

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

*Aged Care Act 1997*—Report for 2001-02 on the operation of the Act.

Australia-China Council—Report for 2001-02, incorporating reports for 1999-2000 and 2000-01.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2002.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2002-03.

ComLand Limited—Statement of corporate intent 2002-05.

Commonwealth Grants Commission—Report for 2001-02.

Human Rights and Equal Opportunity Commission—Reports—Inquiries into complaints of discrimination in employment on the basis of criminal record—No. 19—*Mr Mark Hall v NSW Thoroughbred Racing Board*, and No. 20—*Ms Renai Christensen v Adelaide Casino Pty Ltd*.

National Institute of Clinical Studies Limited—Report for 2001-02.

**3 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 1) 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 law relating to broadcasting, 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.

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*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.

4 **NATIONAL GALLERY AMENDMENT BILL 2002**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the *National Gallery Act 1975*, 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.

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

5 **CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for Revenue and Assistant Treasurer (Senator Coonan) and pursuant to notice, moved government business notice of motion no. 3—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002

Dairy Industry Legislation Amendment Bill 2002.

Debate ensued.

Question put and passed.

6 **WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002**  
**WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION)**  
**BILL 2002**

Order of the day read for the adjourned debate on the motions of the Minister for Revenue and Assistant Treasurer (Senator Coonan) and the Minister for Justice and Customs (Senator Ellison)—That these bills be now read a second time—and on the amendment moved by Senator Sherry in respect of the *Workplace Relations Amendment (Genuine Bargaining) Bill 2002*:

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

- (a) unreasonably emasculating the powers of the Australian Industrial Relations Commission to resolve industrial disputes in the interests of the parties;
- (b) interfering with the commission’s discretion to deal with industrial disputes in the most appropriate way; and
- (c) failing to put forward constructive proposals to enable the commission to direct parties to bargain in good faith”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 27

Senators—

|                  |                  |          |          |
|------------------|------------------|----------|----------|
| Bishop           | Cook             | Kirk     | O’Brien  |
| Bolkus           | Crossin (Teller) | Ludwig   | Ray      |
| Brown            | Denman           | Marshall | Sherry   |
| Buckland         | Forshaw          | McLucas  | Stephens |
| Campbell, George | Harradine        | Moore    | Webber   |
| Carr             | Harris           | Murphy   | Wong     |
| Collins          | Hutchins         | Nettle   |          |

NOES, 36

Senators—

|               |                    |                  |               |
|---------------|--------------------|------------------|---------------|
| Abetz         | Colbeck            | Knowles          | Payne         |
| Allison       | Coonan             | Lees             | Reid          |
| Barnett       | Eggleston (Teller) | Lightfoot        | Ridgeway      |
| Bartlett      | Ellison            | Macdonald, Ian   | Scullion      |
| Boswell       | Ferguson           | Macdonald, Sandy | Stott Despoja |
| Brandis       | Ferris             | Mason            | Tchen         |
| Calvert       | Greig              | McGauran         | Troeth        |
| Campbell, Ian | Johnston           | Murray           | Vanstone      |
| Cherry        | Kemp               | Patterson        | Watson        |

Question negatived.

Main question put and passed.

Bills read a second time.

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

—————  
*In the committee*

**WORKPLACE RELATIONS AMENDMENT (GENUINE BARGAINING) BILL 2002—**

Bill taken as a whole by leave.

Senator Sherry moved the following amendments together by leave:

Schedule 1, item 1, page 3 (line 7) to page 4 (line 2), omit the item, substitute:

**1 After section 170MK**

Insert:

**170MKA Good faith bargaining**

- (1) A negotiating party to a proposed agreement must take part in negotiations and must negotiate in good faith and genuinely try to reach agreement with the other negotiating party or parties.

Note: The issue of whether a negotiating party is genuinely trying to reach agreement with the other negotiating parties was considered by Justice Munro in *Australian Industry Group v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*, Print T1982.

- (2) This section is not to be taken to require a negotiating party to:
  - (a) agree on any matter for inclusion in an agreement; or
  - (b) enter into an agreement.
- (3) For the purpose of subsection (1), “negotiating in good faith” includes:
  - (a) agreeing to meet face-to-face at reasonable times proposed by another party;
  - (b) attending meetings that the party has agreed to attend;
  - (c) complying with negotiating procedures agreed to by the parties;
  - (d) disclosing relevant information, subject to appropriate undertakings as to confidentiality, for the purposes of negotiations;
  - (e) stating a position on matters at issue, and explaining that position;
  - (f) considering and responding to proposals made by another negotiating party;
  - (g) adhering to commitments given to another negotiating party or parties in respect of meetings and responses to matters raised during negotiations;
  - (h) dedicating sufficient resources and personnel to ensure genuine bargaining.
- (4) For the purpose of subsection (1), a party must not:
  - (a) capriciously add or withdraw items for negotiation; and
  - (b) refuse or fail to negotiate with one or more of the parties; and
  - (c) in or in connection with the negotiations, refuse or fail to negotiate with a person who is entitled under this Part to represent an employee, or with a person who is a representative chosen by a negotiating party to represent it in the negotiations; and
  - (d) in or in connection with the negotiations, bargain with, attempt to bargain with or make offers to persons other than another negotiating party, about matters which are the subject of the negotiations.

**170MKB Management of good faith bargaining**

- (1) For the purposes of section 170MKA, the Commission may make orders to:
  - (a) ensure that a negotiating party negotiates with another negotiating party; or

- (b) ensure that negotiating parties to a proposed agreement negotiate in good faith; or
  - (c) promote the efficient conduct of negotiations for a proposed agreement; or
  - (d) otherwise facilitate the making of an agreement.
- (2) In determining what orders (if any) to make, the Commission:
- (a) must consider whether a negotiating party has negotiated in good faith pursuant to the obligations imposed by section 170MKA; and
  - (b) may consider:
    - (i) proposed conduct of any of the parties (including proposed conduct of a kind referred to in paragraph (a)); and
    - (ii) any other relevant matter.
- (3) Without limiting the generality of subsection (1), the Commission may make orders that a negotiating party take, or refrain from taking, specified action, including:
- (a) requiring a negotiating party to adhere to commitments given to another negotiating party or parties in respect of attending meetings and providing responses to matters raised during negotiations;
  - (b) setting time limits for the completion of negotiations in respect of a proposed agreement.
- (4) The Commission may not make an order which will:
- (a) prevent a negotiating party from trying to reach an agreement with another negotiating party;
  - (b) require a negotiating party to:
    - (i) agree on any matter for inclusion in an agreement; or
    - (ii) enter into an agreement.

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

**2AA At the end of subsection 170MW(2)**

Note: The issue of whether a negotiating party is genuinely trying to reach agreement with the other negotiating parties was considered by Justice Munro in *Australian Industry Group v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*, Print T1982.

Debate ensued.

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

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

Schedule 1, item 1 debated.

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

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

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

**1AA After subsection 170MW(2)**

Insert:

Note: The issue of whether or not a negotiating party is genuinely trying to reach agreement with the other negotiating parties was considered by Justice Munro in *Australian Industry Group v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*, Print T1982.

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

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

**1B After subsection 170MW(2)**

Insert:

(2B) Genuinely trying to reach agreement includes bargaining in good faith.

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

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

**1C After subsection 170MW(2)**

Insert:

(2C) In considering whether or not a negotiating party has met or is meeting its obligations to genuinely try to reach an agreement with the other negotiating parties, the Commission must consider whether or not the party has bargained or is bargaining in good faith. Bargaining in good faith includes:

- (a) agreeing to meet face-to-face at reasonable times proposed by another party;
- (b) attending meetings that the party has agreed to attend;
- (c) complying with negotiating procedures agreed to by the parties;
- (d) disclosing relevant information, subject to appropriate undertakings as to confidentiality, for the purposes of negotiations;
- (e) stating a position on matters at issue, and explaining that position;
- (f) considering and responding to proposals made by another negotiating party;
- (g) adhering to commitments given to another negotiating party or parties in respect of meetings and responses to matters raised during negotiations;
- (h) dedicating sufficient resources and personnel to ensure genuine bargaining;
- (i) not capriciously adding or withdrawing items for negotiation;
- (j) not refusing or failing to negotiate with one or more of the parties;
- (k) in or in connection with the negotiations, not refusing or failing to negotiate with a person who is entitled under this Part to represent an employee, or with a person who is a representative chosen by a negotiating party to represent it in the negotiations;



- (l) in or in connection with the negotiations, not bargaining with, attempting to bargain with or making offers to persons other than another negotiating party, about matters which are the subject of the negotiations;
- (m) any other matters which the Commission considers relevant.

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

Schedule 1, item 2, page 5 (line 29), omit “or the Minister”.

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

Schedule 1, item 2, as amended, debated and agreed to.

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

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put and negatived.

On the motion of Senator Sherry the following amendment was agreed to:

Clause 2, page 2 (table item 3), omit the table item.

Bill, as amended, agreed to.

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Senator Murray moved—That the committee—

- (a) report the Workplace Relations Amendment (Genuine Bargaining) Bill 2002 with amendments; and
- (b) in respect of the Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002, report progress and ask leave to sit again.

Question put and passed.

---

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported that:

- (a) the committee had considered the Workplace Relations Amendment (Genuine Bargaining) Bill 2002 and agreed to it with amendments; and
- (b) in respect of the Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002, the committee had made progress and asked leave to sit again.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee in respect of the Workplace Relations Amendment (Genuine Bargaining) Bill 2002 was adopted.

Senator Alston moved—That the Workplace Relations Amendment (Genuine Bargaining) Bill 2002 be now read a third time.

Question put.

The Senate divided—

AYES, 35

Senators—

|                  |                  |          |               |
|------------------|------------------|----------|---------------|
| Allison          | Crossin (Teller) | Lees     | O'Brien       |
| Bartlett         | Denman           | Ludwig   | Ray           |
| Brown            | Forshaw          | Lundy    | Ridgeway      |
| Buckland         | Greig            | Marshall | Sherry        |
| Campbell, George | Harradine        | McLucas  | Stephens      |
| Cherry           | Harris           | Moore    | Stott Despoja |
| Collins          | Hogg             | Murphy   | Webber        |
| Conroy           | Hutchins         | Murray   | Wong          |
| Cook             | Kirk             | Nettle   |               |

NOES, 28

Senators—

|               |                    |                  |          |
|---------------|--------------------|------------------|----------|
| Abetz         | Coonan             | Lightfoot        | Payne    |
| Alston        | Eggleston (Teller) | Macdonald, Ian   | Reid     |
| Barnett       | Ellison            | Macdonald, Sandy | Scullion |
| Boswell       | Ferguson           | Mason            | Tchen    |
| Brandis       | Ferris             | McGauran         | Troeth   |
| Campbell, Ian | Hill               | Minchin          | Vanstone |
| Colbeck       | Johnston           | Patterson        | Watson   |

Question agreed to.

Bill read a third time.

Senator Alston moved—That, in respect of the Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002, the committee have leave to sit again immediately.

Question put and passed.

**7 WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2002**

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

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*In the committee*

Bill, taken as a whole by leave, debated.

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

**8 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.

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At 2 pm—

**9 QUESTIONS**

Questions without notice were answered.

**10 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT**

The President made a statement relating to unparliamentary language and a matter raised by the Minister for Family and Community Services (Senator Vanstone) on 24 September 2002.

**11 ADMINISTRATION—DEPARTMENT OF DEFENCE—DR ALLAN HAWKE—ANSWER TO QUESTION**

Senator Evans 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 Evans today relating to the Government's decision not to renew the employment contract of the Secretary of the Department of Defence, Dr Allan Hawke.

Debate ensued.

Question put and passed.

**12 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ANSWER TO QUESTION**

Senator Bartlett 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 Bartlett today relating to proposed military action against Iraq.

Question put and passed.

**13 PETITIONS**

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

Senator Brown, from 9 petitioners, requesting that the Senate urge the Queensland Government to seek alternative methods to dingo culling to protect visitor safety on Fraser Island.

Senator Stott Despoja, from 32 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.

Senator Stott Despoja, from 39 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.

**14 NOTICES**

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson): To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 October 2002, from 11 am to 12.30 pm, to take evidence for the committee's inquiry into central Europe. (*general business notice of motion no. 190*)

Senator Sherry: To move on the next day of sitting—That the Senate notes the Howard Government's third term failures on superannuation, including:

- (a) the failure to provide for a contributions tax cut for all Australians who pay it, rather than a tax cut only to those earning more than \$90 500 a year;
- (b) the failure to adequately compensate victims of superannuation theft or fraud;
- (c) the failure to accurately assess the administrative burden on small business of the Government's third attempt at superannuation choice and deregulation;
- (d) the failure to support strong consumer protections for superannuation fund members through capping ongoing fees and banning entry and exit fees;
- (e) the failure to provide consumers with a meaningful, comprehensive and comprehensible regime for fee disclosure; and
- (f) the failure to cover unpaid superannuation contributions in the case of corporate collapse as part of a workers' entitlements scheme. (*general business notice of motion no. 191*)

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

- (a) notes:
  - (i) that Australians use an estimated 13 million plastic bags a year,
  - (ii) that the introduction of a plastic bag levy in Ireland in March 2002 has totally changed consumer behaviour so now about 90 per cent of people bring their own bags to avoid paying the levy,
  - (iii) the serious, and sometimes fatal, impact plastic bags have on Australia's native fauna and flora, and on an estimated 100 000 birds, whales, seals and turtles around the world,
  - (iv) that, according to research conducted by the Council for the Encouragement of Philanthropy, 85 per cent of shoppers in Australia support a levy on plastic bags, and
  - (v) the recent comments by the Minister for the Environment and Heritage (Dr Kemp) that the Government is considering a plastic bag levy if measures under the National Packaging Covenant fail;
- (b) congratulates the Council for the Encouragement of Philanthropy in Australia for its research and lobbying for a levy on plastic bags; and
- (c) urges the Federal Government to consider a levy on plastic bags as a priority, independent of the National Packaging Covenant. (*general business notice of motion no. 192*)

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

- (a) notes that:
  - (i) the building sector accounts for about 20 per cent of Australia's greenhouse gas emissions,
  - (ii) the Victorian Government has proposed a compulsory 'five-star' minimum energy rating for new homes,
  - (iii) a minimum five-star energy rating for new houses could halve energy demand for heating and cooling in those homes,

- (iv) within 10 years this will result in the reduction in greenhouse gas emissions of around 2 million tonnes in Victoria, the equivalent of removing 550 000 cars from the road or planting 3 million trees,
- (v) most Organisation for Economic Co-operation and Development countries have had minimum building energy performance requirements for more than a decade, and
- (vi) in comparison with most European countries and North America, the Victorian five-star rating sets a lower standard of energy efficiency;
- (b) welcomes the Victorian Government's move towards reducing greenhouse gas emissions from the building sector; and
- (c) urges the Victorian Government to take the next step by taking into account solar hot water and photovoltaic systems in calculating building energy ratings. (*general business notice of motion no. 193*)

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

- (a) notes that:
  - (i) United Nations (UN) efforts to accomplish the decolonisation process in Western Sahara have not been successful yet,
  - (ii) more than 165 000 Saharawis have been living in refugee camps in the south-west of Algeria for the past 27 years in dire conditions, waiting to return to their homeland which is occupied by Morocco,
  - (iii) the UN Security Council adopted Resolution 1429 on 30 July 2002 and asked the UN Secretary-General and his personal envoy to continue their efforts to provide a genuine opportunity for the Saharawi people to exercise their right to self-determination,
  - (iv) the mandate of the UN mission for the organisation of a referendum on self-determination in Western Sahara expires on 31 January 2003,
  - (v) the only just, legal and lasting solution to the conflict in the Western Sahara is the organisation of a free and fair referendum to allow the Saharawi people to exercise their right to self-determination, in accordance with the UN/Organisation of African Union peace plan, and
  - (vi) a failure by the UN to implement the peace plan would compromise UN credibility and lead to further instability in north-west Africa;
- (b) calls on both parties in the conflict, Morocco and the Frente Polisario, to cooperate fully with the UN in its efforts to organise a free and fair referendum in Western Sahara; and
- (c) urges the Commonwealth Government to make representations to:
  - (i) the UN, urging it to proceed in organising the long overdue referendum of self-determination without further delays, and
  - (ii) the Moroccan Government, asking it to cooperate fully with the UN, to respect human rights in the occupied territories and allow independent observers to visit Western Sahara. (*general business notice of motion no. 194*)

The Chair of the Community Affairs References Committee (Senator Hutchins): To move on the next day of sitting—That—

- (a) the Community Affairs References Committee request the Commonwealth Ombudsman to report to the committee annually, at least for the next 5 years, on the operation of the social security breaches and penalties system; and
- (b) the committee publish the Ombudsman's report and, if it considers it necessary, seek submissions from interested parties before formulating any proposals it may wish to make for improving the operation of the system.

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

- (a) notes that Ms Mary Robinson ended her term as the second United Nations (UN) Human Rights Commissioner in September 2002, having held the office since September 1997 and having won the praise and respect of human rights advocates around the world for her strong, principled and consistent promotion and protection of fundamental human rights and freedoms;
- (b) welcomes the appointment of Mr Sergio Vieira de Mello as the new UN Human Rights Commissioner, following his leadership of the UN Transitional Administration in East Timor and longstanding contribution to the promotion and defence of human rights in other UN posts, including Kosovo, Lebanon and Cambodia;
- (c) pays tribute to the tireless and courageous work undertaken by Ms Robinson as UN Human Rights Commissioner, acknowledging that she:
  - (i) held this demanding position during a particularly unstable period in world history, including the civil war and peacekeeping effort in Sierra Leone, the civil unrest and wars in the former Yugoslavia, the independence of East Timor, growing unrest in the Middle East, the attack on the World Trade Centre and the war in Afghanistan,
  - (ii) was proactive in her promotion of universal human rights, visiting some 60 countries, including China, Russia and Israel, to address concerns about the erosion of fundamental principles of civil liberty and basic human rights, including the rights of minorities and refugees, and
  - (iii) worked skilfully to promote greater public understanding of fundamental human rights, particularly through international conferences, including the UN World Conference on Racism in Durban, South Africa, in 2001; and
- (d) concurs with Ms Robinson's philosophy that anything less than universal adherence to the basic principles of human rights will diminish, 'our capacity to transmit these values to succeeding generations'. (*general business notice of motion no. 195*)

#### 15 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2002

The Chairman of the Selection of Bills Committee (Senator Ferris) tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 9 OF 2002

1. The committee met on Tuesday, 24 September 2002.

2. The committee resolved to recommend—That—
- (a) the *provisions* of the Renewable Energy (Electricity) Amendment Bill 2002 be ***referred immediately*** to the Environment, Communications, Information Technology and the Arts Legislation Committee for report by 19 November 2002;
  - (b) upon its introduction into the House of Representatives, the *provisions* of the Telecommunications Competition Bill 2002 be ***referred immediately*** to the Environment, Communications, Information Technology and the Arts Legislation Committee for report by 14 November 2002; and
  - (c) the following bills ***not*** be referred to committees:
    - Aboriginal Land Rights (Northern Territory) Amendment Bill 2002
    - Kyoto Protocol (Ratification) Bill 2002
    - Medical Indemnity Agreement (Financial Assistance—Binding Commonwealth Obligations) Bill 2002
    - Treasury Legislation Amendment Bill (No. 1) 2002.

***The committee recommends accordingly.***

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

*Bill deferred from meeting of 19 March 2002*  
Aviation Legislation Amendment Bill 2002.

*Bill deferred from meeting of 14 May 2002*  
Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002.

*Bill deferred from meeting of 18 June 2002*  
Australian Broadcasting Corporation (Scrutiny of Board Appointments) Amendment Bill 2002.

*Bills deferred from meeting of 20 August 2002*  
Financial Sector Legislation Amendment Bill (No. 2) 2002  
Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002  
Workplace Relations Legislation Amendment Bill 2002.

*Bill deferred from meeting of 27 August 2002*  
Trade Practices Amendment (Liability for Recreational Services) Bill 2002.

*Bills deferred from meeting of 24 September 2002*  
Australian Animal Health Council (Live-stock Industries) Funding Amendment Bill 2002  
Inspector-General of Taxation Bill 2002  
International Tax Agreements Amendment Bill (No. 2) 2002  
Murray-Darling Basin Amendment Bill 2002  
Taxation Laws Amendment Bill (No. 6) 2002  
Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2].

Jeannie Ferris  
Chair  
25 September 2002.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**16 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 178 standing in the name of Senator Allison for today, relating to proposed military action against Iraq, postponed till 26 September 2002.

General business notice of motion no. 184 standing in the name of Senator Stott Despoja for today, relating to the treatment and storage of radioactive waste, postponed till 26 September 2002.

General business notice of motion no. 188 standing in the name of Senator Bartlett for today, relating to parliamentary debate on any involvement by Australia in military action against Iraq, postponed till 26 September 2002.

General business notice of motion no. 189 standing in the name of Senator Bartlett for today, relating to the need for a conscience vote on any motion concerning any involvement by Australia in military action against Iraq, postponed till 26 September 2002.

**17 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 185—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 14 October 2002, from 5 pm, to take evidence for the committee's inquiry into the New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002.

Question put and passed.

**18 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
EXTENSION OF TIME TO REPORT**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) 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. 160—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to the last sitting day in August 2003.

Question put and passed.

**19 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 186—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Excise Tariff Amendment Bill (No. 1) 2002 and a related bill be extended to 22 October 2002.

Question put and passed.



**20 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), amended Senator Bolkus' 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. 182—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues be extended to 21 October 2002.

Question put and passed.

**21 HEALTH—MATERNITY SERVICES**

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 187—That the Senate—

- (a) notes that maternity services in Australia deny the majority of women a choice in how they are supported during pregnancy and birth;
- (b) recognises that fewer than 1 per cent of women can currently access one-to-one primary care from midwives;
- (c) notes that international research has shown that in industrialised countries only 15 per cent to 20 per cent of women need obstetric intervention in order to achieve a good outcome, while in Australia there is at least one medical intervention in 80 per cent of births; and
- (d) supports the National Maternity Action Plan launched on 24 September 2002 by the Maternity Coalition.

Question put and passed.

**22 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Mackay, at the request of the Chair of the Select Committee on a Certain Maritime Incident (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 181—That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 23 October 2002.

Question put and passed.

**23 ENVIRONMENT—GREAT BARRIER REEF—NELLY BAY HARBOUR—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. 183—That there be laid on the table no later than 4 pm on 24 October 2002:

- (a) any application to clear granite from the Nelly Bay Harbour project site by methods other than those approved through the 1995-1998 environmental impact statement process;
- (b) any documents outlining problems and responses to problems in relation to clearing the inner harbour and access channel of the Nelly Bay Harbour project;

- (c) the weekly site supervisor reports for the Nelly Bay Harbour project;
- (d) any applications by Nelly Bay Harbour Pty Ltd (or anyone else) for permission to attach pontoons to residential land bordering the Great Barrier Reef Marine Park;
- (e) any documents relating to the Great Barrier Reef Marine Park Authority's position in relation to private moorings inside the Great Barrier Reef Marine Park in relation to the Nelly Bay Harbour project;
- (f) the results of the Nelly Bay Harbour monitoring programs (summaries only);
- (g) any reported breaches of the Deed of Agreement of the joint Great Barrier Reef Marine Park Authority/Queensland Park and Wildlife Service permit, investigations and outcomes of investigations of those breaches;
- (h) any documents in relation to funding or financial problems associated with the Nelly Bay Harbour project; and
- (i) any documents evidencing actions on site that the Great Barrier Reef Marine Park Authority stopped, prevented or changed.

Question put and passed.

**24 URGENCY MOTION—FOREIGN AFFAIRS—INTERNATIONAL CRIMINAL COURT**

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from the Acting Leader of the Australian Democrats (Senator Greig) advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The worldwide campaign by the United States of America to persuade states to enter into impunity agreements which seek to prevent United States nationals accused of genocide, crimes against humanity or war crimes from being surrendered to the International Criminal Court and the apparent willingness of the Australian Government to enter into such an agreement.

The proposal was supported by 4 senators.

Senator Greig moved the motion.

Debate ensued.

Question put and passed.

**25 SCRUTINY OF BILLS—STANDING COMMITTEE—11TH REPORT AND ALERT DIGEST  
NO. 10 OF 2002**

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

Scrutiny of Bills—Standing Committee—

11th report of 2002, dated 25 September 2002.

Alert Digest No. 10 of 2002, dated 25 September 2002.

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

**26 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—PARTICIPATION REQUIREMENTS AND PENALTIES IN THE SOCIAL SECURITY SYSTEM**

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Hutchins) tabled the following report and documents:

Community Affairs References Committee—Participation requirements and penalties in the social security system [Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 and related issues]—Report, dated September 2002, *Hansard* record of proceedings [2 vols] and submissions [32].

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

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

Debate ensued.

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

**27 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—DOCUMENT**

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

Foreign Affairs—Iraq—Military action—Letter to the President of the Senate from the Prime Minister (Mr Howard) responding to the resolution of the Senate of 21 August 2002, dated 21 September 2002.

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

Debate ensued.

Question put and passed.

**28 ENVIRONMENT—HONEYMOON TRIAL MINE—ORDER FOR THE PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 23 September 2002, the Minister for Health and Ageing (Senator Patterson) tabled the following documents:

Environment—Honeymoon trial mine—Honeymoon uranium project—Copies of—  
Acquifer test pumping program—Report by Southern Cross Resources Australia Pty Ltd, dated 11 July 2001.  
Channel definition drilling April-May 2001—Report by Southern Cross Resources Australia Pty Ltd, dated June 2001.  
Environmental impact statement—Addendum by Environment Australia to the assessment report, dated November 2001.  
Field leach trial, April 1998 to August 2000—Report by Southern Cross Resources Australia Pty Ltd, dated 20 September 2001.  
Further characterisation of Yarramba Paleochannel—Report by Southern Cross Resources Australia Pty Ltd, dated July 2001.  
Groundwater flow and quality modelling—Report by Southern Cross Resources Australia Pty Ltd, dated 11 July 2001.

**29 DOCUMENTS**

The following documents were tabled by the Clerk:

Class Ruling CR 2002/72.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Goods and Services Tax Determination GSTD 2002/3.

Goods and Services Tax Ruling GSTR 2000/21 (Addendum).

Migration Act—Statements for period 1 January to 30 June 2002 under section—  
46A [2].

46B [2].

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—  
Consolidated statement of expenditure under paragraph 18(b), dated 23 September  
2002.

Taxation Determination TD 2002/23.

**30 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2002****TAXATION LAWS AMENDMENT (STRUCTURED SETTLEMENTS) BILL 2002**

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

Message no. 149, dated 24 September 2002—A Bill for an Act to amend the *Family Law Act 1975* and to deal with matters consequential on the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2001*, and for related purposes.

Message no. 150, dated 24 September 2002—A Bill for an Act relating to structured settlements, and for related purposes.

The Minister for Health and Ageing (Senator Patterson) 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 Patterson moved—That these bills be now read a second time.

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*Explanatory memoranda:* Senator Patterson tabled revised explanatory memoranda [2] relating to the bills.

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

*Consideration of legislation:* Senator Patterson moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

31 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
APPOINTMENT OF HOUSE MEMBER**

A message from the House of Representatives was reported acquainting the Senate with the appointment of a member of the House of Representatives to a joint committee, as follows:

Message no. 152, dated 25 September 2002—Joint Standing Committee on Foreign Affairs, Defence and Trade, Mr Byrne.

32 **WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION)  
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.

Bill further debated.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 2, page 3 (lines 27 to 29), omit the item, substitute:

**2 Subsection 134(5) (paragraphs (d) and (e) of the definition of  
prescribed premises)**

Omit “or 136”, substitute “, 136 or Division 8A of Part VIB”.

Schedule 1, item 20, page 7 (line 33), omit “170NBDC”, insert “170NBCD”.

Schedule 1, item 25, page 10 (line 33) to page 36 (line 18), omit the item, substitute:

**25 After Division 8 of Part VIB**

Insert:

**Division 8A—Secret ballots on proposed protection action**

**Subdivision A—General**

**170NBA Object of Division and overview of Division**

*Object*

- (1) The object of this Division is to establish a transparent process which allows union members directly concerned to choose, by means of a fair and democratic secret ballot, whether to authorise industrial action supporting or advancing claims by unions.

*Overview of Division*

- (2) Under Division 8, industrial action by union members is not protected action unless it has been authorised by:
  - (a) the relevant union; or
  - (b) a secret ballot of relevant union members; or
  - (c) the Commission.
- (3) A secret ballot is required if it has been:
  - (a) requested by a relevant union member; or

- (b) ordered by the Commission.
- (4) A secret ballot is conducted according to:
  - (a) the rules of the relevant union; or
  - (b) if there are no union rules, the model rules established by the Commission;
 and in any case rules must be adopted within nine months of the commencement of this provision.
- (5) The rule that industrial action by employees is not protected action unless it has been authorised does not apply to action in response to an employer lockout (see section 170MQ).

#### **170NBAA Definitions**

In this Division:

*ballot order* means an order made under section 170NBBF requiring a protected action ballot to be held.

*bargaining period* has the meaning given in subsection 170MI(1).

*negotiating party* has the meaning given in subsection 170MI(3).

*party*, in relation to an application for a ballot order, means either of the following:

- (a) the applicant;
- (b) the employer of the relevant union members.

*proposed agreement*, in respect of a bargaining period, means the proposed agreement in respect of whose negotiation the bargaining period has been initiated.

*protected action ballot* means a secret ballot under this Division.

*relevant union*, in relation to proposed industrial action against an employer in respect of a proposed agreement, means any union which is a negotiating party to the agreement.

*relevant union member*, in relation to proposed industrial action against an employer in respect of a proposed agreement, means any member of the relevant union who is employed by the employer and whose employment will be subject to the agreement but does not include a union member who is a party to an AWA whose nominal expiry date has not passed.

#### **Subdivision B—Authorising protected action**

##### **170NBB How is protected action authorised**

Industrial action by employees is not protected action unless it has been authorised by:

- (a) the relevant union; or
- (b) a secret ballot of relevant union members; or
- (c) the Commission.

**170NBBA How and when can a union authorise protected action**

- (1) A relevant union may, subject to subsection (3), make a declaration to authorise industrial action by relevant union members as protected action in accordance with its rules provided that:
  - (a) if there is only one existing agreement—the action commences during the 30-day period beginning on whichever is the later of the following:
    - (i) the date of the declaration;
    - (ii) the nominal expiry date of the existing agreement; or
  - (b) if there are 2 or more existing agreements—the action commences during the 30-day period beginning on whichever is the later of the following:
    - (i) the date of the declaration;
    - (ii) whichever is the last occurring of the nominal expiry dates of those existing agreements; or
  - (c) if there is no existing agreement—the action commences during the 30-day period beginning on the date of the declaration.

Note: Industrial action must be authorised under this Division if it is to be protected action under Division 8—see section 170MQ.

- (2) However, the action is not authorised to the extent that it occurs after the end of the bargaining period.

Note: If another bargaining period is initiated later, and industrial action is proposed for that later period, it can only be authorised if a fresh application for a ballot order is granted, and the other steps required by this Division completed, during that later period.

- (3) If a relevant union does not have in place rules that establish how protected action may be authorised, then protected action requested by a relevant union member may only be authorised according to a secret ballot conducted under the Commission's model rules according to section 170NBCC.
- (4) A relevant union may not authorise protected action under subsection (1) if a secret ballot is required under section 170NBBC.

**170NBBC When is a secret ballot required to authorise protected action**

A secret ballot is required, and no protected action will be otherwise authorised, if it has been:

- (a) requested by a relevant union member as provided by the rules; or
- (b) ordered by the Commission.

**170NBBC Secret ballot may be requested by relevant union member**

A relevant union member may, during a bargaining period for the negotiation of a proposed agreement under Division 2 or 3 of this Part, request the relevant union to which the member belongs to hold a protected action ballot to determine whether proposed industrial action has the support of the majority of relevant union members.

**170NBBD Secret ballot may be ordered by Commission**

- (1) A party referred to in subsection (2) may, during a bargaining period for the negotiation of a proposed agreement under Division 2 or 3 of this Part, apply to the Commission for an order for a ballot to be held to determine whether proposed industrial action has the support of a majority of relevant union members.

Note: For the duration of a bargaining period, see sections 170MK (when it begins) and 170MV (when it ends).

- (2) The following parties may apply:
- (a) the relevant union to which the relevant union members mentioned in subsection (1) belong;
  - (b) any employer or organisation of employers who is a negotiating party to the proposed agreement.

**170NBBE Commission must be satisfied of various matters**

The Commission may grant an application for a ballot order, but must not grant the application unless it is satisfied that:

- (a) any court, judicial inquiry or Royal Commission findings justify such an order; or
- (b) any other particular and significant circumstances exist that mean such an order is appropriate.

**170NBBF Grant of application—order for ballot to be held**

If the Commission grants the application, the Commission must order a protected action ballot to be held by the relevant union.

Note: The Commission may make an order requiring a secret ballot to be held for one or more bargaining periods.

**Subdivision C—Conduct and results of protected action ballot****170NBC Ballot must be secret**

A protected action ballot must be a secret ballot.

**170NBCA How is a secret ballot to be conducted**

- (1) Subject to subsection (2), a secret ballot is conducted according to:
- (a) the rules of the relevant union; or
  - (b) if there are no union rules, the model rules established by the Commission.
- (2) Before conducting a secret ballot a union must give its relevant union members:
- (a) reasonable notice that the secret ballot will be held; and
  - (b) information as to the matters which are to be dealt with in the proposed agreement and the general nature of the proposed industrial action.

**170NBCB Union rules for conduct of secret ballot**

- (1) A secret ballot is to be conducted according to the rules of the relevant union.



- (2) If the relevant union does not have rules in place in accordance with subsection (1) for the conduct of a secret ballot to authorise protected action, then the secret ballot is to be conducted in accordance with the model rules established by the Commission under section 170NBCC.
- (3) A union must adopt its own rules or the Commission's model rules within nine months of the commencement of this Division.

**170NBCC Commission model rules for conduct of secret ballot**

The Commission shall issue model rules for the conduct of secret ballots.

**170NBCD Declaration of ballot results**

As soon as practicable after the end of the voting, the union must, in writing:

- (a) make a declaration of the result of the ballot; and
- (b) inform the relevant union members, negotiating parties and the Industrial Registrar of the result.

**170NBCE Effect of ballot**

- (1) Industrial action is authorised under this Division if more than 50% of the votes validly cast were votes approving the action and:
  - (a) if there is only one existing agreement—the action commences during the 30-day period beginning on whichever is the later of the following:
    - (i) the date of the declaration of the results of the ballot;
    - (ii) the nominal expiry date of the existing agreement; or
  - (b) if there are 2 or more existing agreements—the action commences during the 30-day period beginning on whichever is the later of the following:
    - (i) the date of the declaration of the results of the ballot;
    - (ii) whichever is the last occurring of the nominal expiry dates of those existing agreements; or
  - (c) if there is no existing agreement—the action commences during the 30-day period beginning on the date of the declaration of the results of the ballot.

Note: Industrial action must be authorised under this Division if it is to be protected action under Division 8—see section 170MQ.

- (2) However, the action is not authorised to the extent that it occurs after the end of the bargaining period.

Note: If another bargaining period is initiated later, and industrial action is proposed for that later period, it can only be authorised if a fresh application for a ballot order is granted, and the other steps required by this Division completed, during that later period.

- (3) The Commission may, by order, extend the 30-day period mentioned in paragraph (1)(a), (b) or (c) by up to 30 days if the employer and the applicant for the ballot order jointly apply to the Commission for the period to be extended.

- (4) The Commission must not make an order under subsection (3) extending the 30-day period if that period has been extended previously.
- (5) If industrial action commences during the 30-day period, stops and re-starts within a reasonable period after the 30-day period, no new authorisation is required if the industrial action is substantially the same.
- (6) Industrial action is taken, for the purposes of this Division, to be duly authorised even though a technical breach has occurred in authorising the industrial action, so long as the person or persons who committed the breach acted in good faith.

#### **Subdivision D—Funding of ballots**

##### **170NBD Liability for cost of ballot**

###### *Union member initiated ballot*

- (1) The relevant union is the party liable for the cost of holding the protected action ballot, if a relevant union member initiated that ballot under section 170NBBC.

###### *Commission ordered ballot*

- (2) If the Commission ordered the ballot to be conducted, the applicant for a ballot order is the party liable for the cost of holding the ballot.
- (3) Subsections (1) and (2) have effect subject to subsection 170NBDA(3).

##### **170NBDA Commonwealth has partial liability for cost of ballot**

- (1) If:
  - (a) the liable party notifies the Industrial Registrar of the cost incurred by the relevant union in relation to the holding of the ballot; and
  - (b) does so within a reasonable time after the completion of the ballot;
 the Industrial Registrar must determine how much (if any) of that cost was reasonably and genuinely incurred by the relevant union in holding the ballot. The amount determined by the Industrial Registrar is the **reasonable ballot cost**.
- (2) The Commonwealth is liable to pay to the liable party 80% of the reasonable ballot cost.
- (3) If the Commonwealth becomes liable to pay to the liable party 80% of the reasonable ballot cost, the liable party for the ballot order is:
  - (a) to the extent of the Commonwealth's liability, discharged from liability under section 170NBD for the cost of holding the ballot; and
  - (b) liable to pay 20% of the reasonable ballot cost 30 days after the Industrial Registrar's determination.
- (4) The regulations may prescribe matters to be taken into account by the Industrial Registrar in determining whether costs are reasonable and genuinely incurred.

Schedule 1, item 30, page 37 (line 15) to page 38 (line 12), omit the item, substitute:

**30 After section 307**

Insert:

**307A False statement in application for protected action ballot order**

- (1) A person must not, in an application for a ballot order under Division 8A of Part VIB:
  - (a) make a statement; and
  - (b) do so reckless as to whether the statement is false or misleading in a material particular.

Penalty: 10 penalty units.

- (2) For the purposes of an offence against subsection (1), strict liability applies to the physical element, that the application is made under Division 8A of Part VIB.

Note: For *strict liability*, see section 6.1 of *Criminal Code*.

**307B False statement in joint application for protected action ballot order**

- (1) A person must not, in an application for a ballot order under Division 8A of Part VIB:
  - (a) join with other persons in making a statement; and
  - (b) do so reckless as to whether the statement is false or misleading in a material particular.

Penalty: 10 penalty units.

- (2) For the purposes of an offence against subsection (1), strict liability applies to the physical element, that the application is made under Division 8A of Part VIB.

Note: For *strict liability*, see section 6.1 of *Criminal Code*.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

Senator Alston moved—That the bill be now read a third time.

Question put and negatived.

**33 CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED MATTERS) 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.

*At 6.50 pm:* Debate was interrupted.

**34 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

*Aged Care Act 1997*—Report for 2001-02 on the operation of the Act. Motion to take note of document moved by Senator Webber and agreed to.

**35 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.34 pm till Thursday, 26 September 2002 at 9.30 am.

**36 ATTENDANCE**

Present, all senators except Senators Chapman\* and Heffernan\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate