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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Advance to the Finance Minister—Statements and supporting applications for funds for—

October to December 2002.

January 2003.

Airservices Australia—Corporate plan July 2002 to June 2007.

National Biotechnology Centre of Excellence—Review of selection—Report to the Prime Minister by the Allen Consulting Group, December 2002.

National Health and Medical Research Council—Review of the implementation of the National Health and Medical Research Council's strategic plan 2000-03, December 2002.

Telecommunications carrier industry development plans—Progress report for 2001-02.

3 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—that consideration of the business before the Senate on Tuesday, 18 March 2003 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Humphries to make his first speech without any question before the chair.

Question put and passed.

4 MIGRATION LEGISLATION AMENDMENT (CONTRIBUTORY PARENTS MIGRATION SCHEME) BILL 2002

MIGRATION (VISA APPLICATION) CHARGE AMENDMENT BILL 2002

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

Debate resumed.

Senator Stephens moved the following amendment in respect of the Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002:

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

(a) notes that:

- (i) the Howard Government slashed the number of visas available for parents seeking to migrate to Australia to join their families to 500 in 1998,
- (ii) through this savage cut in visa numbers, the Howard Government has deliberately created a queue of over 20 000 parents seeking to migrate,
- (iii) the deliberate creation of this queue has caused stress and suffering for the families involved,

- (iv) having created this crisis, the Howard Government's only answer is a new visa class which requires the payment of a \$25 000 fee which will be beyond the means of many, and
- (v) while Labor has historically supported sponsoring families making a contribution to the health and welfare costs associated with the migration of parents, the system needs to be equitable and not cause undue hardship; and
- (b) therefore calls on the Government immediately to introduce a fair system of parent visas, which will stop families in the current queue suffering additional stress and hardship and will meet Australia's needs into the future".

Debate ensued.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment to Senator Stephens' proposed amendment:

Omit subparagraphs (iv) and (v), and paragraph (b).

Debate ensued.

Question—That Senator Bartlett's amendment to Senator Stephens' proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put and 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

MIGRATION LEGISLATION AMENDMENT (CONTRIBUTORY PARENTS MIGRATION SCHEME) BILL 2002—

Bill taken as a whole by leave.

Senator Brown moved the following amendment:

Page 4 (after line 22), after Schedule 1, insert:

Schedule 1A—Limit on visas

Migration Act 1958

1 Section 85

Repeal the section, substitute:

85 Limit on visas

- (1) Subject to subsection (2), the Minister may, by notice in the *Gazette*, determine the maximum number of:
 - (a) the visas of a specified class; or
 - (b) the visas of specified classes;
 that may be granted in a specified financial year.
- (2) The Minister must determine that the maximum number of visas that may be granted for Parent (Class AX – Migrant) and Aged Parent (Class BP – Residence) applications is equal to the total of the maximum number of visas that may be granted for Contributory Parent (Class CA – Migrant), Contributory Parent (Class UT –

Temporary), Contributory Aged Parent (Class DG – Residence) and Contributory Aged Parent (Class UU – Temporary) applications.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 3

Senators—

Brown (Teller)

Harradine

Nettle

NOES, 40

Senators—

Allison

Denman

Lees

Santoro

Barnett

Ellison

Ludwig

Scullion

Bartlett

Evans

Lundy

Sherry

Buckland

Ferris (Teller)

Marshall

Stephens

Campbell, George

Forshaw

Moore

Stott Despoja

Carr

Greig

Murphy

Tchen

Cherry

Hogg

Murray

Tierney

Colbeck

Hutchins

O'Brien

Watson

Collins

Kirk

Payne

Webber

Crossin

Knowles

Ridgeway

Wong

Question negatived.

Bill agreed to.

MIGRATION (VISA APPLICATION) CHARGE AMENDMENT BILL 2002—

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

Bills to be reported without amendment.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted.

Senator Ellison moved—That these bills be now read a third time.

Debate ensued.

Question put and passed.

Bills read a third time.

5 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002**AUSTRALIAN HERITAGE COUNCIL BILL 2002****AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002**

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

Debate resumed.

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

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 SUPERANNUATION—CHILDREN'S ACCOUNTS—ANSWER TO QUESTION

Senator Sherry moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Sherry today relating to children's superannuation accounts.

Debate ensued.

Question put and passed.

9 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ANSWER TO QUESTION

The Leader of the Australian Democrats (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 military action against Iraq.

Question put and passed.

10 PETITION

The following petition, lodged with the Clerk by Senator Bartlett, was received:

From 639 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.

11 NOTICES

Notices of motion:

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend legislation relating to private health insurance, and for related purposes. ***Health Legislation Amendment (Private Health Insurance Reform) Bill 2003.***

Senator Conroy: To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to provide for interest to be levied on the late payment of commercial debts arising in relation to contracts for the supply of goods and services, and for related purposes. ***Late Payment of Commercial Debts (Interest) Bill 2003.*** (*general business notice of motion no. 372*)

The Chair of the Community Affairs References Committee (Senator Hutchins): To move on the next day of sitting—that the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 18 September 2003. (*general business notice of motion no. 373*)

Senator Murray: To move on the next day of sitting—that the Senate—

- (a) notes that an estimated 41 per cent of the Iraqi population is below the age of 14;
- (b) believes that in any war in Iraq that a significant proportion of any killed, wounded, or affected civilians could therefore be children under the age of 14;
- (c) requests the Government to advise the Senate in writing, by no later than Tuesday, 18 March 2003, in the event of Australian participation in war in Iraq, what plans it has to contribute to the recovery of injured children, and improving the circumstances of other children materially affected by the war. (*general business notice of motion no. 374*)

Senators Payne and Ridgeway: To move on the next day of sitting—that the Senate—

- (a) notes that:
 - (i) 9 March 2003 is a Global Day of Prayer for Burma, and
 - (ii) on this day, people throughout the world will pray for the physical and spiritual freedom of Burma;
- (b) acknowledges that the human rights situation in Burma remains extremely grave, with severe restrictions on political freedoms and continued use of forced labour, torture, child soldiers and other serious abuses; and
- (c) calls on the State Peace and Development Council of Burma to:
 - (i) take immediate steps to end human rights violations, and
 - (ii) restore the rule of law to Burma. (*general business notice of motion no. 375*)

Senator Stott Despoja: To move on the next day of sitting—that the Senate calls on the Minister for Foreign Affairs (Mr Downer) to:

- (a) use all means at his disposal to investigate allegations that the United States of America (US) has intercepted telephone and e-mail communications of United Nations (UN) delegates in order to ascertain the voting intentions of members of the UN Security Council;
- (b) ask the US Ambassador to Australia to explain the US position in relation to the allegations; and

- (c) report to the Senate on the outcome of his investigations and the explanation, if any, provided by the US Ambassador. (*general business notice of motion no. 376*)

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

- (a) notes, with concern, that the United States of America (US) has:
 - (i) refused to ratify the Rome Statute, which established the International Criminal Court (ICC),
 - (ii) adopted a national security strategy which seeks to ensure that its military efforts ‘are not impaired by the potential for investigations, inquiry, or prosecution by the ICC’,
 - (iii) entered into agreements with a number of states under Article 98 of the Rome Statute to prevent the prosecution of American citizens for crimes against humanity, and
 - (iv) is seeking to enter into such an agreement with Australia;
- (b) acknowledges the possibility that leaders and service personnel may be charged with war crimes arising from unlawful conduct during any attack against Iraq;
- (c) reaffirms its support for the ICC and the important role that it plays in bringing to justice those who commit crimes against humanity; and
- (d) urges the Government to take all measures necessary to ensure that, if Australia joins the US in an attack against Iraq, Australian personnel are subject only to Australian command and are not required to engage in any activity which may render them liable to prosecution under the Rome Statute. (*general business notice of motion no. 377*)

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

- (a) notes that:
 - (i) after more than a year and a half, the Howard Government is yet to respond to the July 2001 unanimous report of the Rural and Regional Affairs and Transport References Committee on the National Ovine Johne’s Disease (OJD) Program,
 - (ii) the administration of the program continues to cause severe hardship to sheep producers in New South Wales,
 - (iii) more than 1 000 sheep producers in Forbes on 3 February 2003 passed a vote of no confidence in the handling of the OJD Program in New South Wales,
 - (iv) New South Wales Agriculture has estimated that, if uncontrolled, the disease will escalate to cost the New South Wales economy \$204 million in stock losses and \$248 million on lost wool income annually, and
 - (v) the recent announcements by the New South Wales Government to improve the management of the OJD Program, including:
 - (A) assistance to stud operators to help them show their animals at shows and trade fairs,
 - (B) recent changes to policy to provide wider access to the OJD vaccine for farmers in the disease control zone,
 - (C) the provision of \$4.2 million to cover the shortfall in industry levy funds caused by the drought, and
 - (D) the creation of the new OJD Management Area, formerly known as the Southern Tablelands Residue Zone, to provide producers with greater trading opportunities; and

- (b) calls on the Howard Government to respond to the Senate report, and demonstrate leadership on the development of a national OJD program as its contribution to the alleviation of social and economic hardship experienced by producers and rural communities. (*general business notice of motion no. 378*)

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

- (a) notes, with great sadness, the passing of Maurice Gibb;
- (b) conveys its sympathy to Robin, Barry and the Gibb family;
- (c) recognises the important contribution that Maurice and the Bee Gees have made to the Australian music industry;
- (d) records its appreciation for the inspiration that Maurice and the Bee Gees have provided to generations of young Australian musicians to venture overseas, build international audiences, expand Australia's exports and economy; and
- (e) notes that the works and great success of Maurice Gibb's career as musician will be shared by future generations through his prolific recordings. (*general business notice of motion no. 379*)

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

- (a) notes that:
 - (i) respected world leaders such as Pope John Paul II and Mr Nelson Mandela have called for war against Iraq to be avoided,
 - (ii) the Pope said 'the future of humanity can never be assured by the logic of war', and called for a day of fasting on Ash Wednesday to remind people of the long years of suffering endured by the Iraqi people, and
 - (iii) Mr Mandela said 'the problems are such that for anyone with a conscience (who) can use whatever influence he may have to try to bring about peace', and has warned President Bush that his administration risks destroying the United Nations if it attacks Iraq without international support;
- (b) notes also that Interpol has urged the world's police forces to prepare for an increase in terror attacks in the event of a war, warning that terrorist groups like al-Qaeda could use the war as a pretext to increase attacks; and
- (c) urges the Australian Government to stay out of a war with Iraq with regard to Australia's international standing and the clearly expressed views of the Australian people. (*general business notice of motion no. 380*)

The Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Johnston): To move on the next day of sitting—That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 18 March 2003, from 8 pm. (*general business notice of motion no. 381*)

Senator Nettle: To move on the next day of sitting—That the Senate calls on the Prime Minister (Mr Howard) not to commit Australia to joining a 'coalition of the willing' in a military invasion of Iraq. (*general business notice of motion no. 382*)

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

- (a) notes the opinion of former Australian ambassador to the United Nations (UN), Richard Woolcott:

- (i) that it is not in Australia's national interest to get involved in a distant, costly war,
- (ii) that Iraq has been perfectly well contained by the UN for more than a decade, and
- (iii) that Australia is becoming increasingly isolated diplomatically in its support for the United States; and
- (b) calls on the Government to pursue continuing containment of Iraq under UN supervision as a viable alternative to a devastating and costly war. (*general business notice of motion no. 383*)

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

- (a) notes:
 - (i) the remarks by the Prime Minister (Mr Howard) in January 2003 that he believed Iraq's 'aspiration to develop a nuclear capacity' might be a sufficient reason for Australia to join in pre-emptive action, claiming 'there is already a mountain of evidence in the public domain',
 - (ii) that the Prime Minister has not provided any evidence that Iraq has or has access to nuclear weapons,
 - (iii) that former United Nations inspector, Mr Scott Ritter, has said that, by 1998, Iraq's nuclear infrastructure and facilities had been 100 per cent eliminated and that whilst scientists there would still have the knowledge to reconstruct this infrastructure, this would not be possible while weapons inspectors were there, and
 - (iv) that according to United States (US) nuclear weapons analyst, William Arkin, the US Strategic Command is compiling a list of Iraqi targets with planning focussed on the role for nuclear weapons in relation to underground facilities and to stop chemical or biological attack;
- (b) acknowledges the letter from the Prime Minister to the President of the Senate, dated 3 March 2003, in which he said, '...I see no prospect of nuclear weapons being used against Iraq' and, '...if I believed that nuclear weapons were going to be used, I would not allow Australian forces to be involved'; and
- (c) urges the Government to seek guarantees from the US Administration that no nuclear weapons will, under any circumstances, be used against Iraq. (*general business notice of motion no. 384*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on recruitment and training in the Australian Public Service be extended to 26 June 2003. (*general business notice of motion no. 385*)

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

- (a) notes that:
 - (i) the United Nations (UN) General Assembly President, Mr Jan Karvan, has criticised the Australian Government's statement that the UN would become irrelevant if it failed to enforce its resolution on Iraq, and intends to meet with the Minister for Foreign Affairs (Mr Downer) in the week beginning 2 March 2003 and explain the position of the UN General Assembly, and
 - (ii) the United States Administration had indicated that it considers another resolution on Iraq desirable but not necessary; and

- (b) opposes Australia joining or supporting a war against Iraq without, at a minimum, a UN resolution authorising force. (*general business notice of motion no. 386*)

Senator Brown: To move on the next day of sitting—That the Senate calls on the Commonwealth Government:

- (a) to demonstrate leadership in cooperation with the states in addressing the unmet need for disability services, recognising that the Australian Institute of Health and Welfare report, *Unmet Need for Disability Services: Effectiveness of Funding and Remaining Shortfalls*, July 2002, identified that 12 500 people still need accommodation and respite services, 8 200 places are needed for community access services and 5 400 people need employment services;
- (b) to publicly release the offers made by the states and the Commonwealth for the next 5 years in the negotiations to date, recognising the failure of the Commonwealth and state governments to reach agreement in the current round of negotiations on a new Commonwealth, state and territory Disability Services Agreement;
- (c) to immediately double its offer of new funding; and
- (d) in consultation with the states, to develop and implement a comprehensive plan beyond the current negotiations to address the unmet need for services over the next 5 years. (*general business notice of motion no. 387*)

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

- (a) notes the outcome of recent action against the International Olympic Committee for using the work of Indigenous artists during the Sydney Olympics without permission and, in particular, that the Olympic Museum Foundation has:
 - (i) issued an apology to Sam Tjampitjin, Richard Tax Tjupurulla and Mary Kemarre, acknowledging that they are the authors and copyright owners of works displayed on the Museum website from July to 12 December 2000 without proper licence,
 - (ii) asked any persons who downloaded the artistic works in any digital form to delete it immediately from their computer hard drives, and
 - (iii) sincerely apologised for any harm or inconvenience their actions may have caused to the artists, regretting any cultural or other harm that may have been occasioned by their families and clans;
- (b) further notes that:
 - (i) Indigenous cultural expression is a fundamental part of Indigenous heritage and identity, and unauthorised use of Indigenous art and cultural expression can be inappropriate, derogatory, and culturally offensive,
 - (ii) individual Indigenous artists are custodians of the knowledge and wisdom their work incorporates and reflects and Indigenous moral rights are therefore collective rights that are inalienable from their community of origin, and
 - (iii) Indigenous artists are particularly vulnerable under Australian law, which offers no protection for the moral rights owned collectively by Indigenous communities; and

- (c) urges the Government to take immediate action to amend the *Copyright Act 1968* to ensure the adequate recognition and protection of Indigenous collective moral rights, as proposed by the Australian Democrats in 2000. (*general business notice of motion no. 388*)

Notice of motion withdrawn: Senator Allison, at the request of Senator Cherry, withdrew general business notice of motion no. 342 standing in the name of Senator Cherry for today, relating to the Government's response to a report of the Rural and Regional Affairs and Transport References Committee.

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2003

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

SELECTION OF BILLS COMMITTEE REPORT NO. 2 OF 2003

1. The committee met on Tuesday, 4 March 2003.
2. The committee resolved to recommend—that
 - (a) the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and the Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 [No. 2] be referred immediately to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 7 October 2003;
 - (b) the provisions of the Designs Bill 2002 and the Designs (Consequential Amendments) Bill 2002 be referred immediately to the Economics Legislation Committee for inquiry and report by 27 March 2003;
 - (c) the provisions of the Energy Grants (Credits) Scheme Bill 2003 and the Energy Grants (Credit) Scheme (Consequential Amendments) Bill 2003 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2003;
 - (d) the order of the Senate of 5 February 2003 adopting the committee's 1st report of 2003 be varied to provide that the Customs Legislation Amendment Bill (No. 2) 2002 be referred immediately to the Legal and Constitutional Legislation Committee for inquiry and report by 20 March 2003;
 - (e) the provisions of the Corporations (Fees) Amendment Bill 2002, Corporations Legislation Amendment Bill 2002, and the Corporations (Review Fees) Bill 2002 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2003; and
 - (f) the following bills **not** be referred to committees:
 - Criminal Code Amendment (Terrorism) Bill 2002
 - Dairy Industry Service Reform Bill 2003
 - Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003
 - Health Insurance Amendment (Diagnostic Imaging, Radiation Oncology and Other Measures) Bill 2002
 - Migration Legislation Amendment (Protected Information) Bill 2002
 - New Business Tax System (Consolidation and Other Measures) Bill (No. 2) 2002
 - New Business Tax System (Venture Capital Deficit Tax) Bill 2002
 - Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2].

The committee recommends accordingly.

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

Bill deferred from meeting of 20 August 2002

Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002.

Bills deferred from meeting of 19 November 2002

Workplace Relations Amendment (Award Simplification) Bill 2002

Workplace Relations Amendment (Choice in Award Coverage) Bill 2002.

Bill deferred from meeting of 3 December 2002

Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002.

Bill deferred from meeting of 10 December 2002

Taxation Laws Amendment Bill (No. 8) 2002.

Bill deferred from meeting of 4 February 2003

Terrorism Insurance Bill 2002.

Bills deferred from meeting of 4 March 2003

Family Law Amendment Bill 2003

Taxation Laws Amendment Bill (No. 4) 2003

Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003

Workplace Relations Amendment (Protecting the Low Paid) Bill 2003.

Jeannie Ferris

Chair

5 March 2003.

Senator Ferris moved—that the report be adopted.

Question put and passed.

13 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 355 standing in the name of Senator Allison for today, relating to cancer deaths attributed to nuclear testing, postponed till 6 March 2003.

General business notice of motion no. 370 standing in the name of Senator Nettle for today, relating to the detention of Australians in Guantanamo Bay, Cuba, postponed till 6 March 2003.

General business notice of motion no. 371 standing in the name of Senator Nettle for today, relating to the health care system, postponed till 6 March 2003.

Senator Brown, by leave, moved—that business of the Senate notice of motion no. 1 standing in his name for today, relating to the reference of matters to the Foreign Affairs, Defence and Trade References Committee, be postponed till the next day of sitting.

Question put and passed.

14 PARLIAMENT—ELECTION OF HAWKE LABOR GOVERNMENT—20TH ANNIVERSARY

Senator Cook, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 368—that the Senate notes that:

- (a) 5 March 2003 is the 20th anniversary of the election of the Hawke Labor Government;
- (b) Bob Hawke served the nation as Prime Minister from March 1983 to December 1991 and is the second longest serving Prime Minister since Federation;
- (c) the Australian Labor Party under Bob Hawke's leadership won elections in 1983, 1984, 1987 and 1990;
- (d) the Hawke era saw the restructuring of the Australian economy, with the floating of the dollar, the opening of the banking and financial sector, across the board cuts in tariffs and protection, the decentralisation of the wage fixing system, the introduction of superannuation for all workers, the reform of the public service, and the formation of the Australian-led Cairns Group of free-trading agricultural nations;
- (e) significant social reforms during this period included the introduction of Medicare, reform of the social welfare system, establishment of the Office of the Status of Women, and commencement of Aboriginal reconciliation;
- (f) major environmental achievements of the Hawke Government were the establishment of the national Landcare program, the formation of the Murray-Darling Ministerial Council, and World Heritage listings in Tasmania and Kakadu;
- (g) in foreign relations, the Hawke Government forged closer ties between Australia, Asia and the Pacific, and led the formation of APEC; and
- (h) many of these achievements have survived the change of government and are indicative of the Hawke Government's vision and relevance to the future of Australia.

Question put and passed.

**15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
LEAVE TO MEET DURING SITTING**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 364—that the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 5 March 2003, from 6.30 pm, to take evidence for the committee's inquiry into forestry plantations.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 363—that the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 6 March 2003, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Wheat Marketing Amendment Bill 2002.

Question put and passed.

17 SENATE—QUESTION TIME—ALLOCATION OF QUESTIONS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 333—

(1) That the Senate—

- (a) approves a question time each day encompassing a minimum of 14 questions, or more if the hour permits;
- (b) allocates questions as follows per 4 day sitting week:

	Number of senators
Opposition	28
Government	15
Australian Democrats	7
Crossbench	6

(c) notes that this involves a loading for non-government senators; and

(d) notes that the Australian Democrats and crossbench groups will work out an order of senators asking questions, based on these two groups having the sixth, eighth and twelfth questions each day and the fourteenth question on Wednesday.

(2) That standing order 72(3)(a) is amended by omitting ‘4 minutes’, and substituting ‘3 minutes’.

(3) That standing order 72(3)(b) is amended so that supplementary questions are not permitted when the substantive question is asked by a Government senator.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown (Teller) Nettle

NOES, 37

Senators—

Allison	Denman	Mackay	Stephens
Barnett	Ferguson	Marshall	Stott Despoja
Bartlett	Ferris (Teller)	McLucas	Tchen
Boswell	Forshaw	Moore	Troeth
Buckland	Hogg	Murray	Watson
Campbell, George	Humphries	Payne	Webber
Campbell, Ian	Hutchins	Ray	Wong
Carr	Johnston	Ridgeway	
Cherry	Kirk	Santoro	
Colbeck	Ludwig	Scullion	

Question negatived.

18 ENVIRONMENT—FOREST PROTECTION—NORTH EAST NEW SOUTH WALES

Senator Brown 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. 359—that the Senate congratulates the Carr Labor Government on the announcement on Sunday, 2 March 2003 of its decision to protect a further 15 areas of forest in the north east of New South Wales in addition to those areas already protected under the Regional Forest Agreement.

Leave refused: Senator Ridgeway sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 27

Senators—

Bishop	Cook	Kirk	O'Brien
Bolkus	Crossin	Ludwig	Ray
Brown	Denman	Mackay (Teller)	Sherry
Buckland	Faulkner	Marshall	Stephens
Campbell, George	Forshaw	McLucas	Webber
Carr	Hogg	Moore	Wong
Conroy	Hutchins	Nettle	

NOES, 34

Senators—

Allison	Eggleson	Lightfoot	Santoro
Barnett	Ferguson	Macdonald, Sandy	Scullion
Boswell	Ferris (Teller)	Mason	Tchen
Brandis	Greig	McGauran	Tierney
Calvert	Heffernan	Minchin	Troeth
Campbell, Ian	Hill	Murray	Vanstone
Chapman	Humphries	Patterson	Watson
Cherry	Johnston	Payne	
Colbeck	Knowles	Ridgeway	

Question negatived.

19 ENVIRONMENT—EILEEN KAMPAKUTA BROWN—NATIONAL RADIOACTIVE WASTE REPOSITORY

Senator Allison amended her 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. 356—That the Senate—

(a) notes that:

- (i) Eileen Kampakuta Brown, senior Yankunytjatjara/Antikarinya woman and member of the Kupa Piti Kungka Tjuta from Coober Pedy, was awarded an Order of Australia (AO) for services to the community ‘through the preservation, revival and teaching of traditional Anangu (Aboriginal) culture and as an advocate for Indigenous communities in central Australia’;
- (ii) Mrs Brown’s extensive traditional cultural knowledge has compelled her to lead a 10-year struggle against the Federal Government’s proposal to dump radioactive waste in the South Australian desert;
- (iii) just days before Mrs Brown was awarded the AO, the Federal Government released its final environmental impact statement for the waste dump project, and
- (iv) the Government also announced that \$300 000 is to be spent to ‘re-educate’ the South Australian public and to nullify opposition to the dump; and

- (b) points out to the Prime Minister (Mr Howard) the hypocrisy of the Government in giving an award for services to the community to Mrs Brown but taking no notice of her objection, and that of the Yankunytjatjara/Antikarinya community, to its decision to construct a national repository on this land.

Question put and passed.

20 ENVIRONMENT—BLUE WHALES

Senator Brown 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. 350—that the Senate, recognising that the blue whale, the largest creature ever to move on the face of our planet, faces extinction (its numbers are less than 10 000) and heeding scientific advice that seismic testing at sea may damage the ability of blue whales to feed and breed in Australian waters, calls on the Government to immediately prohibit seismic testing in areas affecting blue whales or other whale species.

Question put and passed.

21 ENVIRONMENT—NATIONAL RADIOACTIVE WASTE REPOSITORY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 365—that there be laid on the table, no later than 4 pm on Thursday, 6 March 2003, the written advice provided by the Department of Defence to the Department of Education, Science and Training concerning the defence-related issues in connection with the National Radioactive Waste Repository in South Australia.

Question put and passed.

22 DEFENCE—AUSTRALIAN DEFENCE FORCE PERSONNEL—DISCRIMINATION

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 367—that the Senate—

(a) notes:

- (i) the commitment by the Prime Minister (Mr Howard) that the Government would look after the loved ones and families of Australian Defence Force (ADF) personnel in or heading to the Gulf and into a potential war with Iraq,
- (ii) that this undertaking includes grief counselling, death benefits compensation and surviving spouses' pensions, in the event that ADF personnel are killed or injured,
- (iii) that this social, moral and financial support only applies to heterosexual, married, and de facto partners in the ADF, and does not apply to the loved ones and families of same-sex partners in the ADF, and
- (iv) that this discrimination against gay and lesbian service personnel is inconsistent with the 1992 lifting of the ban on homosexual people serving in the military and inconsistent with the ADF's equity program aimed at redressing discrimination in the forces; and

- (b) calls on the Government to end this unacceptable discrimination against gay and lesbian service personnel and their partners to ensure that all personnel and their partners, both heterosexual and homosexual, receive equal treatment, including access to grief counselling, death benefits compensation and surviving spouses' pensions, in recognition of the fact that all ADF personnel are asked to put their lives on the line for their country.

Question put and passed.

23 GREAT BARRIER REEF MARINE PARK (PROTECTING THE GREAT BARRIER REEF FROM OIL DRILLING AND EXPLORATION) AMENDMENT BILL 2003 [NO. 2]

Senator McLucas, also on behalf of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 366—that the following bill be introduced:

A Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975* to provide for an extension of the boundaries of the Great Barrier Reef Region.

Question put and passed.

Senator McLucas 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 McLucas moved—that this bill be now read a second time.

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

24 ENVIRONMENT—WORLD HERITAGE CONVENTION

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 369—that the Senate—

- (a) notes the extraordinary meeting of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization to be held in Paris from 17 to 22 March 2003 to consider proposed changes to the operational guidelines of the World Heritage Convention;
- (b) reaffirms its support for the World Heritage Convention, in particular:
 - (i) the power of the World Heritage Committee to inscribe a property on the World Heritage List in Danger without the consent of the state party,
 - (ii) the power of the World Heritage Committee to remove a property from the World Heritage List without the consent of the state party,
 - (iii) the current interpretation of the Convention, which recognises that sites have integrity and the management of World Heritage sites be directed at safeguarding both the World Heritage values and the property as a whole, and
 - (iv) the role of the advisory bodies to the Convention in making representations directly to the World Heritage Committee in relation to any World Heritage property; and
- (c) condemns the Government for its efforts to undermine the integrity of the Convention by supporting changes to the operational guidelines which would undermine all the above-mentioned powers, interpretations and responsibilities.

Question put and passed.

25 FOREIGN AFFAIRS—WEST PAPUA

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 362—That the Senate supports the rights of the people of West Papua to develop their own distinctive culture and institutions and to determine their own political future.

Question put and negatived.

26 FOREIGN AFFAIRS—WEST PAPUA CONFERENCE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 361—That the Senate—

- (a) congratulates the organisers – the Globalism Institute, the New Internationalist magazine and David Bridie – for the successful West Papua conference and concert held in Melbourne last week; and
- (b) condemns the Howard Government for cutting university funding so heavily that universities, like RMIT, are forced to rely on revenue from overseas students for their very survival, leaving RMIT vulnerable to pressure from foreign governments to cancel such events.

Question put and negatived. Senators Brown and Nettle, by leave, recorded their votes for the ayes.

27 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—HIGHER EDUCATION FUNDING

The Acting Deputy President (Senator Knowles) informed the Senate that Senator Carr had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure of the Government to defend Australia's national system of higher education, as evidenced by:

- (a) declining public funding for higher education;
- (b) a deliberate policy of cost shifting to students;
- (c) an inability to tackle problems of growing unmet demand;
- (d) the continuing brain-drain of researchers out of Australia and the continuing decline in research infrastructure, particularly at regional universities; and
- (e) a consequent decline in the standards and quality of higher education.

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

28 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—EDUCATION OF STUDENTS WITH DISABILITIES—DOCUMENT

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell) tabled the following document:

Employment, Workplace Relations and Education References Committee—Education of students with disabilities—Report, dated December 2002—Corrigendum.

Document ordered to be printed on the motion of Senator George Campbell.

29 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST NO. 2 OF 2003

Senator Crossin, 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—
2nd report of 2003, dated 5 March 2003.
Alert Digest no. 2, dated 5 March 2003.

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

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

Debate ensued.

Question put and passed.

30 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—394TH REPORT

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

Public Accounts and Audit—Joint Statutory Committee—394th report—Review of Australia's quarantine function, dated February 2003.

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

Debate ensued.

Document: Senator O'Brien, by leave, tabled the following document:

Trade—Free trade agreement between United States and Australia—Copy of letter to President Pro Tempore (Hon. Robert C Byrd), United States of America (US) Senate from US Trade Representative (Ambassador Robert B Zoellick).

Debate continued.

Question put and passed.

31 AUDITOR-GENERAL—AUDIT REPORTS NOS 31 AND 32 OF 2002-03—DOCUMENTS

The Acting Deputy President (Senator Hutchins) tabled the following documents:

Auditor-General—Audit reports for 2002-03—

No. 31—Performance audit—Retention of military personnel—Follow-up audit: Department of Defence.

No. 32—Business support process audit—The Senate order for departmental and agency contracts (Spring 2002 compliance).

Senator Hogg, by leave, moved—That the Senate take note of report no. 31.

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

32 DEFENCE—IRAQ—NUCLEAR WEAPONS—DOCUMENT

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

Defence—Iraq—Nuclear weapons—Letter to the President of the Senate from the Prime Minister (John Howard) responding to the resolution of the Senate of 6 February 2003, dated 3 March 2003.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—that the Senate take note of the document.

Debate ensued.

Question put and passed.

33 LAW AND JUSTICE—SUPERVISION OF CHILDREN—SWIMMING AUSTRALIA—DOCUMENTS

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

Law and justice—Supervision of children—Swimming Australia—Letter to the President of the Senate from the Australian Capital Territory Minister for Police and Emergency Services (Mr Wood), responding to the resolution of the Senate of 11 December 2002, dated 27 February 2003.

34 SCIENCE AND TECHNOLOGY—PHOTOVOLTAIC ENERGY—DOCUMENT

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

Science and technology—Photovoltaic energy—Letter to the Deputy President of the Senate from the Premier of Western Australia (Dr Gallop) responding to the resolution of the Senate of 9 December 2002, dated 26 February 2003.

35 DOCUMENTS

The following documents were tabled by the Clerk:

National Health Act—Determination under—

Section 5D—PHS 1/2003.

Schedule 1—PHS 2/2003.

36 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 on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2002—Statements of compliance—Department of Education, Science and Training.

37 WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2002 [NO. 2]

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

Message no. 256, dated 4 March 2003—A Bill for an Act to amend the *Workplace Relations Act 1996* in relation to secret ballots for protected action, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—that this bill be now read a second time.

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

38 WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002 [NO. 2]

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 257, dated 5 March 2003—Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2].

Ordered, on the motion of the Minister for Justice and Customs (Senator Ellison), that the message be considered in committee of the whole immediately.

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

In the committee

Senator Ellison moved—that the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 32

Senators—

Abetz	Colbeck	Kemp	Patterson
Alston	Coonan	Knowles	Payne
Barnett	Eggleson (Teller)	Lightfoot	Santoro
Boswell	Ellison	Macdonald, Ian	Scullion
Brandis	Ferguson	Macdonald, Sandy	Tchen
Calvert	Ferris	Mason	Tierney
Campbell, Ian	Humphries	McGauran	Vanstone
Chapman	Johnston	Minchin	Watson

NOES, 37

Senators—

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

Question negatived.

Resolution to be reported.

The Acting Deputy President (Senator Knowles) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 257 from the House of Representatives relating to the Workplace Relations Amendment (Fair Dismissal) Bill 2002 [No. 2] and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of the Minister for Family and Community Services (Senator Vanstone) the report from the committee was adopted.

After 6.50 pm—

39 GOVERNMENT DOCUMENTS—CONSIDERATION

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

National Health and Medical Research Council—Review of the implementation of the National Health and Research Council's strategic plan 2000-03, December 2002. Motion to take note of document moved by Senator Stott Despoja and agreed to.

National Biotechnology Centre of Excellence—Review of selection—Report to the Prime Minister by the Allen Consulting Group, December 2002. Motion to take note of document moved by Senator Harradine and debated. Debate adjourned till Thursday at general business, Senator Boswell in continuation.

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.52 pm till Thursday, 6 March 2003 at 9.30 am.

41 ATTENDANCE

Present, all senators except Senator Harris (on leave).

HARRY EVANS
Clerk of the Senate