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**Contents**

1	Meeting of Senate .....	1576
2	Routine of Business—Variation .....	1576
3	Economics Legislation Committee—Leave to Meet During Sitting.....	1576
4	Foreign Affairs—Iraq—Military Action.....	1576
5	First Speech.....	1578
6	Foreign Affairs—Iraq—Military Action.....	1578
7	Notices.....	1578
8	Adjournment .....	1581
9	Attendance.....	1581

**1 MEETING OF SENATE**

The Senate met at 2 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 ROUTINE OF BUSINESS—VARIATION**

The Minister for Defence (Senator Hill), by leave, moved—That—

- (a) the routine of business set out in standing order 57(1)(b) not be proceeded with today; and
- (b) the routine of business shall instead be:
  - (i) postponement and rearrangement of business,
  - (ii) a motion relating to Iraq,
  - (iii) at approximately 5 pm, Senator Humphries' first speech,
  - (iv) at the conclusion of Senator Humphries' speech, debate to continue on a motion relating to Iraq, and
  - (v) at 7.20 pm, adjournment proposed.

Question put and passed.

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

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Energy Grants (Credits) Scheme Bill 2003 and a related bill.

Question put and passed.

**4 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION**

The Leader of the Government in the Senate (Senator Hill) moved—That the Senate—

- (a) condemns Iraq's refusal, over more than 12 years, to abide by 17 resolutions of the United Nations Security Council regarding the threat it poses to international peace and security;
- (b) recognises:
  - (i) that Iraq's continued possession and pursuit of weapons of mass destruction, in defiance of its mandatory obligations under numerous resolutions of the United Nations Security Council, represents a real and unacceptable threat to international peace and security,
  - (ii) that Iraq's behaviour weakens the global prohibitions on the spread of weapons of mass destruction, with the potential to damage Australia's security, and
  - (iii) that, as more rogue states acquire them, the risk of weapons of mass destruction falling into the hands of terrorists multiplies, thereby presenting a real and direct threat to the security of Australia and the entire international community;
- (c) abhors:
  - (i) Iraq's continued support for international terrorism, and
  - (ii) the institutionalised widespread and grave abuse of the human rights of the Iraqi people over many years;

- (d) notes that United Nations Security Council resolutions adopted under Chapter VII of the United Nations charter, in particular resolutions 678, 687 and 1441, provide clear authority for the use of force against Iraq for the purposes of disarming Iraq of weapons of mass destruction and restoring international peace and security to the region;
- (e) endorses the Government's decision to commit Australian Defence Force elements in the region to the international coalition of military forces prepared to enforce Iraq's compliance with its international obligations under successive resolutions of the United Nations Security Council, with a view to restoring international peace and security in the Middle East region;
- (f) expresses its unequivocal support for the Australian service men and women, and other personnel serving with the international coalition, its full confidence in them and the hope that all will return safely to their homes;
- (g) extends to the innocent people of Iraq its support and sympathy during the military action to disarm Iraq of its weapons of mass destruction and the reconstruction period that will follow; and
- (h) notes that the Government is committed to helping the Iraqi people, including through humanitarian assistance, to build a new Iraq at peace with itself and its neighbours.

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*Documents:* Senator Hill tabled the following documents:

Foreign Affairs—Iraq—Military action—Copies of—

“Costello says Australia should support the US and Britain in enforcing existing UN resolutions on Iraq. That the resolutions already give legitimacy to war in Iraq”—Transcript of interview with Michael Costello, former head, Department of Foreign Affairs, *Sally Loane*, 14 March 2003.

Legal basis for use of force against Iraq—View of the Attorney-General [UK] (Lord Goldsmith).

Use of force against Iraq—Memorandum of advice prepared by First Assistant Secretary (Bill Campbell QC), Office of International Law, Attorney-General's Department and Senior Legal Adviser (Chris Moraitis), Department of Foreign Affairs and Trade, dated 12 March 2003.

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The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

Omit all words after “That”, substitute “the Senate—

- (a) insists that Iraq must disarm under the authority of the United Nations (UN);
- (b) believes that in the absence of an agreed UN Security Council resolution authorising military action against Iraq, there is no basis for military action to disarm Iraq, including action involving the Australian Defence Force;
- (c) insists that there should be no commitment of Australian troops to a war in Iraq outside the authority of the UN;
- (d) concludes that Australian involvement in a war in Iraq without UN authorisation is not in Australia's national interests nor in the interests of maintaining international peace and security; and

- (e) expresses its confidence in our service men and women and its full support for them and their families”.

Debate ensued.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment to Senator Faulkner’s proposed amendment:

At the end of the amendment, add:

- (f) is of the view that the decision of the Australian Government to commit Australian troops to an invasion of Iraq is clearly being done without the authorisation or support of the UN Security Council;
- (g) condemns and opposes the decision of the Australian Cabinet and the President of the United States of America (Mr Bush) to commit troops to an imminent attack on Iraq;
- (h) calls for the Australian troops to be withdrawn and returned home immediately; and
- (i) calls on the Australian and the United States governments to continue the policy of containment and disarmament through weapons inspections under the existing UN Security Council authority, as proposed by the governments of France, Germany and Russia.

Debate ensued.

*After 5 pm:* Debate was interrupted.

#### 5 FIRST SPEECH

Pursuant to order (*see entry no. 3, 5 March 2003*), Senator Humphries made his first speech.

#### 6 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Order read for the adjourned debate on the motion of the Leader of the Government in the Senate (Senator Hill)—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner)—and on the amendment moved by the Leader of the Australian Democrats (Senator Bartlett) to Senator Faulkner’s proposed amendment (see entry no. 4).*

Debate resumed.

*At 7.20 pm:* Debate was interrupted while Senator Santoro was speaking.

#### 7 NOTICES

Senator Allison: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on 20 March 2003, the letter dated 2 December 2002 from the Minister for Health and Ageing to the European Commission on the matter of the European Union’s decision to phase-out tobacco sponsorship of formula one races in 2003. (*general business notice of motion no. 391*)

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

- (a) notes that:
  - (i) the press coverage for the Australian Grand Prix in Melbourne on 8 March and 9 March 2003 again provided tobacco companies with unparalleled advertising opportunities, and
  - (ii) this will be the eighth year that the race has made an operating loss, and again Victorian taxpayers will underwrite the event;
- (b) urges the Federal Government to:

- (i) bring forward the removal of the exemption for tobacco advertising at the Grand Prix from October 2006 to January 2005, in line with the recent decision of the European Commission,
  - (ii) progressively tighten conditions on tobacco advertising up until the removal of the exemption, and
  - (iii) ban incidental advertising of tobacco products outside the confines of the Grand Prix from 2004; and
- (c) urges the Victorian Government to:
- (i) investigate alternative venues for the Grand Prix,
  - (ii) make public the contract signed with the Grand Prix Corporation, and
  - (iii) reveal the extent to which it subsidised the Grand Prix in 2003. (*general business notice of motion no. 392*)

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

- (a) notes, with concern, the serious hardship facing coffee producers of the developing world as a result of low coffee prices and, in particular, that:
- (i) many coffee farmers are being forced to abandon their livelihoods and sell their land at a loss,
  - (ii) the financial strain on coffee farming families reduces their capacity to meet their basic needs, including schooling, food and medicines,
  - (iii) a lack of money in coffee-producing communities, together with overburdened health-care systems, threatens the stability of already vulnerable economies, and
  - (iv) intensive farming methods, adopted by reason of financial necessity, seriously damage the natural environment;
- (b) acknowledges the financial support provided by the Government through AusAid to rural development and other assistance for coffee-producing nations; and
- (c) requests that the Government provide further political and economic support for:
- (i) the International Coffee Organisation's Coffee Quality Scheme, which aims to restrict coffee exportation on the basis of quality,
  - (ii) the destruction of lowest quality coffee stocks, and
  - (iii) direct poverty alleviation programs targeted at coffee-producing communities. (*general business notice of motion no. 393*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 19 March 2003, from 4.30 pm, to take evidence for the committee's inquiry into the Corporations (Fees) Amendment Bill 2002 and two related bills. (*general business notice of motion no. 394*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the time for the presentation of reports of the Legal and Constitutional Legislation Committee be extended as follows:

- (a) in respect of the 2002-03 additional estimates—to 20 March 2003;
- (b) annual reports tabled by 31 October 2002—to 15 May 2003; and
- (c) Customs Legislation Amendment Bill (No. 2) 2002—to 25 March 2003. (*general business notice of motion no. 395*)

Senator Ferguson: To move on the next day of sitting—That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on the following days:

- (a) Thursday, 20 March 2003, from 11 am to noon; and
- (b) Thursday, 27 March 2003, from 11 am to noon,

in relation to its inquiry into the review of agency security arrangements. (*general business notice of motion no. 396*)

The Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on annual reports tabled by 31 October 2002 be extended to 26 March 2003. (*general business notice of motion no. 397*)

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister for Defence, no later than 4 pm on 20 March 2003, all documents commissioned by the Australian Government and its agencies and the United Nations that provide comments on, or formal legal advice regarding, the legality of involvement in a war with Iraq where there is no resolution subsequent to Resolution 1441. (*general business notice of motion no. 398*)

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

- (a) notes the comments of many former leaders and security experts opposing war on Iraq, including former Australian ambassador to the United Nations, Richard Woolcott;
- (b) notes that senior British Cabinet Minister Robin Cook resigned on 17 March 2003 from his post as the government's leader in the House of Commons over the United Kingdom government's decision to back military action against Iraq;
- (c) notes that the reports of Hans Blix and Mohammad El Baradei on weapons of mass destruction in Iraq made strong recommendations that the weapons inspection process continue;
- (d) notes that the resolution tabled in the United Nations by France, Russia and Germany urges the continuation of the inspection regime rather than military action;
- (e) notes that Iraq has been successfully contained for 13 years, committing no external acts of aggression; and
- (f) opposes the Cabinet's decision to participate in a war against Iraq without a United Nations resolution authorising force. (*general business notice of motion no. 399*)

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

- (a) notes that the Pharmaceutical Benefits Scheme (PBS) is being discussed as part of the negotiations that commenced this week on a free trade agreement between Australia and the United States of America;
- (b) further notes that United States' drug companies are pushing for substantial changes to the PBS that would lift their profits and increase the cost to the public of supplying subsidised prescription medicines to Australians;
- (c) affirms that the PBS is a vital component of Australia's public health system; and

- (d) calls on the Australian Government to withdraw the PBS from the free trade negotiations. (*general business notice of motion no. 400*)

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

- (a) notes that the current fringe benefits tax on employer-provided cars is calculated so that the more you drive the less tax you pay, leading to many unnecessary kilometres being driven in order to avoid tax;
- (b) notes that employer-provided car parking is exempt from fringe benefits tax but employer-provided public transport passes and bicycles are not;
- (c) condemns the Australian Government for supporting policies that are clearly biased against public transport in favour of cars;
- (d) expresses grave concern about the environmental damage resulting from these circumstances;
- (e) notes that the Government has already had an opportunity to address this situation by adopting the Ralph report's recommendation, and condemns the Government for failing to act upon that recommendation; and
- (f) calls on the Australian Government to amend the *Fringe Benefits Tax Assessment Act 1986* to encourage the use of more sustainable transport. (*general business notice of motion no. 401*)

#### 8 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.16 pm till Wednesday, 19 March 2003 at 9.30 am.

#### 9 ATTENDANCE

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

**HARRY EVANS**  
Clerk of the Senate