed to—divided in respect of clause 6.

Clause 6 debated and agreed to.

Senator Brown moved the following amendment:

Clause 7, page 5 (lines 25 to 31), omit the clause, substitute:

7 Termination of RFA by Commonwealth

The Commonwealth is deemed to have terminated an RFA:

- (a) if a State which is party to the RFA has breached the RFA; or
- (b) if it has given one month's notice of the intended termination to a State which is a party to the RFA.

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

Senator Brown moved the following amendment:

Clause 8, page 6 (lines 1 to 16), omit the clause, substitute:

8 Compensation for breach of RFA by Commonwealth

The Commonwealth is not liable to pay any compensation arising out of a breach of an RFA.

Debate ensued.

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

Senator Brown moved the following amendment:

Clause 8, page 6 (lines 1 to 16), omit the clause, substitute:

8 Compensation for breach of RFA by Commonwealth

The Commonwealth is not liable to pay any compensation arising where mining operations are prevented or substantially limited if it takes an action to protect the environment and heritage values in native forests.

Debate ensued.

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 6 (after line 16), after clause 8, insert:

8A Compensation payable to employees

- (1) Persons who are eligible to receive compensation in accordance with the provisions of an RFA must compensate any employee or contractor engaged in RFA forestry operations whose employment or contract is terminated.
- (2) The amount of compensation payable will include all entitlements, plus the amount of reasonable loss or damage sustained by reason of the termination.
- (3) The State which is party to the RFA must establish a process for implementing this provision within six months of an RFA being entered into or of this legislation commencing, whichever is first.

Debate ensued.

Limitation of debate: The time allotted for the consideration of amendments circulated by the Australian Greens expired.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison	Brown	Greig	Murphy
Bartlett	Cherry	Harradine	Ridgeway
Bourne (Teller)			

NOES, 41

Senators—

Abetz	Cooney	Lightfoot	Payne
Barnett	Crane	Ludwig	Ray
Bishop	Crossin	Lundy	Scullion
Boswell	Denman	Macdonald, Ian	Tchen
Brandis	Eggleston	Macdonald, Sandy	Tierney
Buckland	Ellison	Mackay	Vanstone
Calvert	Forshaw	Mason	Watson
Campbell, George	Herron	McGauran (Teller)	West
Carr	Hogg	McLucas	
Colbeck	Hutchins	O'Brien	
Coonan	Knowles	Patterson	

Question negatived.

The following amendments circulated by the Australian Greens were considered:

Clause 2, page 1 (line 7) to page 2 (line 10), omit the clause, substitute:

2 Commencement

This Act commences on a single day to be fixed by Proclamation, being a day no sooner than 15 sitting days following the day of tabling in each House of the Parliament of the Regional Forest Agreement five yearly review reports for East Gippsland and Tasmania.

Page 6 (after line 16), after clause 8, insert:

8B Compensation payable for roads

- (1) Persons who are eligible to receive compensation in accordance with the provisions of an RFA must compensate road authorities for the cost of building, upgrading, repairing or maintaining to a suitable standard roads used for transporting RFA wood.
- (2) The State which is party to the RFA must establish a process for implementing this provision within six months of an RFA being entered into or of this legislation commencing, whichever is first.

Page 6 (after line 16), after clause 8, insert:

8C Compensation payable for water

- (1) Persons who are eligible to receive compensation in accordance with the provisions of an RFA must compensate water authorities, landholders, holders of fishing rights or any other person with a right or interest in water, for any diminution in the quantity or quality of water caused by RFA forestry operations.
- (2) The State which is party to the RFA must establish a process for implementing this provision within six months of an RFA being entered into or of this legislation commencing, whichever is first.

Clause 11, page 8 (after line 20), after subclause (2), insert:

Membership

- (2A) Membership of the Forest and Wood Products Council must include:
 - (i) a representative of the forest-related tourism sector; and
 - (ii) a representative of the forest-related water sector.

Schedule 1, items 1 to 8, page 11 (line 6) to page 12 (line 14), omit the items, substitute:

1 Division 4, Part 4

Repeal the Division.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, items 3 and 4.

Schedule 1, items 3 and 4 agreed to.

Suspension of sitting: On the motion of the Minister for Forestry and Conservation (Senator Ian Macdonald) the sitting of the committee was suspended till 7.40 pm.

—————
At 7.40 pm—

Senator Bartlett moved the following amendments together by leave:

Clause 10, page 7 (after line 5), after subclause (2), insert:

(2A) An RFA is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Clause 10, page 7 (after line 12), after subclause (3), insert:

(3A) An amendment of an RFA is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Clause 10, page 7 (after line 29), after subclause (6), insert:

(6A) Upon the tabling of an RFA review report in each House of the Parliament, the RFA that was reviewed is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

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

Bill further debated.

Senator Bartlett moved the following amendment:

Page 5 (after line 24), after clause 6, insert:

6A Enforcement of RFAs

For the avoidance of doubt, the *Environment Protection and Biodiversity Conservation Act 1999* applies to and may be used for the enforcement of an RFA and this Act.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1.

Schedule 1 debated and agreed to.

Senator Murphy moved the following amendment:

Page 8 (after line 5), after clause 10, insert:

10AA Establishment of RFA Breach Monitoring Authority

The Minister must establish before the expiration of two months after the commencement of this Act an Authority by the name of the RFA Breach Monitoring Authority.

10B Function

- (1) The function of the Authority is to investigate alleged breaches of RFAs.
- (2) In carrying out its function the Authority must act in such a way as to maintain public confidence in the independence and integrity of its investigations.

10C Duties

- (1) The Authority's duties are:
 - (a) to receive any written notifications of alleged breaches of an RFA;
 - (b) to interview persons lodging notifications of an alleged breach of an RFA;
 - (c) to interview such agents as the Authority considers appropriate of a corporation operating in the area where the alleged breach of the RFA under investigation occurred;
 - (d) to hold public hearings into the alleged breach where the Authority considers it appropriate;
 - (e) to require persons lodging notification of an alleged breach of an RFA to provide full particulars of evidence of the alleged breach;
 - (f) to inspect the site of the alleged breach;
 - (g) to appoint experts to advise the Authority on matters where it considers it requires expert advice;
 - (h) to report the findings of its investigations to both Houses of the Parliament.
- (2) The Authority is not to receive or investigate notifications of an alleged breach of an RFA which are of a frivolous or vexatious nature or lacking in substance.

10D Constitution of Authority

- (1) The Authority is to consist of 5 members:
 - (a) one member nominated by the Australian Conservation Foundation;
 - (b) one member nominated by the Australian Council of Trade Unions;
 - (c) one member nominated by the Department of Agriculture, Fisheries and Forestry;
 - (d) one member nominated by the Department of the Environment and Heritage; and
 - (e) one member nominated by the National Association of Forest Industries.
- (2) Members of the Authority are to be appointed by the Minister.

10E Chair and Deputy Chair

- (1) There shall be a Chair of the Authority who shall be a member elected by the Authority.
- (2) There shall be a Deputy Chair of the Authority who shall be a member elected by the Authority.

10F Administrative support

The Authority is to be provided with all necessary administrative support, including accommodation, staffing and office facilities, by the Department of Agriculture, Fisheries and Forestry.

10G Powers of Authority

The Authority has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

10H Remuneration and allowances

Members of the Authority shall be paid such sitting fees and allowances as shall be determined by the Remuneration Tribunal.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

Allison	Brown	Greig	Murphy
Bartlett	Cherry	Harradine	Ridgeway
Bourne (Teller)			

NOES, 42

Senators—

Abetz	Cooney	Hutchins	Patterson
Barnett	Crane	Lightfoot	Payne
Bishop	Crossin	Ludwig	Ray
Boswell	Denman	Lundy	Scullion
Brandis	Eggleston	Macdonald, Ian	Tchen
Buckland	Ellison	Macdonald, Sandy	Tierney
Calvert	Faulkner	Mackay	Vanstone
Campbell, George	Forshaw	Mason	Watson
Carr	Hefferman	McGauran (Teller)	West
Colbeck	Herron	McLucas	
Coonan	Hogg	O'Brien	

Question negatived.

Senator O'Brien moved the following amendments together by leave:

No. 1—Clause 8, page 6 (lines 2 to 8), omit subclause (1), substitute:

- (1) The Commonwealth is liable to pay any compensation that:
 - (a) is in relation to actual loss or damage arising from the curtailment of legally exercisable rights; and
 - (b) is calculated as at the time of the curtailment; and
 - (c) the Commonwealth is required to pay to a State in accordance with the compensation provisions of an RFA, being those provisions as in force:
 - (i) at the time of commencement of this section; or
 - (ii) at the time the RFA comes into force;
 whichever is later.

No. 2—Page 8 (after line 5), after clause 10, insert:

10A Source of forestry information

- (1) The Minister must cause to be established a comprehensive and publicly available source of information:
 - (a) for national and regional monitoring and reporting in relation to all of Australia's forests; and
 - (b) to support decision-making in relation to all of Australia's forests.
- (2) To avoid doubt, subsection (1) does not, by implication, limit the sources of information that may be used for a purpose mentioned in paragraph (1)(a) or (b).

No. 3—Page 10 (after line 3), after clause 11, insert:

Part 2—Parliamentary Joint Committee on Regional Forest Agreements

11A Establishment and membership

- (1) As soon as practicable after the commencement of this Part and after the commencement of the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Parliamentary Joint Committee on Regional Forest Agreements, must be appointed.
- (2) The Parliamentary Joint Committee must consist of 10 members, of whom:
 - (a) 5 must be senators appointed by the Senate; and
 - (b) 5 must be members of the House of Representatives appointed by that House.
- (3) The appointment of members by a House must be in accordance with that House's practice relating to the appointment of members of that House to serve on joint select committees of both Houses.
- (4) A person is not eligible for appointment as a member if he or she is:
 - (a) a Minister; or
 - (b) the President of the Senate; or
 - (c) the Speaker of the House of Representatives; or
 - (d) the Deputy President and Chairman of Committees of the Senate; or
 - (e) the Deputy Speaker and Chairman of Committees of the House of Representatives.
- (5) A member ceases to hold office:
 - (a) when the House of Representatives expires or is dissolved; or
 - (b) if he or she becomes the holder of an office referred to in subsection (4); or
 - (c) if he or she ceases to be a member of the House by which he or she was appointed; or
 - (d) if he or she resigns his or her office as provided by subsection (6) or (7), as the case requires.
- (6) A member appointed by the Senate may resign his or her office by writing signed and delivered to the President of the Senate.

- (7) A member appointed by the House of Representatives may resign his or her office by writing signed and delivered to the Speaker of that House.
- (8) A House may appoint one of its members to fill a vacancy among the members of the Parliamentary Joint Committee appointed by that House.

11B Powers and proceedings

Subject to this Part, all matters relating to the Parliamentary Joint Committee's powers and proceedings must be determined by resolution of both Houses of the Parliament.

11C Duties

The Parliamentary Joint Committee's duties are:

- (a) to consult about the implementation and operation of this Act with:
 - (i) industry and conservation organisations; and
 - (ii) Commonwealth, State, Territory and local governments; and
- (b) to report from time to time to both Houses on the implementation and operation of this Act; and
- (c) to examine each RFA annual report and RFA review report tabled under section 10 and to report to both Houses on matters:
 - (i) that appear in, or arise out of, that annual report or review report; and
 - (ii) to which, in the Parliamentary Joint Committee's opinion, the Parliament's attention should be directed; and
- (d) from time to time to inquire into and, as soon as practicable after an inquiry has been completed, to report to both Houses on the extent to which regional forest agreements have:
 - (i) used an integrated cooperative assessment and planning process to reduce uncertainty about outcomes and to reduce duplication between government requirements and processes in land use decision-making; and
 - (ii) produced durable long-term decisions that meet the requirements of the governments involved, the community and industry, and that are consistent with the principles of ecologically sustainable development; and
 - (iii) equitably balanced competing sectoral objectives and coordinated the policies and activities of governments; and
 - (iv) maintained regional environmental, heritage and social values; and
 - (v) provided secure access to resources for forest-based industries; and
- (e) to inquire into any question in connection with its duties that is referred to it by a House, and to report to both Houses on that question.

No. 4—Page 10 (after line 3), before clause 12, insert:

Part 3—Schedule(s)

Debate ensued.

The Senate continued to sit till midnight—
FRIDAY, 15 MARCH 2002 AM

Debate continued.

Senator O'Brien amended amendment no. 1 as follows:

Omit "actual", substitute "reasonable".

The question for the amendments was divided—

Question—That amendments no. 1, as amended, and no. 2 be agreed to—put and passed.

Question—That amendments nos 3 and 4 be agreed to—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Ian Macdonald the report from the committee was adopted.

Senator Ian Macdonald moved—That this bill be now read a third time.

Debate ensued.

Limitation of debate: The time allotted for the consideration of the bill expired.

Question—That the bill be now read a third time—put.

The Senate divided—

AYES, 43

Senators—

Abetz	Coonan	Herron	McLucas
Barnett	Cooney	Hogg	O'Brien
Bishop	Crane	Hutchins	Patterson
Bolkus	Crossin	Lightfoot	Payne
Boswell	Denman	Ludwig	Scullion
Brandis	Eggleston	Lundy	Tchen
Buckland	Ellison	Macdonald, Ian	Tierney
Calvert (Teller)	Faulkner	Macdonald, Sandy	Vanstone
Campbell, George	Forshaw	Mackay	Watson
Carr	Harradine	Mason	West
Colbeck	Heffernan	McGauran	

NOES, 8

Senators—

Allison
BartlettBourne (Teller)
BrownCherry
GreigMurphy
Ridgeway

Question agreed to.

Bill read a third time.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 1.20 am till Tuesday, 19 March 2002 at 2 pm.

39 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate