

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate.....	767
2	Petitions .....	767
3	Notices.....	767
4	Order of Business—Rearrangement .....	768
5	Leave of Absence .....	769
6	Postponements.....	769
7	Kyoto Protocol (Ratification) Bill 2002.....	769
8	Parliamentary Zone—Approval of Works Proposal.....	769
9	Foreign Affairs—China—Australian Broadcasting Corporation .....	769
10	Superannuation—Select Committee—Extension of Time to Report.....	770
11	Legal and Constitutional Legislation Committee—Extension of Time to Report .....	770
12	Law and Justice—Western Australia—Sexuality Discrimination Legislation .	771
13	Rural and Regional Affairs and Transport Legislation Committee— Additional Information—Budget Estimates 2002-03 .....	771
14	Foreign Affairs, Defence and Trade References Committee—Proposed Reference .....	771
15	Australian Capital Territory Legislation Amendment Bill 2002 Customs Tariff Amendment Bill (No. 2) 2002 Excise Tariff Amendment Bill (No. 1) 2002 .....	772
16	Higher Education Funding Amendment Bill 2002 Higher Education Legislation Amendment Bill (No. 2) 2002 .....	773
17	Marriage Amendment Bill 2002 .....	774
18	Order of Business—Rearrangement .....	775
19	Customs Legislation Amendment Bill (No. 1) 2002 Import Processing Charges (Amendment and Repeal) Bill 2002.....	775
20	Plant Health Australia (Plant Industries) Funding Bill 2002 .....	776

21	Proceeds of Crime Bill 2002	
	Proceeds of Crime (Consequential Amendments and Transitional Provisions)	
	Bill 2002 .....	776
22	Questions .....	777
23	Transport—Ethanol—Answers to Questions .....	777
24	Treaties—Joint Standing Committee—Government Response—39th Report ..	777
25	Legal and Constitutional References Committee—Government Response—	
	Management Arrangements and Adequacy of Funding of the Australian	
	Federal Police and the National Crime Authority .....	777
26	Public Accounts and Audit—Joint Statutory Committee—Government	
	Response—384th Report.....	777
27	Public Accounts and Audit—Joint Statutory Committee—Government	
	Response—386th Report.....	778
28	Foreign Affairs, Defence and Trade—Joint Standing Committee—	
	Government Response—Australia’s Relations with the Middle East .....	778
29	Finance and Public Administration Legislation Committee—Report—	
	Members of Parliament (Life Gold Pass) Bill 2002.....	778
30	Documents .....	778
31	Departmental and Agency Contracts—Order for Production of Documents—	
	Documents .....	778
32	Indexed Lists of Departmental and Agency Files—Order for Production of	
	Documents—Document .....	779
33	Communications—Regional Telecommunications Services—Inquiry.....	779
34	Community Affairs Legislation Committee—Change in Membership .....	779
35	Government Documents—Orders of the Day—Consideration .....	780
36	Committee Reports and Government Responses—Orders of the Day—	
	Consideration.....	780
37	Auditor-General’s Reports—Orders of the Day—Consideration .....	780
38	Adjournment.....	781
39	Attendance .....	781

### 1 MEETING OF SENATE

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

### 2 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Cherry, from 60 petitioners, requesting that the Senate urge the Government to release publicly the demands and concessions it proposes to make to other countries for opening up trade in services as part of negotiations on a new General Agreement on Trade in Services.

Senator Stott Despoja, from 20 petitioners, requesting that the Senate support the Australian Democrats' motion opposing Australia's involvement in pre-emptive military action or a first strike against Iraq and call on the Government to pursue diplomatic initiatives towards disarmament in Iraq, and worldwide.

Senator Stott Despoja, from 9 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

### 3 NOTICES

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government of Indonesia to ensure the swift release and, if necessary, repatriation of Lesley McCulloch and her party, now detained in Aceh. (*general business notice of motion no. 170*)

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for the Environment and Heritage, no later than 5 pm on Wednesday, 25 September 2002, the following:

- (a) the further studies, ordered by Senator Hill on 1 February 2001 to be conducted by the proponent of the Honeymoon trial mine, on ground water and waste disposal issues;
- (b) the independent reviews of these further studies ordered by Environment Australia;
- (c) the Honeymoon trial mine reports for 1998 to 2000, as reported to the South Australian Government by the proponent;
- (d) the evidence of ground water monitoring and waste disposal records from the trial mine; and
- (e) any South Australian Government reporting to the Federal Government on the trial mine. (*general business notice of motion no. 171*)

Senator Conroy: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Trade Practices Act 1974* to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the law in relation to public liability, and for related purposes. ***Trade Practices Amendment (Public Liability Insurance) Bill 2002 [No. 2]***. (*general business notice of motion no. 172*)

Senator Conroy: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Corporations Act 2001* to improve corporate governance, and for related purposes. ***Corporations Amendment (Improving Corporate Governance) Bill 2002 [No. 2]***. (*general business notice of motion no. 173*)

Senator Conroy: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Trade Practices Act 1974* to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the regulation of credit card fees, and for related purposes. ***Trade Practices Amendment (Credit Card Reform) Bill 2002 [No. 2]***. (*general business notice of motion no. 174*)

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

- (a) deplures comments made in the New South Wales Parliament on Tuesday, 17 September 2002, by the State Minister for Education and Training (Mr Watkins), which misrepresented the future direction of universities in Australia and, in particular, the role of rural and regional universities;
- (b) notes that the Minister for Education, Science and Training (Dr Nelson) has put on the record that regional universities will not be disadvantaged by the current reform process;
- (c) further notes that the Federal Minister told all state education ministers, including Mr Watkins, in July 2002 that Australia would not be returning to second tier, teaching-only, higher education institutions; and
- (d) congratulates the Federal Minister for his comprehensive and inclusive review of higher education in Australia. (*general business notice of motion no. 175*)

#### 4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 9 Customs Legislation Amendment Bill (No. 1) 2002  
Import Processing Charges (Amendment and Repeal) Bill 2002.
- No. 10 Plant Health Australia (Plant Industries) Funding Bill 2002.

Question put and passed.

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

- (a) general business notice of motion no. 165 standing in the name of Senator Mackay, relating to an inquiry into regional telecommunications services; and
- (b) consideration of government documents.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the provisions of the Members of Parliament (Life Gold Pass) Bill 2002, be postponed till a later hour.

Question put and passed.

**5 LEAVE OF ABSENCE**

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Heffernan for the period 23 September to 26 September 2002, on account of parliamentary business overseas.

Question put and passed.

**6 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 162 standing in the name of Senator Stott Despoja for today, relating to the meeting of Commonwealth leaders on Zimbabwe, postponed till 23 September 2002.

General business notice of motion no. 164 standing in the name of Senator Allison for today, relating to the sponsorship of drug education programs in Asia by tobacco companies, postponed till 23 September 2002.

**7 KYOTO PROTOCOL (RATIFICATION) BILL 2002**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 168—That the following bill be introduced:

A Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Question put and passed.

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

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

**8 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL**

The Minister for Justice and Customs (Senator Ellison), at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of external waste enclosures in Commonwealth Place.

Question put and passed.

**9 FOREIGN AFFAIRS—CHINA—AUSTRALIAN BROADCASTING CORPORATION**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 169—That the Senate calls on the Government of China to immediately remove the block on the Australian Broadcasting Corporation's website in China.

Question put.

The Senate divided—

AYES, 13

Senators—

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

NOES, 41

Senators—

Bishop	Eggleston	Ludwig	Scullion
Brandis	Ellison	Lundy	Sherry
Buckland	Evans	Mackay	Stephens
Calvert	Ferguson	Marshall	Tchen
Campbell, George	Ferris (Teller)	Mason	Tierney
Carr	Hill	McLucas	Watson
Chapman	Hogg	Moore	Webber
Colbeck	Hutchins	O'Brien	Wong
Collins	Johnston	Payne	
Conroy	Kemp	Ray	
Denman	Kirk	Reid	

Question negatived.

**10 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 166—That the time for the presentation of the report of the Select Committee on Superannuation on the provisions of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2002 be extended to 16 October 2002.

Question put and passed.

**11 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of 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. 167—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission be extended to 24 October 2002.

Question put and passed.

**12 LAW AND JUSTICE—WESTERN AUSTRALIA—SEXUALITY DISCRIMINATION  
LEGISLATION**

The Acting Leader of the Australian Democrats (Senator Greig) 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. 163—That the Senate—

- (a) notes that the Western Australian *Acts Amendment (Lesbian and Gay Law Reform) Act 2002* is expected to be proclaimed on Friday, 20 September 2002, providing comprehensive law reform for gay and lesbian people in that state in a range of areas;
- (b) congratulates the Parliament and people of Western Australia for advancing the human rights of its citizens;
- (c) notes that similar legislation now exists, to varying degrees, in most states and territories;
- (d) recognises that sexuality anti-discrimination laws and same-sex partnership recognition does not exist in any adequate or comprehensive way in Australia's federal jurisdiction, and that redressing this will require Commonwealth legislation; and
- (e) calls on the Government to initiate or support the passage of necessary legislation to end sexuality discrimination in Commonwealth law.

Question put and passed.

**13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
ADDITIONAL INFORMATION—BUDGET ESTIMATES 2002-03**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled additional information received by the committee (Budget estimates 2002-03—vols 3 to 5).

**14 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED  
REFERENCE**

Senator Bartlett, pursuant to notice, moved business of the Senate notice of motion no. 1—

- (1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report:
 

All matters related to a possible military attack against Iraq by the United States of America, with particular emphasis on Australia's potential role.
- (2) That the committee call for public submissions and hold public hearings as promptly as possible, with the aim of ensuring as much information as possible is made available to the Australian public to ensure the most comprehensive and informed public debate on the matter can occur.
- (3) That the committee report to the Senate at a time, or times, and in a form it deems to be appropriate, taking into account any local or international developments, as long as a report is presented by 13 December 2002.

Debate ensued.

Senator Brown moved the following amendment:

After “related to”, insert “Saddam Hussein’s regime, UN resolutions and action and”.

Debate ensued.

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

Main question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 42

Senators—

Bishop	Evans	Lundy	Scullion
Brandis	Ferguson	Marshall	Sherry
Buckland (Teller)	Forshaw	Mason	Stephens
Calvert	Hill	McGauran	Tchen
Campbell, George	Hogg	McLucas	Tierney
Carr	Hutchins	Moore	Troeth
Chapman	Johnston	O’Brien	Watson
Colbeck	Kemp	Patterson	Webber
Collins	Kirk	Payne	Wong
Denman	Knowles	Ray	
Eggleston	Ludwig	Reid	

Question negatived.

**15 AUSTRALIAN CAPITAL TERRITORY LEGISLATION AMENDMENT BILL 2002  
CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2002  
EXCISE TARIFF AMENDMENT BILL (NO. 1) 2002**

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

Message no. 137, dated 18 September 2002—A Bill for an Act to amend laws relating to the Australian Capital Territory, and for related purposes.

Message no. 138, dated 18 September 2002—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for other purposes.

Message no. 139, dated 18 September 2002—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp 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.

Senator Kemp moved that the Australian Capital Territory Legislation Amendment Bill 2002 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

16 **HIGHER EDUCATION FUNDING AMENDMENT BILL 2002**  
**HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2002**

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

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*In the committee*

**HIGHER EDUCATION FUNDING AMENDMENT BILL 2002—**

Consideration resumed of the bill, as amended.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, Part 2.

Schedule 1, Part 2, as amended, debated.

Question—That Schedule 1, Part 2, as amended, be agreed to—put.

The committee divided—

AYES, 39

Senators—

Alston	Denman	Ludwig	Scullion
Barnett	Eggleston (Teller)	Lundy	Sherry
Brandis	Evans	Mackay	Stephens
Buckland	Ferris	Marshall	Tchen
Campbell, George	Forshaw	Mason	Tierney
Carr	Hogg	McLucas	Troeth
Chapman	Hutchins	Moore	Watson
Colbeck	Johnston	O'Brien	Webber
Collins	Kirk	Ray	Wong
Conroy	Knowles	Reid	

NOES, 10

Senators—

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

Part agreed to.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 10.

Schedule 1, item 10, as amended, debated and agreed to.

Bill, as amended, agreed to.

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**HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2002—**

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

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The Higher Education Funding Amendment Bill 2002 to be reported with amendments and the Higher Education Legislation Amendment Bill (No. 2) 2002 to be reported without amendments.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee was adopted and the bills read a third time.

**17 MARRIAGE AMENDMENT BILL 2002**

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

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*In the committee*

Consideration resumed of the bill—*and of the amendments moved by the Acting Leader of the Australian Democrats (Senator Greig)*:

Schedule 1, page 12 (after line 28), after item 18, insert:

**18A After section 23B**

Insert:

**23C Same sex marriages permitted**

For the avoidance of doubt, nothing in this or any other Act prevents the marriage of any two persons solely on the grounds of their sex.

Schedule 1, page 12 (after line 28), after item 18, insert:

**18B Subsection 45(2)**

After “to be my lawful wedded wife (**or** husband)”, insert “(**or** partner)”.

Schedule 1, page 12 (after line 28), after item 18, insert:

**18C Subsection 46(1)**

Omit “is the union of a man and a woman”, substitute “is the union of two persons”.

Debate resumed.

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

**18 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That, after consideration of government business orders of the day no. 9 (Customs Legislation Amendment Bill (No. 1) 2002 and a related bill) and no. 10 (Plant Health Australia (Plant Industries) Funding Bill 2002), the following government business orders of the day be called on to enable second reading speeches to be made till not later than 2 pm:

- No. 3 Proceeds of Crime Bill 2002  
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002.
- No. 4 Space Activities Amendment Bill 2002.
- No. 8 Plant Breeder's Rights Amendment Bill 2002.

Question put and passed.

**19 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 2002  
IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) 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 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.

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*In the committee*

**CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 2002—**

Bill taken as a whole by leave.

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*Explanatory memorandum:* Senator Troeth tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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Question—That the bill be agreed to—divided in respect of Schedule 1, item 6.

Question—That Schedule 1, item 6 stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 35 and 36.

Question—That Schedule 1, items 35 and 36 stand as printed—put and negatived.

Bill, as amended, agreed to.

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**IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) BILL 2002—**

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

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The Customs Legislation Amendment Bill (No. 1) 2002 to be reported with amendments and the Import Processing Charges (Amendment and Repeal) Bill 2002 to be reported without requests for amendments.

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

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

**20 PLANT HEALTH AUSTRALIA (PLANT INDUSTRIES) FUNDING 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.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Troeth the bill was read a third time.

**21 PROCEEDS OF CRIME BILL 2002****PROCEEDS OF CRIME (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2002**

Order of the day read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That these bills be now read a second time—*and on the amendment moved by Senator Ludwig in respect of the Proceeds of Crime Bill 2002:*

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

- (a) notes that the courts have recently affirmed the principle that a drug dealer may be allowed a tax deduction where the proceeds from illegal drug dealing are stolen;
- (b) further notes that this treatment effectively frees from tax the proceeds of illegal drug dealing;
- (c) confirms that this grave matter was brought to the attention of the Parliament more than 2 years ago by the Australian Labor Party;
- (d) condemns the Treasurer for his inaction in attacking drug dealing by allowing this anomaly to stand for years; and

- (e) calls on the Government to amend the taxation law to ensure criminals and drug dealers are no longer able to claim a tax deduction where the proceeds of drug deals are stolen”.

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Harris was speaking.

**22 QUESTIONS**

Questions without notice were answered.

**23 TRANSPORT—ETHANOL—ANSWERS TO QUESTIONS**

Senator O’Brien moved—That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Hutchins, Ray and O’Brien today relating to the use of ethanol in automotive fuel.

Debate ensued.

Question put and passed.

**24 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—39TH REPORT**

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

Treaties—Joint Standing Committee—39th report—Privileges and immunities of the International Tribunal on the Law of the Sea; and the treaties tabled on 27 February and 6 March 2001—Government response.

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

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

**25 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT RESPONSE—MANAGEMENT ARRANGEMENTS AND ADEQUACY OF FUNDING OF THE AUSTRALIAN FEDERAL POLICE AND THE NATIONAL CRIME AUTHORITY**

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

Legal and Constitutional References Committee—Report—Order in the law: Management arrangements and adequacy of funding of the Australian Federal Police and the National Crime Authority—Government response, dated June 2002.

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

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

**26 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—384TH REPORT**

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

Public Accounts and Audit—Joint Statutory Committee—384th report—Review of Coastwatch—Government response.

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

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

**27 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—386TH REPORT**

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

Public Accounts and Audit—Joint Statutory Committee—386th report—Review of the *Auditor-General Act 1997*—Government response to recommendations 2 to 5 of the report.

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

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

**28 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S RELATIONS WITH THE MIDDLE EAST**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's relations with the Middle East—Government response, dated May 2002.

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

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

**29 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002**

Pursuant to order, the Chair of the Finance and Public Administration Legislation Committee (Senator Mason) tabled the following report and documents:

Finance and Public Administration Legislation Committee—Members of Parliament (Life Gold Pass) Bill 2002—Report, dated September 2002, *Hansard* record of proceedings and submissions [67].

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

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

Debate ensued.

Question put and passed.

**30 DOCUMENTS**

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 521/02.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 5 September 2002 [2].

**31 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

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

Departmental and agency contracts—Letters of advice—2002 spring sittings—

Family and Community Services portfolio agencies—

Centrelink.

Child Support Agency.  
Department of Family and Community Services.  
Social Security Appeals Tribunal.  
Veterans' Affairs portfolio.

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Family and Community Services portfolio agencies—Centrelink and Department of Family and Community Services.

*General business was called on.*

**33 COMMUNICATIONS—REGIONAL TELECOMMUNICATIONS SERVICES—INQUIRY**

Senator Mackay, pursuant to notice, moved general business notice of motion no. 165—That the Senate—

- (a) condemns the Howard Government for establishing an inquiry into regional telecommunications services, the Estens inquiry, which is chaired by a member of the National Party and friend of the Deputy Prime Minister, and has a former National Party MP as one of its members;
- (b) condemns the Government's decisions that the inquiry will hold no public hearings and must report within little more than 2 months of its commencement; and
- (c) calls on the Government to address all issues associated with Telstra's performance, including rising prices, deteriorating service standards and inadequate broadband provision.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator Tierney was speaking.

**34 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That Senator Bishop replace Senator Hutchins on the Community Affairs Legislation Committee for the consideration of the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 from 6.10 pm today till the committee concludes its business today.

Question put and passed.

**35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to government documents were considered:

*Workplace Relations Act 1996*—Report for 2000 and 2001 on agreement making under the Act. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

Productivity Commission—Report—No. 17—Review of the national access regime, 28 September 2001. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

General business orders of the day no. 2 and nos 4-6 were called on but no motion was moved.

*General business concluded.*

**36 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

Treaties—Joint Standing Committee—42nd report—Who's afraid of the WTO? Australia and the World Trade Organisation—Government response. Motion of Senator Ludwig to take note of document debated. On the motion of Senator Buckland debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—Above board? Methods of appointment to the ABC Board—Government response. Motion of Senator Cherry to take note of document debated. On the motion of Senator Mackay debate was adjourned till the next day of sitting.

**37 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 6 of 2002-03—Performance audit—Fraud control arrangements in the Department of Veterans' Affairs. Motion of Senator Ludwig to take note of document called on. Debate adjourned till the next day of sitting, Senator Ludwig in continuation.

Auditor-General—Audit report no. 7 of 2002-03—Performance audit—Client service in the Child Support Agency follow-up audit: Department of Family and Community Services. Motion to take note of document moved by Senator Mackay. Debate adjourned till the next day of sitting, Senator Mackay in continuation.

Auditor-General—Audit report no. 8 of 2002-03—Business support process audit—The Senate order for department and agency contracts (September 2002). Motion to take note of document moved by Senator Mackay. Debate adjourned till the next day of sitting, Senator Mackay in continuation.

**38 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.12 pm till Monday, 23 September 2002 at 12.30 pm.

**39 ATTENDANCE**

Present, all senators except Senators Ian Campbell, Cook\*, Crossin and Lightfoot (\* on leave).

**HARRY EVANS**  
Clerk of the Senate