

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 114

THURSDAY, 30 OCTOBER 2003

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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 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Allison, 2 petitions similar in wording, from 194 and 231 petitioners, requesting that the Senate amend any proposed legislation relating to Medicare to ensure that equitable access to doctors' services is preserved.

Senator McLucas, from 860 petitioners, requesting that the Senate oppose proposed changes to Medicare and ensure bulk billing for all Australians.

Senator Wong, from 773 petitioners, requesting that the Senate call on the General Manager of the Australian Broadcasting Corporation (ABC) to reinstate the program *Behind the News*, and to ensure that the Government provide adequate funding to the ABC.

Senator Wong, from 772 petitioners, requesting that the Senate oppose the proposed changes to Medicare and the introduction of up-front fees for general practitioner consultations.

3 NOTICE

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

(a) notes:

- (i) the death of at least 14 currawongs around Parliament House during the last 2 weeks of October 2003, and the subsequent absence of most magpies and currawongs,
- (ii) that the likely cause of the bird deaths is their consumption of contaminated bogong moths,
- (iii) that the contamination of the bogong months is most likely due to the application of Cislin, a pyrethrum-based spray, around Parliament House, to kill bogong moths, and
- (iv) that the data sheet prepared by the manufacturers of Cislin notes that it is highly toxic to fish, aquatic organisms and bees and also toxic for birds in various concentrations; and

(b) asks that the Joint House Department cease any further spraying of Cislin, or other substances toxic to birds, in any concentration, in 2003 or in future years. (*general business notice of motion no. 686*)

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 5 Farm Household Support Amendment Bill 2003.

No. 6 Financial Sector Legislation Amendment Bill (No. 2) 2002.

Question put and passed.

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

- (a) Kyoto Protocol Ratification Bill 2003 [No. 2]; and
- (b) consideration of government documents.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003 and two related bills, be postponed till a later hour.

Question put and passed.

5 KYOTO PROTOCOL RATIFICATION BILL 2003 [NO. 2]

Senator Lundy, also on behalf of Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 684—That the following bill be introduced:

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

Question put and passed.

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

Debate adjourned till a later hour, Senator Lundy in continuation.

6 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 679—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on labour market skills requirements be extended to 6 November 2003.

Question put and passed.

7 FOREIGN AFFAIRS—UKRAINIAN FAMINE

Senator Heffernan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 680—That the Senate—

- (a) notes that 2003 is the 70th anniversary of the enforced famine in the Ukraine, which was caused by the deliberate actions of Stalin's communist government of the Union of Soviet Socialist Republics;
- (b) recalls that an estimated 7 million Ukrainians starved to death as a result of Stalinist policies in 1932-33 alone, and that millions more lost their lives in the purge which ensued for the remainder of the decade;
- (c) notes that this constitutes one of the most heinous acts of genocide in history;
- (d) honours the memory of those who lost their lives;

- (e) joins Ukrainian people throughout the world, and particularly Ukrainian Australians, in commemorating these tragic events; and
- (f) resolves to seek to ensure that current and future generations are made aware of the monstrous evil that led to the famine.

Question put and passed.

8 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Mackay, at the request of Senator Evans and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

- (1) The following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 12 May 2004:
 - (a) the effectiveness of the Australian military justice system in providing impartial, rigorous and fair outcomes, and mechanisms to improve the transparency and public accountability of military justice procedures; and
 - (b) the handling by the Australian Defence Force (ADF) of:
 - (i) inquiries into the reasons for peacetime deaths in the ADF (whether occurring by suicide or accident), including the quality of investigations, the process for their instigation, and implementation of findings,
 - (ii) allegations that ADF personnel, cadets, trainees, civilian employees or former personnel have been mistreated,
 - (iii) inquiries into whether administrative action or disciplinary action should be taken against any member of the ADF, and
 - (iv) allegations of drug abuse by ADF members.
- (2) Without limiting the scope of its inquiry, the committee shall consider the process and handling of the following investigations by the ADF into:
 - (a) the death of Private Jeremy Williams;
 - (b) the reasons for the fatal fire on the HMAS *Westralia*;
 - (c) the death of Air Cadet Eleanore Tibble;
 - (d) allegations about misconduct by members of the Special Air Service in East Timor; and
 - (e) the disappearance at sea of Acting Leading Seaman Gurr in 2002.
- (3) The committee shall also examine the impact of government initiatives to improve the military justice system, including the Inspector General of the ADF and the proposed office of Director of Military Prosecutions.

Question put and passed.

**9 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 681—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Maritime Transport Security Bill 2003 be extended to 25 November 2003.

Question put and passed.

10 ENVIRONMENT—CHRISTMAS ISLAND—MINING PROPOSALS

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. 677—That the Senate—

(a) notes:

- (i) former Prime Minister Mr Hawke's undertaking to the Duke of Edinburgh in 1988 regarding new mining proposals on Christmas Island that, 'approval will only be granted under the strictest environmental conditions and provided that no further clearing of rainforest occurs',
- (ii) the statement on 11 February 1988 by the former Minister for the Arts and Territories, Mr Punch, announcing that the Federal Government would not allow any further rainforest clearing on Christmas Island,
- (iii) that all phosphate mining leases since 1988 have prohibited rainforest clearing as a condition of the lease, and
- (iv) the announcement in 2003 by the former Minister for Regional Services, Territories and Local Government, Mr Tuckey, that the Federal Government would conduct a strategic assessment of Christmas Island; and

(b) calls on the Government not to lift the long standing moratorium on established rainforest clearing on Christmas Island.

Question put and passed.

11 SENATE—COMMITTEES—CLAIMS OF COMMERCIAL CONFIDENTIALITY

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 683—That the Senate and Senate committees shall not entertain any claim to withhold information from the Senate or a committee on the grounds that it is commercial-in-confidence, unless the claim is made by a minister and is accompanied by a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of the information.

Question put and passed.

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

Senator Heffernan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 682—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 30 October 2003, from 4 pm, to take evidence for the committee's inquiry into rural water resource usage.

Question put and passed.

13 LAW AND JUSTICE—CONSTITUTIONAL CHANGE

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 678—That the Senate—

- (a) notes the release by the Prime Minister (Mr Howard) of a discussion paper on constitutional change;
- (b) supports there being a broad community debate exploring ways to improve the operation of Australia's parliamentary and political system;

- (c) encourages the Prime Minister to consider any constitutional and parliamentary changes that have widespread community support;
- (d) expresses the view that sections 44(i) and 44(iv) of the Constitution should be amended to remove the current prohibition on dual citizens and public sector employees being able to nominate for election to the Commonwealth Parliament; and
- (e) urges the Government to give consideration to the constitutional reform proposals outlined above.

Question put and passed.

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 685—That the Senate—

- (a) notes that the Prime Minister (Mr Howard) has released a discussion paper on constitutional reform;
- (b) opposes amendments to the Australian Constitution that would have the effect of eliminating the requirements to dissolve both Houses of the Parliament and call an election prior to holding a joint sitting of both Houses to consider bills twice rejected by the Senate;
- (c) affirms that the Senate plays a valuable role in scrutinising legislation and holding government to account;
- (d) rejects the contention in the Prime Minister's discussion paper that 'In practice, the minority has assumed a permanent and absolute veto over the majority';
- (e) reminds the Government that only a majority of democratically-elected senators is able to reject legislation;
- (f) recognises that the Senate is a more representative chamber than the House of Representatives by virtue of its members being elected using the proportional representation system; and
- (g) calls on the Prime Minister to commit to holding a referendum on the introduction of proportional representation for the House of Representatives at the time of the next general election.

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

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 676—That the Senate—

- (a) notes the release by the Prime Minister (Mr Howard) of a discussion paper on constitutional change;
- (b) supports there being a broad community debate exploring ways to improve the operation of Australia's parliamentary and political system;
- (c) encourages the Prime Minister to consider any constitutional and parliamentary changes that have widespread community support; and
- (d) expresses the view that one improvement to our parliamentary system would be for the Constitution to be amended to remove the power of the Senate to block supply for the ordinary services of government.

Question put.

The Senate divided—

AYES, 29

Senators—

Allison	Crossin	Kirk	O'Brien
Bartlett	Denman	Lees	Ray
Bishop	Evans	Ludwig	Sherry
Bolkus	Faulkner	Mackay (Teller)	Stephens
Buckland	Forshaw	Marshall	Webber
Campbell, George	Greig	McLucas	
Carr	Hogg	Murphy	
Cherry	Hutchins	Murray	

NOES, 31

Senators—

Abetz	Chapman	Heffernan	Nettle
Alston	Colbeck	Humphries	Payne
Barnett	Coonan	Kemp	Scullion
Boswell	Ellison	Lightfoot	Tchen
Brandis	Ferguson	Macdonald, Ian	Troeth
Brown	Ferris (Teller)	Macdonald, Sandy	Vanstone
Calvert	Harradine	Mason	Watson
Campbell, Ian	Harris	Minchin	

Question negatived.

14 FORMAL MOTIONS—STATEMENTS BY LEAVE

Senator Harradine, the Leader of the Opposition in the Senate (Senator Faulkner), Senators Ferguson, Brown and Ray and the Leader of the Australian Democrats (Senator Bartlett), by leave, made statements relating to the consideration of notices of motion as formal motions.

15 PUBLICATIONS—STANDING COMMITTEE—13TH REPORT

The Chair of the Standing Committee on Publications (Senator Colbeck) tabled the following report:

PUBLICATIONS COMMITTEE

13TH REPORT

The Publications Committee, having considered documents presented to the Parliament since 15 October 2003, recommends that the following be printed:

- Airservices Australia—Report for 2002-03.
- Anindilyakwa Land Council—Report for 2002-03.
- Attorney-General's Department—Report for 2002-03.
- Australian Broadcasting Authority—Report for 2002-03.
- Australian Communications Authority—Report for 2002-03.
- Australian Competition and Consumer Commission—Report for 2002-03.
- Australian Customs Service—Report for 2002-03.
- Australian Hearing Services (Australian Hearing)—Report for 2002-03.
- Australian Industry Development Corporation—Report for 2002-03.
- Australian Institute of Criminology and the Criminology Research Council—Report for 2002-03.
- Australian Institute of Health and Welfare—Report for 2002-03.
- Australian Maritime Safety Authority—Report for 2002-03.

Australian National Maritime Museum—Report for 2002-03.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2002-03.

Australian Pesticides and Veterinary Medicines Authority—Report for 2002-03.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2002-03.

Australian Sports Commission—Report for 2002-03.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2002-03.

Australian War Memorial—Report for 2002-03.

Bankruptcy Act 1966—Inspector-General in Bankruptcy—Report for 2002-03 on the operation of the Act.

Comcare—Report for 2002-03, including the report of QWL Corporation Pty Limited.

Commissioner for Complaints [Aged care]—Report for 2002-03.

Commissioner for Superannuation (ComSuper)—Report for 2002-03, incorporating reports on the administration and operation of the *Papua New Guinea (Staffing Assistance) Act 1973* and the *Superannuation Act 1922*.

Commissioner of Taxation—Report for 2002-03.

Cotton Research and Development Corporation and Cotton Research and Development Corporation Selection Committee—Report for 2002-03.

CSS Board—Commonwealth Superannuation Scheme—Report for 2002-03.

Dairy Research and Development Corporation—Report for 2002-03. [Final report]

Defence Force Retirement and Death Benefits Authority—Report for 2002-03.

Department of Agriculture, Fisheries and Forestry—Report for 2002-03.

Department of Education, Science and Training—Report for 2002-03.

Department of Employment and Workplace Relations—Report for 2002-03.

Department of Family and Community Services—Report for 2002-03—Volumes 1 and 2.

Department of Finance and Administration—Report for 2002-03.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2002-03, including reports pursuant to the *Immigration (Education) Act 1971* and the *Australian Citizenship Act 1948*.

Department of the Environment and Heritage—Report for 2002-03, including reports on the operation of the *Environment Protection and Biodiversity Conservation Act 1999*, the *Ozone Protection Act 1989*, the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, the *Protection of Movable Cultural Heritage Act 1986*, the *Fuel Quality Standards Act 2000* and the *Product Stewardship (Oil) Act 2000*.

Department of the Treasury—Report for 2002-03.

Director of National Parks—Report for 2002-03.

Employment Advocate—Report for 2002-03.

Equal Opportunity for Women in the Workplace Agency—Report for 2002-03.

Family Law Council—Report for 2002-03.

Film Australia Limited—Report for 2002-03.

Fisheries Research and Development Corporation and Fisheries Research and Development Corporation Selection Committee—Reports for 2002-03.

Food Standards Australia New Zealand—Report for 2002-03.
 Grains Research and Development Corporation and Grains Research and Development Corporation Selection Committee—Report for 2002-03.
 Grape and Wine Research and Development Corporation—Report for 2002-03.
 Human Rights and Equal Opportunity Commission—Report for 2002-03.
 Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2002-03.
Members of Parliament (Staff) Act 1984—Report for 2002-03 on consultants engaged under section 4 of the Act.
 Military Superannuation and Benefits Board of Trustees—Report for 2002-03.
 National Competition Council—Report for 2002-03.
 National Library of Australia—Report for 2002-03.
 National Museum of Australia—Report for 2002-03.
 National Road Transport Commission—Report for 2002-03.
 Northern Land Council—Report for 2002-03.
 Office of the Official Secretary to the Governor-General—Report for 2002-03.
 Parliamentary Service Commissioner—Report for 2002-03.
 Private Health Insurance Administration Council—Report for 2002-03.
 PSS Board—Public Sector Superannuation Scheme—Report for 2002-03.
 Repatriation Medical Authority—Report for 2002-03.
 Rural Industries Research and Development Corporation—Report for 2002-03.
 Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2002-03.
 Special Broadcasting Service Corporation (SBS)—Report for 2002-03.
 Supervising Scientist—Report for 2002-03 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*.
 Tiwi Land Council—Report for 2002-03.
 Tobacco Research and Development Corporation—Report for 2002-03.
 Wet Tropics Management Authority—Report for 2002-03.

Senator Richard Colbeck
 Chairman
 30 October 2003.

Senator Colbeck moved—That the report be adopted.

Question put and passed.

16 MEDICARE—SELECT COMMITTEE—REPORT

Pursuant to order, the Chair of the Select Committee on Medicare (Senator McLucas) tabled the following report and documents:

Medicare—Select Committee—Inquiry into the access to and affordability of general practice under Medicare and the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003—Medicare – healthcare or welfare—Report, dated October 2003, *Hansard* record of proceedings, additional information, documents presented to the committee and submissions [225].

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

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

Debate ensued.

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

17 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—
That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 26

Senators—

Alston	Coonan	Macdonald, Ian	Scullion
Boswell	Eggleston	Macdonald, Sandy	Tchen
Brandis	Ferguson	Mason	Troeth
Calvert	Ferris (Teller)	McGauran	Vanstone
Campbell, Ian	Heffernan	Minchin	Watson
Chapman	Kemp	Payne	
Colbeck	Lightfoot	Santoro	

NOES, 34

Senators—

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

Question negated.

**18 PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003
OFFSHORE PETROLEUM (SAFETY LEVIES) BILL 2003**

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

—————
In the committee

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003—

Consideration resumed of the bill—and of the amendment moved by Senator Brown:

Schedule 1, page 3 (before line 7), before item 1, insert:

1A After subsection 33(1)

Insert:

- (1A) It is a specific condition of a permit that seismic testing or other activities using sound to determine offshore petroleum or other mineral deposits are not permitted unless demonstrated to the Commonwealth Minister to not have a significant negative impact on ecosystems or living species.

—*and of the amendments moved by Senator Allison to Senator Brown’s proposed amendment:*

After “deposits”, insert “that have, or are likely to have, a significant impact on ecosystems or living organisms”.

Omit all words after “unless”, substitute:

- : (a) there are no prudent and feasible alternatives to the testing or other activities; and
- (b) all reasonable measures have been taken to minimise the impacts of the testing or other activities on ecosystems and living organisms.

Debate resumed.

At 12.45 pm: The Acting Deputy President (Senator Ferguson) resumed the chair and the Temporary Chair of Committees (Senator Cherry) reported progress.

19 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Finance and Administration (Senator Minchin) moved—That the order of the Senate agreed to earlier today (*see entry no. 4*) relating to bills to be considered from 12.45 pm to 2 pm, be varied to provide that government business order of the day no. 7 (Telecommunications Interception and Other Legislation Amendment Bill 2003) be considered from 12.45 pm till not later than 2 pm today, after consideration of the government business orders of the day nos 5 and 6.

Question put and passed.

20 FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Troeth the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 35, page 9 (line 12), omit “farmer”, substitute “person”.

Schedule 1, item 35, page 9 (line 15), omit “farmer”, substitute “person”.

Schedule 1, item 35, page 9 (line 18), omit “farmer”, substitute “person”.

Schedule 1, item 35, page 9 (line 22), omit “farmer”, substitute “person”.

Schedule 1, item 35, page 9 (line 25), omit “farmer”, substitute “person”.

Schedule 1, item 35, page 9 (line 26), omit “farmer”, substitute “person”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

21 FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (NO. 2) 2002

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Troeth the following amendments, taken together by leave, were agreed to:

Schedule 2, item 17, page 17 (after line 19), after subsection 21(1), insert:

(1A) In deciding whether it is satisfied as mentioned in subsection (1), APRA may take into account:

(a) any matters specified in the regulations for the purposes of this paragraph; and

(b) any other matters APRA considers relevant.

- (1B) If regulations specifying matters for the purposes of paragraph (1A)(a) also specify the way in which, the extent to which or the circumstances in which:
- (a) the matters; or
 - (b) any information or material relating to the matters;
- may be taken into account by APRA, APRA must comply with the regulations.

Schedule 7, items 10 to 12, page 45 (lines 5 to 20), omit the items, substitute:

10 Paragraph 14(6A)(b)

Omit “one year”, substitute “2 years”.

11 Paragraph 14(6B)(b)

Omit “one year”, substitute “2 years”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 3, item 32.

Question—That Schedule 3, item 32 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

**22 TELECOMMUNICATIONS INTERCEPTION AND OTHER LEGISLATION AMENDMENT
BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bill was read a third time.

Suspension of sitting: On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

At 2 pm—

23 QUESTIONS

Questions without notice were answered.

24 ANSWERS TO QUESTIONS

Senator Collins moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

**25 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—JAPAN**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Japan: Politics and society—Government response.

26 GOVERNMENT DOCUMENTS

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following government documents:

Australia Business Arts Foundation Ltd—Report for 2002-03.

Australian Broadcasting Corporation (ABC)—Report for 2002-03.

Australian Centre for International Agricultural Research—Report for 2002-03.

Australian Federal Police—Report for 2002-03.

Australian Heritage Commission—Report for 2002-03.

Australian Institute of Family Studies—Report for 2002-03.

Australian Institute of Marine Science—Report for 2002-03.

Australian Prudential Regulation Authority—Report for 2002-03.

Australian Submarine Corporation Pty Limited—Report for 2002-03.

Department of Communications, Information Technology and the Arts—Report for 2002-03.

Department of Health and Ageing—Report for 2002-03, including a report on the administration and operation of Therapeutic Goods Administration.

Great Barrier Reef Marine Park Authority—Report for 2002-03.

Indigenous Business Australia—Report for 2002-03.

Industrial Relations Court of Australia—Report for 2002-03.

National Capital Authority—Report for 2002-03.

National Native Title Tribunal—Report for 2002-03.

National Oceans Office—Report for 2002-03.

Office of Film and Literature Classification—Classification Board and Classification Review Board—Reports for 2002-03.

Private Health Insurance Ombudsman—Report for 2002-03.

Public Lending Right Committee—Report for 2002-03.

Telstra Corporation Limited—Report for 2002-03, including annual review.

27 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT (COMPLIANCE WITH COURT AND TRIBUNAL ORDERS) BILL 2003, WORKPLACE RELATIONS AMENDMENT (CODIFYING CONTEMPT OFFENCES) BILL 2003 AND WORKPLACE RELATIONS AMENDMENT (IMPROVED REMEDIES FOR UNPROTECTED ACTION) BILL 2002

Pursuant to order, Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003, provisions of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003 and Workplace Relations Amendment (Improved Remedies for Unprotected Action) Bill 2002—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee and submissions [11].

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

28 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—NATIONAL CRIME AUTHORITY—2001-02

Senator Ferris, on behalf of the Parliamentary Joint Committee on the Australian Crime Commission, tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Examination of the annual report for 2001-2002 of the National Crime Authority—Report, dated October 2003, *Hansard* record of proceedings and additional information.

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

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

Question put and passed.

29 AUSTRALIAN PARLIAMENTARY DELEGATION TO EAST TIMOR—DOCUMENT

Senator Ferris, by leave, tabled the following document:

East Timor—Report of the Australian parliamentary delegation, 3 to 5 September 2003, dated November 2003.

30 ENVIRONMENT—SEPON MINE—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, made a statement relating to the order of the Senate of 16 October 2003 for the production of documents concerning the Sepon Mine project in Laos (*see entry no. 26, 16 October 2003*).

31 TRADE—FREE TRADE AGREEMENT—GENETICALLY-MODIFIED FOOD—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, made a statement relating to the order of the Senate of 9 October 2003 for the production of documents relating to the proposed Australia-United States free trade agreement and the regulation of labelling of genetically-modified foods in Australia and the United States and, pursuant to that order, tabled the following documents:

Trade—Free Trade Agreement—Genetically-modified food—Copies of—

Frequently asked questions [2].

Letters from—

Acting Director, Food Policy Section, Population Health Division, Department of Health and Ageing to Agriculture and Food Branch, Office of Trade Negotiations, Department of Foreign Affairs and Trade, dated 6 January 2003.

Agriculture and Food Branch, Office of Trade Negotiations, Department of Foreign Affairs and Trade [2].

Minister for Trade [6].

United States Trade Representative (Robert Zoellick) to the Speaker, US House of Representatives.

Submission by Food Standards Australia New Zealand to the Taskforce on the Free Trade Agreement with the US, dated 15 January 2003.

United States Australia FTA—Notification—Report sent by the Australian Embassy in Washington, 13 November 2002.

Statement by leave: Senator Brown, by leave, made a statement relating to the matter.

32 HISTORICAL EVENTS—SYDNEY OPERA HOUSE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 16 October 2003, the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), tabled the following document:

Historical Events—Sydney Opera House—Copy of nomination document of the Sydney Opera House in its harbour setting for inclusion on the world heritage list.

33 SCIENCE AND TECHNOLOGY—RIO TINTO TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, made a statement relating to the order of the Senate of 9 October 2003 for the production of documents relating to the provision of data by Rio Tinto Technology and, pursuant to that order tabled the following documents:

Science and Technology—Rio Tinto Technology—Copies of—

Correspondence from David Cain [3] and to David Cain [1].

Undated work in progress working paper containing a preliminary example of modelling.

Working documents of the PMSEIC “Beyond Kyoto” working group [30].

Statement by leave: Senator Brown, by leave, made a statement relating to the matter.

34 NOTICES OF MOTION WITHDRAWN

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), at the request of the respective senators, withdrew the following general business notices of motion:

108, 120, 139, 156, 175, 227, 245, 300, 431, 432, 658 and 664.

35 COMMITTEES—CHANGES IN MEMBERSHIP

The Deputy President (Senator Hogg) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—

Participating member: Senator Brown

Substitute member: Senator Ferris to replace Senator Heffernan for the consideration of the 2003-04 supplementary Budget estimates on 6 November 2003

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into the effectiveness of the Australian military justice system.

Question put and passed.

General business was called on.

36 KYOTO PROTOCOL RATIFICATION BILL 2003 [NO. 2]

Order read for the adjourned debate on the motion of Senator Lundy—That this bill be now read a second time.

Debate resumed.

At 6 pm: Debate was interrupted while Senator Santoro was speaking.

37 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Australian Bureau of Statistics—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

Aboriginal Land Commissioner—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2003. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Indigenous Land Corporation—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Aboriginal Hostels Limited—Report for the period 24 June 2002 to 28 June 2003. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Torres Strait Regional Authority—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of the Prime Minister and Cabinet—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Australian National Training Authority—Report for 2002-03. Motion of Senator George Campbell to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Australian National Training Authority—Australian vocational education and training system—Report for 2002—Volumes 1 and 2. Motion of Senator George Campbell to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Australian National Training Authority—Australian vocational education and training system—Report for 2002—Volume 3. Motion of Senator George Campbell to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Australian Research Council—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Social Security Appeals Tribunal—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

Australia-Indonesia Institute—Report for 2002-03. Motion of Senator Sandy Macdonald to take note of document agreed to.

National Gallery of Australia—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

National Occupational Health and Safety Commission—Report for 2002-03. Motion of Senator Marshall to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Cotton Research and Development Corporation and Cotton Research and Development Corporation Selection Committee—Reports for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Education, Science and Training—Report for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of the Environment and Heritage—Report for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Supervising Scientist—Report for 2002-03 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Director of National Parks—Report for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2002-03. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Employment Advocate—Report for 2002-03. Motion of Senator Hutchins to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Equal Opportunity for Women in the Workplace Agency—Report for 1 June 2002 to 31 May 2003. Motion of Senator Mackay to take note of document called on. On the motion of Senator Crossin, debate was adjourned till Thursday at general business.

Sydney Harbour Federation Trust—Report for 2002-03. Motion of Senator Bartlett to take note of document debated and agreed to.

Wet Tropics Management Authority—Report for 2002-03. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business concluded.

38 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

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

Treaties—Joint Standing Committee—55th report—Treaties tabled on 9 September 2003. Motion of Senator Crossin to take note of report called on. On the motion of Senator Buckland debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Report—Staff employed under the *Members of Parliament (Staff) Act 1984*. Motion of the chair of the committee (Senator Forshaw) to take note of report debated. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Environment, Communications, Information Technology and the Arts References Committee—Report—Libraries in the online environment. Motion of the chair of the committee (Senator Cherry) to take note of report debated. Debate adjourned till the next day of sitting, Senator Lundy in continuation.

Regulations and Ordinances—Standing Committee—Report—Legislative Instruments Bill 2003 and Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003. Motion of Senator McGauran to take note of report agreed to.

Employment, Workplace Relations and Education References Committee—Report—Order for production of documents on university finances. Motion of Senator Carr to take note of report called on. On the motion of Senator Buckland debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines. Motion of the chair of the committee (Senator Cherry) to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Not a town centre: The proposal for pay parking in the Parliamentary Zone. Motion of the chair of the committee (Senator Lightfoot) to take note of report debated. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

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

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

Auditor-General—Audit report no. 10 of 2003-04—Performance audit—Australian Defence Force recruiting contract: Department of Defence. Motion to take note of document moved by Senator Hogg. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Orders of the day nos 1 and 2 relating to reports of the Auditor-General were called on but no motion was moved.

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.14 pm till Monday, 24 November 2003 at 12.30 pm.

41 ATTENDANCE

Present, all senators except Senators Cook*, Knowles*, Ridgeway*, Stott Despoja* and Tierney (* on leave).

HARRY EVANS
Clerk of the Senate