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Contents

1	Meeting of Senate	2089
2	Government Documents	2089
3	Customs Tariff Amendment Bill (No. 2) 2003 Excise Tariff Amendment Bill (No. 1) 2003	2089
4	Workplace Relations Amendment (Transmission of Business) Bill 2002	2090
5	Questions	2091
6	Education—Higher Education—Answers to Questions	2091
7	Taxation—Charities—Answer to Question	2091
8	Health—Drug Research—Answer to Question—Statement by Leave	2091
9	Foreign Affairs—Solomon Islands	2091
10	Petitions	2091
11	Notices	2092
12	Postponements	2092
13	Economics Legislation Committee—Leave to Meet During Sitting	2093
14	National Capital and External Territories—Joint Standing Committee— Leave to Meet During Sittings	2093
15	Superannuation—Select Committee—Leave to Meet During Sitting	2093
16	Corporations and Financial Services—Joint Statutory Committee—Leave to Meet During Sitting	2093
17	Foreign Affairs, Defence and Trade References Committee—Leave to Meet During Sitting	2094
18	Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report	2094
19	Foreign Affairs—West Papua	2094
20	Animal Welfare	2095
21	Discussion of Matter of Public Importance—Australian Public Service	2095
22	Environment—Carbon Dioxide Emissions—Document	2096
23	Industry—Biotechnology Australia—Order for Production of Documents— Statement by Leave	2096
24	Corporations and Financial Services—Joint Statutory Committee— Report—Disclosure of Commissions on Risk Products	2096

25	Documents.....	2096
26	Departmental and Agency Contracts—Order for Production of Documents—Document.....	2097
27	Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Change in Membership.....	2097
28	Legal and Constitutional Legislation Committee—Report—Migration Legislation Amendment (Sponsorship Measures) Bill 2003.....	2097
29	Foreign Affairs, Defence and Trade References Committee—Report—Australia’s Relations with Papua New Guinea and the Island States of the South-West Pacific.....	2097
30	Workplace Relations Amendment (Transmission of Business) Bill 2002.....	2098
31	Finance and Public Administration References Committee—Change in Membership.....	2098
32	Government Documents—Consideration.....	2098
33	Adjournment.....	2098
34	Attendance.....	2098

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Security Intelligence Organisation Act 1979—Australian Security Intelligence Organisation Protocol—Procedures to be followed in the exercise of authority under warrants issued under section 34D of the Act.

Judge Advocate General—Report for 2002.

Murray-Darling Basin Commission—Report for 2001-02.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—

Agreement between Australia and the Kingdom of Belgium on the Gainful Employment of Certain Dependants of Diplomatic and Consular Personnel, done at Sydney on 19 November 2002.

Agreement between the Government of Australia and the Government of the Kingdom of Belgium on “Working Holiday” Arrangements (Canberra, 20 November 2002).

Multilateral—Text, together with national interest analysis and annexures—
Protocol, done at Sydney on 30 June 2003, concerning the Bougainville Transition Team made pursuant to the Agreement, done at Port Moresby on 5 December 1997, between Australia, Papua New Guinea, Fiji, New Zealand and Vanuatu concerning the Neutral Truce Monitoring Group for Bougainville, as amended by the Protocol, done at Port Moresby on 29 April 1998.

**3 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2003
EXCISE TARIFF AMENDMENT BILL (NO. 1) 2003**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That these bills be now read a second time.

Senator O’Brien moved the following amendment:

Omit all words after “That”, substitute:

- (1) For the reasons set out in paragraph (3), further consideration of the bills be postponed and be made an order of the day for the next day of sitting after the Government fully complies with the order for the production of documents relating to a proposed excise and production subsidy made on 16 October 2002.
- (2) Senators who have spoken to the motion ‘That these bills be now read a second time’ may speak again to that motion for up to 20 minutes each when the bill is again called on.
- (3) The reasons referred to in paragraph (1) are as follows:
 - (a) the bills remove the excise exemption for fuel ethanol and impose an excise duty rate equivalent to that applying to petroleum and impose an excise duty on imports of fuel ethanol;
 - (b) on 16 October 2002, the Senate ordered the production of documents related to the imposition of fuel ethanol excise and a production subsidy to be tabled on or before 21 October 2002;

- (c) the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) advised the Senate on 21 October 2002 that the documents subject to the order would be provided as soon as possible;
- (d) Senator Ian Campbell advised the Senate on 13 December 2002 that the documents would be tabled out of session on 17 December 2002 and further advised the Senate on 5 February 2003 that the documents would be provided as soon as possible;
- (e) the Senate called on the Government to comply with the order on 11 December 2002, 4 March 2003 and 26 March 2003;
- (f) it has been revealed that documents relating to the order concern, among other matters, a meeting between the Prime Minister (Mr Howard) and Mr Dick Honan, Chairman of Manildra, on 1 August 2002; and
- (g) passage of the bills now would be ill-advised in the absence of full information about the Government's consideration of ethanol policy.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 34

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

4 **WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell)—
That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Santoro was speaking.

5 QUESTIONS

Questions without notice were answered.

6 EDUCATION—HIGHER EDUCATION—ANSWERS TO QUESTIONS

Senator Carr moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) and the Minister for Communications, Information Technology and the Arts (Senator Alston) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Faulkner) and Senators Carr and Forshaw today relating to Dr Peter Shergold, AM, and the report ‘National Report on Australia’s Higher Education Sector 2001’.

Debate ensued.

Question put and passed.

7 TAXATION—CHARITIES—ANSWER TO QUESTION

Senator Cherry 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 Cherry today relating to the definition of charities.

Question put and passed.

8 HEALTH—DRUG RESEARCH—ANSWER TO QUESTION—STATEMENT BY LEAVE

Senator Harradine, by leave, made a statement relating to an answer to a question without notice asked during question time today concerning drug research and the use of human embryos and stem cells.

9 FOREIGN AFFAIRS—SOLOMON ISLANDS

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

- (a) endorses the Government’s decision to deploy the Regional Assistance Mission to the Solomon Islands;
- (b) expresses its support for the members of the Australian Federal Police, the Australian Defence Force, the Australian Protective Service, Australian Government officials, and personnel from Pacific Island nations who are deployed with the assistance mission; and
- (c) expresses its full confidence in the members of the assistance mission, and its hope for a successful mission and their safe return home.

Debate ensued.

Question put and passed.

10 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 18 petitioners, requesting that the Senate oppose proposed changes to Medicare and ensure bulk billing for all Australians.

Senator Bartlett, from 91 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

Senators McGauran and Patterson, from 37 and 43 petitioners, respectively, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

11 NOTICES

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

- (a) notes:
 - (i) the French Industry Minister announced that mobile phones will soon be required by law to be sold with hands-free kits,
 - (ii) that hands-free kits currently come free with phones in France, and
 - (iii) the Minister also announced that a future regulation will put a limit on the power of handsets; and
- (b) calls on the Federal Government to request a report from the Australian Communications Authority on:
 - (i) the French Government's legislative and regulatory requirements for hands-free mobile phone kits, and
 - (ii) the standard-setting arrangements for these devices. (*general business notice of motion no. 522*)

Senator Ludwig: To move on the next day of sitting—That the provisions of the Legislative Instruments Bill 2003 and the Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003 be referred to the Standing Committee on Regulations and Ordinances for inquiry and report by 29 October 2003, with particular reference to:

- (a) the scope of the exemptions contained in the bills;
- (b) the mechanisms contained in the bills to improve the quality and transparency of legislative instruments; and
- (c) parliamentary scrutiny of legislative instruments and the impact of the bills on the work of the committee.

Senator Brown: To move on 19 August 2003—That the Parliamentary Entitlements Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 149 and made under the *Parliamentary Entitlements Act 1990*, be disallowed.

12 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 466 standing in the name of Senator Lees for today, relating to the introduction of the Protection of Biodiversity on Private Land Bill 2003, postponed till 14 October 2003.

13 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McGauran, 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. 516—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 12 August 2003, from 5 pm, to take evidence for the committee's inquiries into the provisions of the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 and the provisions of the Financial Services Reform Amendment Bill 2003.

Question put and passed.

14 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator McGauran, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 517—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold public meetings during the sittings of the Senate:

- (a) on Wednesday, 13 August 2003, from 6 pm to 8 pm, to take evidence for the committee's inquiry into pay parking in the parliamentary zone; and
- (b) on Thursday, 14 August 2003, from 10 am to 1 pm, to take evidence for the committee's inquiry into governance on Norfolk Island.

Question put and passed.

15 SUPERANNUATION—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McGauran, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 518—That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 August 2003, from 4 pm to 7 pm, to take evidence for the committee's inquiry into the draft Superannuation Industry (Supervision) Amendment Regulations 2003 and the draft Retirement Savings Accounts Amendment Regulations 2003.

Question put and passed.

16 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McGauran, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 519—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 August 2003, from 4.30 pm, to take evidence for the committee's inquiry into Australia's insolvency laws.

Question put and passed.

17 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Crossin, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 514—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 August 2003, from 7 pm to 10 pm, to take evidence for the committee's inquiry into an examination of the Government's foreign and trade policy strategy.

Question put and passed.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Crossin, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 515—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on an examination of the Government's foreign and trade policy strategy be extended to 16 September 2003.

Question put and passed.

19 FOREIGN AFFAIRS—WEST PAPUA

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. 520—That the Senate—

- (a) notes the international conference on West Papua being held in New Zealand in the lead up to the 2003 South Pacific Forum; and
- (b) urges Indonesia to:
 - (i) investigate the human rights situation in Papua,
 - (ii) halt the activities of all militia forces operating in Papua, and
 - (iii) bring to justice those responsible for serious crimes committed in Papua, including the killing of Papuan leader, Theys Eluay, in November 2001.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Cook	Lees	O'Brien
Bartlett	Crossin (Teller)	Ludwig	Ray
Bishop	Denman	Lundy	Sherry
Bolkus	Faulkner	Mackay	Stephens
Brown	Forshaw	Marshall	Webber
Campbell, George	Greig	McLucas	Wong
Carr	Hogg	Moore	
Cherry	Hutchins	Murray	
Collins	Kirk	Nettle	

NOES, 30

Senators—

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

Question agreed to.

20 ANIMAL WELFARE

The Leader of the Australian Democrats (Senator Bartlett) 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. 490—That the Senate—

- (a) notes that the recent Inter-Governmental Conference, hosted by the Government of the Republic of the Philippines in Manila from 25 to 26 March 2003, agreed to support an international declaration for the welfare of animals, based on four basic principles, and is seeking the support of governments worldwide for this declaration;
- (b) notes that the four principles are:
 - (i) the welfare of animals shall be a common objective for all nations,
 - (ii) the standards of animal welfare attained by each nation shall be promoted, recognised and observed by improved measures, nationally and internationally, respecting social and economic considerations and religious and cultural traditions,
 - (iii) all appropriate steps shall be taken by nations to prevent cruelty to animals and to reduce their suffering, and
 - (iv) appropriate standards on the welfare of animals be further developed and elaborated, including, but not limited to, those governing the use and management of farm animals, companion animals, animals in scientific research, wildlife animals and animals in recreation; and
- (c) calls on the Australian Government to note the declaration agreed at the 2003 Manila Conference on Animal Welfare and support the development of international animal welfare standards.

Question put and passed.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN PUBLIC SERVICE

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 growing politicisation of the public service, and attempts by the Government to withhold important information from Parliament through doctoring and withholding reports.

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

22 ENVIRONMENT—CARBON DIOXIDE EMISSIONS—DOCUMENT

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

Environment—Carbon dioxide emissions—Letter to the President of the Senate from the Premier of Queensland (Mr Beattie) responding to the resolution of the Senate of 24 June 2003, dated 4 August 2003.

23 INDUSTRY—BIOTECHNOLOGY AUSTRALIA—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Family and Community Services (Senator Vanstone), by leave, made a statement relating to the order of the Senate of 25 June 2003 for the production of documents concerning works undertaken by the public relations company Turnbull Porter Novelli for Biotechnology Australia (*see entry no. 18, 25 June 2003*).

24 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—DISCLOSURE OF COMMISSIONS ON RISK PRODUCTS

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Disclosure of commissions on risk products—Report, dated August 2003, *Hansard* record of proceedings [2 vols], additional information and submissions [50].

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

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

Debate ensued.

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

25 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) (Administration) Act—

Child Care Benefit (Breach of Conditions for Continued Approval) Amendment Determination 2003 (No. 1).

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2003 (No. 2).

Housing Assistance Act—Housing Assistance (Form of Agreement) Determination 2003.

National Health Act—

Declarations Nos PB 8-PB 11 of 2003.

Determination No. PB 12 of 2003.

Social Security Act—Social Security (Specified Class of Persons in Australia in Specified Circumstances—Health Care Card) Declaration 2003.

Social Security (Administration) Act—Social Security (Dependants—Concession Cards) Declaration 2003.

26 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June and 26 June 2003:

Departmental and agency contracts for 2002-03—Letters of advice—Foreign Affairs and Trade portfolio agencies—

Australian Centre for International Agricultural Research.

AusAID.

Australia-Japan Foundation.

Department of Foreign Affairs and Trade.

27 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported acquainting the Senate with a change in the membership of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, as follows:

Message no. 360, dated 11 August 2003—Mr McMullan in place of Ms Gillard.

28 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—MIGRATION LEGISLATION AMENDMENT (SPONSORSHIP MEASURES) BILL 2003

Pursuant to order, Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Provisions of the Migration Legislation Amendment (Sponsorship Measures) Bill 2003—Report, dated August 2003, *Hansard* record of proceedings, document presented to the committee and submissions [3].

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

29 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—AUSTRALIA'S RELATIONS WITH PAPUA NEW GUINEA AND THE ISLAND STATES OF THE SOUTH-WEST PACIFIC

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—A Pacific engaged: Australia's relations with Papua New Guinea and the island states of the south-west Pacific—Report, dated August 2003, *Hansard* record of proceedings [8 vols], documents presented to the committee, additional information and submissions [87].

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

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

Debate ensued.

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

30 WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

31 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP

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

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That Senator Webber replace Senator Wong on the Finance and Public Administration References Committee for the committee's inquiry into staff employed under the *Members of Parliament (Staff) Act 1984*.

Question put and passed.

—————
At 6.50 pm—

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Security Intelligence Organisation Act 1979—Australian Security Intelligence Organisation Protocol—Procedures to be followed in the exercise of authority under warrants issued under section 34D of the Act. Motion to take note of document moved by the Leader of the Opposition in the Senate (Senator Faulkner), debated and agreed to.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.48 pm till Wednesday, 13 August 2003 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senator Ridgeway.

HARRY EVANS
Clerk of the Senate