

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 16

WEDNESDAY, 19 JUNE 2002

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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Advance to the Finance Minister—Statement and supporting applications for funds for March and April 2002.

Australian Research Council—Strategic action plan 2002-04.

Human Rights and Equal Opportunity Commission—Reports—

No. 14—Inquiry into a complaint by Mr Andrew Hamilton of age discrimination in the Australian Defence Force.

No. 15—Inquiry into a complaint by Ms Elizabeth Ching concerning the cancellation of her visa on arrival in Australia and subsequent mandatory detention.

3 DISABILITY DISCRIMINATION AMENDMENT BILL 2002

HORTICULTURE MARKETING AND RESEARCH AND DEVELOPMENT SERVICES (AMENDMENT) BILL 2002

WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2002

SUPERANNUATION LEGISLATION (COMMONWEALTH EMPLOYMENT) REPEAL AND AMENDMENT BILL 2002

SPACE ACTIVITIES AMENDMENT BILL 2002

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 2002

TAXATION LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2002

CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 2002

EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2002

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2002

STATUTE LAW REVISION BILL 2002

NEW BUSINESS TAX SYSTEM (CONSOLIDATION) BILL (NO. 1) 2002

DIESEL FUEL REBATE SCHEME AMENDMENT BILL 2002

AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2002

BANKRUPTCY LEGISLATION AMENDMENT BILL 2002

BANKRUPTCY (ESTATE CHARGES) AMENDMENT BILL 2002

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2002

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 2002

NEW BUSINESS TAX SYSTEM (IMPUTATION) BILL 2002

NEW BUSINESS TAX SYSTEM (OVER-FRANKING TAX) BILL 2002

NEW BUSINESS TAX SYSTEM (FRANKING DEFICIT TAX) BILL 2002

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (AUSTRALIANS

WORKING TOGETHER AND OTHER 2001 BUDGET MEASURES) BILL 2002

TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL (NO. 2) 2002

SUPERANNUATION GUARANTEE CHARGE AMENDMENT BILL 2002

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

Message no. 63, dated 16 May 2002—A Bill for an Act to amend the *Disability Discrimination Act 1992*, and for related purposes.

Message no. 64, dated 16 May 2002—A Bill for an Act to amend the *Horticulture Marketing and Research and Development Services Act 2000*, and for related purposes.

Message no. 65, dated 27 May 2002—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Message no. 66, dated 27 May 2002—A Bill for an Act to amend certain Acts relating to superannuation, and for related purposes.

Message no. 67, dated 28 May 2002—A Bill for an Act to amend the *Space Activities Act 1998*, and for related purposes.

Message no. 68, dated 29 May 2002—A Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

Message no. 71, dated 29 May 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 76, dated 30 May 2002—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for other purposes.

Message no. 78, dated 5 June 2002—A Bill for an Act to amend the *Export Market Development Grants Act 1997*, and for related purposes.

Message no. 84, dated 6 June 2002—A Bill for an Act to amend the *Petroleum (Submerged Lands) Act 1967*, and for other purposes.

Message no. 88, dated 6 June 2002—A Bill for an Act to make various amendments of the statute law of the Commonwealth, and for related purposes.

Message no. 72, dated 29 May 2002—A Bill for an Act about income tax to implement a New Business Tax System, and for related purposes.

Message no. 69, dated 29 May 2002—A Bill for an Act to amend the law with respect to the Diesel Fuel Rebate Scheme, and for related purposes.

Message no. 70, dated 29 May 2002—A Bill for an Act to amend the *Australian Protective Service Act 1987*, and for related purposes.

Message no. 74, dated 30 May 2002—A Bill for an Act to amend the *Bankruptcy Act 1966*, and for related purposes.

Message no. 75, dated 30 May 2002—A Bill for an Act to amend the *Bankruptcy (Estate Charges) Act 1997* and the *Bankruptcy (Estate Charges) Amendment Act 2001*, and for related purposes.

Message no. 79, dated 5 June 2002—A Bill for an Act to amend the *Migration Agents Registration Application Charge Act 1997*, and for related purposes.

Message no. 80, dated 5 June 2002—A Bill for an Act to amend the law relating to migration, and for related purposes.

Message no. 85, dated 6 June 2002—A Bill for an Act to amend the taxation law to implement a simplified imputation system, and for related purposes.

Message no. 86, dated 6 June 2002—A Bill for an Act to impose over-franking tax, and for related purposes.

Message no. 87, dated 6 June 2002—A Bill for an Act to impose franking deficit tax, and for related purposes.

Message no. 77, dated 30 May 2002—A Bill for an Act to amend the law relating to social security, and for related purposes.

Message no. 83, dated 6 June 2002—A Bill for an Act to amend laws relating to taxation and superannuation, and for related purposes.

Message no. 82, dated 6 June 2002—A Bill for an Act to amend the *Superannuation Guarantee Charge Act 1992*, 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.

Explanatory memoranda: Senator Ian Campbell tabled revised explanatory memoranda [2] relating to the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 and the Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002, and corrections to the explanatory memorandum and an additional explanatory memorandum relating to the New Business Tax System (Consolidation) Bill (No. 1) 2002.

On the motion of Senator Ludwig the debate was adjourned.

Consideration of legislation: Senator Ian Campbell moved—That—

- (a) the Bankruptcy Legislation Amendment Bill 2002 and the Bankruptcy (Estate Charges) Amendment Bill 2002;
- (b) the Migration Agents Registration Application Charge Amendment Bill 2002 and the Migration Legislation Amendment (Migration Agents) Bill 2002;
- (c) the New Business Tax System (Imputation) Bill 2002, the New Business Tax System (Over-franking Tax) Bill 2002 and the New Business Tax System (Franking Deficit Tax) Bill 2002; and
- (d) the Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002 and the Superannuation Guarantee Charge Amendment Bill 2002

be listed on the *Notice Paper* as 4 orders of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

On the motion of Senator Ian Campbell the resumption of the debate on each of the following bills was made an order of the day for a later hour:

Disability Discrimination Amendment Bill 2002
Horticulture Marketing and Research and Development Services (Amendment) Bill 2002

Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002
Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002
Space Activities Amendment Bill 2002
International Tax Agreements Amendment Bill (No. 1) 2002
Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2002
Customs Tariff Amendment Bill (No. 1) 2002
Export Market Development Grants Amendment Bill 2002
Petroleum (Submerged Lands) Amendment Bill 2002
Statute Law Revision Bill 2002
New Business Tax System (Consolidation) Bill (No. 1) 2002
Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002
Diesel Fuel Rebate Scheme Amendment Bill 2002
Australian Protective Service Amendment Bill 2002.

4 TREATIES—JOINT STANDING COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported acquainting the Senate with a change in the membership of the Joint Standing Committee on Treaties, as follows:

Message no. 81, dated 5 June 2002—Mr Hunt in place of Mr Baldwin.

5 TORRES STRAIT FISHERIES AMENDMENT BILL 2002

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), 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 *Torres Strait Fisheries Act 1984*, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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.

6 **NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS—BUDGET MEASURES) BILL 2002**

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

Message no. 89, dated 18 June 2002—A Bill for an Act to change the Pharmaceutical Benefits Scheme, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

Debate ensued.

Declarations of interest: Senators Knowles and Barnett each declared an interest in relation to the bill.

Debate continued.

At 12.45 pm: Debate was interrupted while Senator West was speaking.

7 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

8 **QUESTIONS**

Questions without notice were answered.

9 **MIGRATION ACT—REGULATIONS—DOCUMENT—MOTION FOR DISALLOWANCE**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Migration Act—Regulations—Statutory Rules 2002 No. 129.

The Leader of the Opposition in the Senate (Senator Faulkner), also on behalf of the Leader of the Australian Democrats (Senator Stott Despoja) and Senator Brown, by leave, moved—That the Migration Amendment Regulations 2002 (No. 4), as contained in Statutory Rules 2002 No. 129 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 34

Senators—

Abetz	Coonan	Knowles	Reid
Alston	Eggleston	Lightfoot	Scullion
Barnett	Ellison	Macdonald, Ian	Tchen
Boswell	Ferguson	Macdonald, Sandy	Tierney
Brandis	Harris	Mason	Troeth
Calvert (Teller)	Heffernan	McGauran	Vanstone
Campbell, Ian	Herron	Minchin	Watson
Chapman	Hill	Patterson	
Colbeck	Kemp	Payne	

Question agreed to.

10 DEFENCE—INTERNATIONAL CRIMINAL COURT—ANSWER TO QUESTION

Senator Cook moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Cook today relating to the International Criminal Court.

Debate ensued.

Question put and passed.

11 IMMIGRATION—ASYLUM SEEKERS—FOREIGN AFFAIRS—IRAQ—ANSWERS TO QUESTIONS

Senator Bartlett moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked by Senator Bartlett and the Leader of the Australian Democrats (Senator Stott Despoja) today relating to the sinking of a boat now identified as 'Suspected Illegal Entry Vessel X', and to support for United States of America military policy regarding Iraq.

Question put and passed.

12 NOTICES

The Chair of the Finance and Public Administration Legislation Committee (Senator Mason): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the Public Interest Disclosure Bill 2001 [2002] be extended to 26 September 2002. (*general business notice of motion no. 91*)

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

- (a) notes that legislation has now been passed in the Victorian State Parliament to create a system of 13 fully-protected marine national parks and 11 fully-protected marine sanctuaries, making up 5.3 per cent of Victorian coastal waters;
- (b) congratulates:
 - (i) the Victorian State Government for providing this important protection for Victoria's diverse and unique marine environment,
 - (ii) the Environment Conservation Council for its detailed studies and proposals on marine protection over many years, and
 - (iii) the Victorian National Parks Association for its ongoing advocacy; and
- (c) urges other states to implement legislation to protect their marine environments. (*general business notice of motion no. 92*)

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

- (a) notes the recent report, *Community Attitudes to Climate Change*, by research firm Taylor Nelson Sofres, which found that:
 - (i) 85 per cent believe that global warming is mostly a result of human interference in the global climate system,
 - (ii) 80 per cent support government subsidies for companies to build renewable power stations,
 - (iii) 77 per cent believe that the Government should be planning the progressive replacement of all coal-fired power stations with renewable energy and gas power stations over the next 20 years,
 - (iv) 64 per cent support paying higher prices for petrol if some of the revenue is used to develop environmentally-friendly fuels and provide improved public transport, and
 - (v) 63 per cent support the introduction of new laws to improve energy efficiency; and
- (b) calls on the Government to:
 - (i) introduce measures to phase-out coal-fired power stations, replacing them with renewable energy and gas generation,
 - (ii) reintroduce fuel excise indexation and use funds raised to promote cleaner fuels and public transport, and
 - (iii) mandate national energy efficiency performance standards. (*general business notice of motion no. 93*)

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

- (a) notes that:
 - (i) a shipment of plutonium mixed oxide was delivered to Japan in 1999 from British Nuclear Fuels Limited (BNFL) but, because crucial safety data was found to be falsified by BNFL, Japan refused to accept the fuel and it is now being returned to the United Kingdom, and
 - (ii) the fuel is proposed to be shipped through the exclusive economic zones of several Pacific nations, despite their opposition, and will compromise the integrity and safety of those nations' marine environments; and
- (b) calls on the Government to:
 - (i) expressly deny permission to transport this shipment of mixed oxide plutonium nuclear fuel through our region through the bilateral nuclear cooperation agreement, 'Australia/Japan Nuclear Safeguard Agreement', and
 - (ii) conduct an urgent public review of Australia's bilateral nuclear cooperation agreement with Japan. (*general business notice of motion no. 94*)

The Chair of the Select Committee on a Certain Maritime Incident (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 21 August 2002. (*general business notice of motion no. 95*)

Senator Brown: To move on the next day of sitting—That the Senate supports the establishment of the International Criminal Court. (*general business notice of motion no. 96*)

Senator Crossin: To move on the next day of sitting—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 5 December 2002:

The regulatory, monitoring and reporting regimes that govern environmental performance at the Ranger and Jabiluka uranium operations in the Northern Territory and the Beverley and Honeymoon *in situ* leach operations in South Australia, with particular reference to:

- (a) the adequacy, effectiveness and performance of existing monitoring and reporting regimes and regulations;
- (b) the adequacy and effectiveness of those Commonwealth agencies responsible for the oversight and implementation of these regimes; and
- (c) a review of Commonwealth responsibilities and mechanisms to realise improved environmental performance and transparency of reporting.

Senator Harris: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Family Law Act 1975*, and for related purposes. **Family Law Amendment (Joint Residency) Bill 2002**. (*general business notice of motion no. 97*)

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

- (a) notes comments by the Minister for Defence (Senator Hill) in relation to a possible first strike against Iraq; and

- (b) calls upon the Government to refrain from committing to any military involvement without first putting any proposed commitment to the Senate for debate. (*general business notice of motion no. 98*)

13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2002

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2002

1. The committee met on Tuesday, 18 June 2002.
2. The committee resolved to recommend—
 - (a) That, the following bills be *referred immediately* to committees as follows:

Bill title	Committee	Reporting date
Diesel Fuel Rebate Scheme Amendment Bill 2002	Economics Legislation	24 June 2002
New Business Tax System (Consolidation) Bill (No. 1) 2002	Economics Legislation	25 June 2002
Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002	Select Committee on Superannuation	25 June 2002
Superannuation Guarantee Charge Amendment Bill 2002		
Workplace Relations Amendment (Paid Maternity Leave) Bill 2002	Employment, Workplace Relations and Education Legislation	18 September 2002

- (b) That the *provisions* of the Higher Education Funding Amendment Bill 2002 be referred to the Employment, Workplace Relations and Education Legislation Committee for report by 20 August 2002.
- (c) That the following bills *not* be referred to committees:
 - Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002
 - Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002
 - Export Market Development Grants Amendment Bill 2002
 - Family and Community Services Legislation Amendment (Disability Reform) Bill 2002
 - Financial Sector Legislation Amendment Bill (No. 1) 2002
 - National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002
 - New Business Tax System (Imputation) Bill 2002
 - New Business Tax System (Franking Deficit Tax) Bill 2002
 - New Business Tax System (Franking Deficit Tax) Bill 2002
 - Petroleum (Submerged Lands) Amendment Bill 2002
 - Plant Breeder's Rights Amendment Bill 2002
 - Statute Law Revision Bill 2002

Social Security and Veterans' Entitlements Legislation Amendment
(Disposal of Assets—Integrity of Means Testing) Bill 2002
Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge)
Bill 2002
Taxation Laws Amendment Bill (No. 2) 2002
Therapeutic Goods and Other Legislation Amendment Bill 2002
Vocational Education and Training Funding Amendment Bill 2002.

The committee recommends accordingly.

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

Bills deferred from meeting of 19 March 2002

Aviation Legislation Amendment Bill 2002
Copyright Amendment (Parallel Importation) Bill 2002

Bills deferred from meeting of 14 May 2002

Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002
Health Insurance Commission Amendment Bill 2002
Health Legislation Amendment (Private Health Industry Measures) Bill 2002
Research Agencies Legislation Amendment Bill 2002

Bills deferred from meeting of 18 June 2002

Australian Broadcasting Corporation (Scrutiny of Board Appointments)
Amendment Bill 2002
Family and Community Services Legislation Amendment (Australians Working
Together and other 2001 Budget Measures) Bill 2002
Taxation Laws Amendment Bill (No. 4) 2002
Taxation Laws Amendment (Structured Settlements) Bill 2002.

Paul Calvert
Chair
19 June 2002.

Senator Tierney moved—That the report be adopted.

Senator Conroy moved the following amendment:

At the end of the motion, add “and in respect of:

- (a) the New Business Tax System (Consolidation) Bill (No. 1) 2002, the Economics Legislation Committee report on 26 June 2002;
- (b) the Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002 and a related bill, the Select Committee on Superannuation report on 26 June 2002; and
- (c) the Taxation Laws Amendment Bill (No. 4) 2002, the provisions of the bill be referred to the Economics Legislation Committee for report on 26 June 2002”.

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

Main question, as amended, put and passed.

14 LEAVE OF ABSENCE

Senator Tierney, by leave, moved—That leave of absence be granted to Senator Crane for the period 17 June to 20 June 2002, on account of ill health.

Question put and passed.

15 SUPERANNUATION—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Tierney, by leave and at the request of the Chair of the Select Committee on Superannuation (Senator Watson), moved—That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Thursday, 20 June 2002, from 3.30 pm, to take evidence for the committee's inquiry into the Taxation Laws Amendment (Superannuation) Bill (No. 2) 2002 and the Superannuation Guarantee Charge Amendment Bill 2002.

Question put and passed.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Tierney, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 20 June 2002, from 4 pm, to take evidence for the committee's inquiry into the quota management control on Australian beef exports to the United States.

Question put and passed.

17 NOTICE OF MOTION WITHDRAWN

Senator Brown withdrew business of the Senate notice of motion no. 5 standing in his name for today, relating to the disallowance of certain migration regulations.

18 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the reference of matters to the Standing Committee of Privileges, postponed till 26 June 2002.

Business of the Senate notice of motion no. 3 standing in the name of Senator O'Brien for today, relating to the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 20 June 2002.

Business of the Senate notice of motion no. 6 standing in the name of Senator Murphy for today, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, postponed till 20 June 2002.

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for 25 June 2002, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 29 August 2002.

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 26 June 2002.

General business notice of motion no. 82 standing in the name of Senator Sherry for today, proposing an order for the production of documents relating to superannuation, postponed till 24 June 2002.

19 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Bishop, also on behalf of Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 13 September 2002:
 - (a) consideration of the adequacy, effectiveness and fairness of proposed legislative participation requirements for parents and mature-age unemployed Australians; and
 - (b) the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002, with particular reference to:
 - (i) the nature of the participation requirements proposed in the bill for parents and older unemployed people, including how they compare to existing requirements for other workforce-age income support recipients,
 - (ii) the nature of penalty (breaching) provisions provided in the bill for parents and older unemployed people, including how they compare to existing requirements for other workforce-age income support recipients, and
 - (iii) the fairness, efficiency and effectiveness of proposed legislative social security penalty provisions.
- (2) That, in undertaking this reference, the committee consider the report of the Independent Review of Breaches and Penalties in the Social Security System (the Pearce Review) to determine whether implementation of its recommendations would improve the capacity of the participation requirement regime to provide effective and efficient support to workforce-age income support payment recipients while improving rates of compliance.

Question put and passed.

20 LAW AND JUSTICE—INTERNATIONAL CRIMINAL COURT

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 84—That the Senate—

- (a) notes that:
 - (i) Australia was among the leading advocates of the Rome Statute, which created the legal basis for the International Criminal Court (ICC) in 1998,
 - (ii) the ICC will provide an avenue for the prosecution of war crimes, crimes against humanity and genocide, where domestic legal systems are unable or unwilling to deliver justice,

(iii) the Rome Statute will enter into force on 1 July 2002, having been ratified by more than 60 nations, and

(iv) Australia will be excluded from participation in the first Assembly of States Parties if it does not ratify by 2 July 2002; and

(b) calls on the Government to ratify the Rome Statute for the ICC before 2 July 2002.

Question put and passed.

21 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Tierney, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 85—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2002-03 Budget estimates be extended to 26 June 2002.

Question put and passed.

22 NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Tierney, on behalf of the Parliamentary Joint Committee on the National Crime Authority and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 86—That the Parliamentary Joint Committee on the National Crime Authority be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 June 2002, from 8 pm, to take evidence for the committee's inquiry into the National Crime Authority annual report 2000-01.

Question put and passed.

23 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Tierney, at the request of the Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Ferris) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 87—That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 25 June 2002, from 4 pm, to take evidence for the committee's inquiry into the National Native Title Tribunal annual report 2000-01.

Question put and passed.

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

Senator Tierney, 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. 89—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the 2002-03 Budget estimates be extended to 25 June 2002.

Question put and passed.

25 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 88—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the 2002-03 Budget estimates be extended to 27 June 2002.

Question put and passed.

26 MINING—CHRISTMAS ISLAND—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 90—That there be laid on the table, no later than 4 pm on Tuesday, 25 June 2002, the following documents:

- (a) the current mine lease or leases on Christmas Island held by Phosphate Resource Ltd (PRL), including all conditions;
- (b) the Environment Management Plan for the lease or leases;
- (c) any Environment Australia (EA) documents relating to compliance, oversight and enforcement of the lease or leases and conditions;
- (d) all materials relating to breaches of conditions, including claims, investigations and actions;
- (e) any audits of PRL's rehabilitation program;
- (f) any new mining proposals for Christmas Island;
- (g) a current tenure map of all blocks that have been mined;
- (h) any documents relating to the transfer of any lots to or from PRL;
- (i) any documents relating to the current mine rehabilitation budget for EA on Christmas Island;
- (j) any documents relating to the current status of rehabilitation on lease block 138;
- (k) any documents relating to the payment or non-payment of power bills by PRL;
- (l) any documents relating to alternative locations for the proposed detention centre on Christmas Island;
- (m) any documents containing responses of EA to the detention centre proposal; and
- (n) current funds held for purposes of mine rehabilitation on Christmas Island.

Question put and passed.

27 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2002

The Deputy President (Senator West) tabled the following report:

Procedure—Standing Committee—First report of 2002—Adjournment debate; Unanswered questions on notice, dated June 2002.

Report ordered to be printed on the motion of the Minister for Health and Ageing (Senator Patterson).

Senator Patterson moved—That consideration of the report be an order of the day for the next day of sitting.

28 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST NO. 5 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—
5th report of 2002, dated 19 June 2002.
Alert Digest No. 5 of 2002, dated 19 June 2002.

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

29 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—388TH REPORT

Senator Crossin, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

388th report—Review of the accrual budget documentation, dated June 2002.

Senator Crossin moved—That the Senate take note of the report.

Question put and passed.

30 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002

The Acting Deputy President (Senator Crowley) tabled the following report and documents received on 18 June 2002:

Environment, Communications, Information Technology and the Arts Legislation Committee—Broadcasting Services Amendment (Media Ownership) Bill 2002—Report, dated June 2002, *Hansard* record of proceedings [2 vols], documents presented to the committee and submissions [40].

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

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

Debate ensued.

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

31 EAST TIMOR—2002 PRESIDENTIAL ELECTION—AUSTRALIAN OFFICIAL OBSERVER DELEGATION—DOCUMENT

Senator Payne, by leave, tabled the following document:

East Timor—2002 Presidential election—Report of the Australian official observer delegation, 12 to 15 April 2002.

Senator Payne, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

32 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2002-03

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

2002-03 Budget estimates—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [5 vols].

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

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and *Hansard* record of proceedings [4 vols].

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

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

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

33 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Airworthiness Directives—Part—

105, dated 22, 23 [2], 24 [6], 25, 27 [8], 28 [15], 29 [5], 30 [11] and 31 [13] May; and 3 [4] June 2002.

106, dated 29 [3] May; and 3 June 2002.

107, dated 22 and 30 May 2002.

Class Rulings CR 2002/32 and CR 2002/33.

Financial Management and Accountability Act—Determination—

2002/03—CSS Special Account.

2002/04—PSS Special Account.

Financial Management Legislation Amendment Act and Financial Management and Accountability Act—Determination 2002/05—ComSuper Special Account.

Fuel Grant and Rebate Ruling FGRR 2002/D1 (Draft).

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

Product Rulings PR 2002/34 (Addendum) and PR 2002/84-PR 2002/89.

34 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Bartlett) 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:

Economics Legislation Committee—

Substitute member: Senator Allison to replace Senator Murray for the consideration of the Diesel Fuel Rebate Scheme Amendment Bill 2002

Employment, Workplace Relations and Education Legislation Committee—

Substitute members:

Senator Lightfoot to replace Senator Barnett for the consideration of the 2002-03 Budget estimates on 21 June 2002

Senator Colbeck to replace Senator Ferris for the consideration of the 2002-03 Budget estimates on 21 June 2002

Rural and Regional Affairs and Transport Legislation Committee—

Appointed: Senator Heffernan

Discharged: Senator Crane

Superannuation—Select Committee—

Substitute member: Senator Conroy to replace Senator Sherry on 20 June 2002.

Question put and passed.

35 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

30 May 2002—Message—

No. 8—

Student Assistance Amendment Act 2002 (Act No. 31, 2002)

Taxation Laws Amendment (Baby Bonus) Act 2002 (Act No. 32, 2002)

No. 9—*Financial Corporations (Transfer of Assets and Liabilities) Amendment Act 2002* (Act No. 33, 2002).

36 SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (DISPOSAL OF ASSETS—INTEGRITY OF MEANS TESTING) BILL 2002

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

Message no. 91, dated 19 June 2002—A Bill for an Act to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* in relation to the effect on social security and veterans' benefits of the disposal of assets, and for related purposes.

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

37 TAXATION LAWS AMENDMENT BILL (NO. 4) 2002

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

Message no. 90, dated 19 June 2002—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Forestry and Conservation (Senator Ian Macdonald) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

38 CHRISTMAS ISLAND SPACE CENTRE—MOTION FOR DISALLOWANCE

Senator Brown, pursuant to notice, moved business of the Senate notice of motion no. 2—

- (1) That the Christmas Island Space Centre (APSC Proposal) Regulations 2001, as contained in the Territory of Christmas Island Regulations 2001 No. 1, and made under the Christmas Island Space Centre (APSC Proposal) Ordinance 2001, be disallowed.
- (2) That the Christmas Island Space Centre (APSC Proposal) Ordinance 2001, as contained in the Territory of Christmas Island Ordinance No. 4 of 2001, and made under the *Christmas Island Act 1958*, be disallowed.

Debate ensued.

At 6.50 pm: Debate was interrupted while the Minister for Forestry and Conservation (Senator Ian Macdonald) was speaking.

39 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Advance to the Finance Minister—Statement for March and April 2002. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

Advance to the Finance Minister—Supporting applications for funds for March and April 2002. Motion to take note of document moved by Senator Ludwig and debated. On the motion of Senator Hutchins debate was adjourned till Thursday at general business.

**40 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
APPOINTMENT OF MEMBER**

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

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell), by leave, moved—That Senator Crane be appointed as a participating member of the Rural and Regional Affairs and Transport Legislation Committee.

Question put and passed.

41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.26 pm till Thursday, 20 June 2002 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senators Crane* and Sherry (* on leave).

HARRY EVANS
Clerk of the Senate