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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:

Grape and Wine Research and Development Corporation—Report for 2002-03—Errata.

Native Title Act 1993—Native title representative bodies—Reports for 2002-03—
Aboriginal Legal Rights Movement Inc.
Central Queensland Land Council Aboriginal Corporation.
Goldfields Land and Sea Council Aboriginal Corporation.
Gurang Land Council (Aboriginal Corporation).
Ngaanyatjarra Council (Aboriginal Corporation).
South West Aboriginal Land and Sea Council Aboriginal Corporation.

Stevedoring Industry Finance Committee—Report for 2002-03.

Stevedoring Levy (Collection) Act 1998—Report for 2003.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—
Consular Agreement between Australia and the Socialist Republic of Vietnam
(Hanoi, 29 July 2003).

Multilateral—Text, together with national interest analysis and annexures—
Amendments, made at Marrakesh 2002, to the Constitution and Convention
of the International Telecommunication Union (Geneva 1992) as amended
by the Plenipotentiary Conference (Kyoto 1994) and by the Plenipotentiary
Conference (Minneapolis 1998).
Withdrawal from the Agreement Establishing the International Fund for
Agricultural Development (Rome, 13 June 1976).
World Tourism Organization (WTO) Statutes (Mexico City, 27 September
1970).

United Nations—International Convention on the Elimination of All Forms of
Racial Discrimination—Committee on the Elimination of Racial Discrimination—
Communication no. 26/2002—Opinion (*Replacement for document tabled on
11 February 2004*).

3 WORKPLACE RELATIONS AMENDMENT (IMPROVED REMEDIES FOR UNPROTECTED ACTION) BILL 2002

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.

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

In the committee

Bill taken as a whole by leave.

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

Schedule 1, item 1, page 3 (line 6) to page 4 (line 25), omit the item, substitute:

1 After subsection 127(3)

Insert:

(3A) The Commission may make an interim order under this section.

(3B) An interim order made under subsection (3A) ceases to have effect if the application is determined.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

**4 WORKPLACE RELATIONS AMENDMENT (CODIFYING CONTEMPT OFFENCES)
BILL 2003**

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

Debate resumed.

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

5 QUESTIONS

Questions without notice were answered.

6 TRADE—FREE TRADE AGREEMENT—ANSWER TO QUESTION

Senator Conroy 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 Conroy today relating to the free trade agreement between Australia and the United States of America.

Debate ensued.

Question put and passed.

7 EDUCATION—SES FUNDING—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to a question without notice asked by Senator Allison today relating to the socio-economic status (SES) funding model and the Catholic school system.

Question put and passed.

8 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senator McGauran, from 40 petitioners, 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.

Senator McLucas, from 50 petitioners, requesting that the Senate take action to restore bulk billing by general practitioners.

Senator Stott Despoja, from 26 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

Senator Stott Despoja, from 6 petitioners, requesting that the Senate take action to ensure the principle of equitable access to universities remains fundamental to higher education policy and that any bill to further increase fees is rejected.

Senator Stott Despoja, from 57 petitioners, requesting that the Senate oppose the proposed changes to Medicare and the introduction of up-front fees for general practitioner consultations.

Senator Stott Despoja, from 102 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.

9 NOTICES

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the Kyoto Protocol Ratification Bill 2003 [No. 2] be extended to 25 March 2004. (*general business notice of motion no. 779*)

The Chair of the Community Affairs Legislation Committee (Senator Knowles): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 4 March 2004, from 4 pm, to take evidence for the committee's inquiry into the Truth in Food Labelling Bill 2003. (*general business notice of motion no. 780*)

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

(a) notes:

- (i) the proposal currently before the New South Wales (NSW) State Government to provide publicly-funded midwife services for home birthing for healthy women without medical complications, and
- (ii) that home deliveries are the norm for about 10 per cent of births in New Zealand where interventions in births are significantly lower than they are in Australia; and

(b) encourages the NSW Government, and other state and territory governments, to foster and fund midwife services for home births. (*general business notice of motion no. 781*)

Senator Allison: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to repeal the *Euthanasia Laws Act 1997*, and for related purposes. ***Euthanasia Laws (Repeal) Bill 2004***. (*general business notice of motion no. 782*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004
- Extension of Sunset of Parliamentary Joint Committee on Native Title Bill 2004
- Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Bill 2004.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of certain bills in the 2004 autumn sittings.

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

- (a) congratulates Russell Boyd and Adam Elliot for winning their first Oscars at the 76th Annual Academy Awards;
- (b) notes that Russell Boyd won the cinematography award for his work on *Master and Commander: The Far Side of the World*;
- (c) notes that Adam Elliot won an Academy Award for best animated short film entitled *Harvie Krumpet*;
- (d) congratulates all those associated with the development and production of these films and their outstanding contribution to the development of great Australian cinema; and
- (e) calls on the Government to provide adequate support to the Australian film and television industry, essential to ensure its future growth and long-term sustainability. (*general business notice of motion no. 783*)

10 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Cherry for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Legislation Committee, postponed till 3 March 2004.

General business notice of motion no. 770 standing in the name of Senator Allison for today, relating to Saharawi National Day and the anniversary of the proclamation of the Saharawi republic, postponed till 4 March 2004.

General business notice of motion no. 773 standing in the name of Senator Nettle for today, relating to the socio-economic status funding system, postponed till 3 March 2004.

General business notice of motion no. 774 standing in the name of Senator Nettle for today, relating to human rights in occupied Western Sahara, postponed till 3 March 2004.

General business notice of motion no. 778 standing in the name of Senators Brown and Nettle for today, proposing the introduction of the Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004 [No. 2], postponed till 3 March 2004.

11 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald), moved—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7 pm, to continue its consideration of the 2003-04 additional estimates.

Question put and passed.

12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Community Affairs References Committee (Senator Hutchins), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 766—That the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 11 March 2004.

Question put and passed.

13 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 765—That the time for the presentation of the report of the Legal and Constitutional References Committee on the capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance be extended to 31 March 2004.

Question put and passed.

14 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 764—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 March 2004, from 4 pm, to take evidence for the committee's inquiry into the capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance.

Question put and passed.

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

Senator Ferris, 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. 768—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 3 March 2004, from 3.30 pm, to take evidence for the committee's inquiry into Corporations Amendment Regulations.

Question put and passed.

16 ECONOMICS LEGISLATION COMMITTEE—REPORTING DATE

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 769—That the report of the Economics Legislation Committee on the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003 be presented by 1 April 2004.

Question put and passed.

**17 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—EXTENSION
OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 772—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the provisions of the Military Rehabilitation and Compensation Bill 2003 and a related bill be extended to 22 March 2004.

Question put and passed.

**18 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME
TO REPORT**

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 777—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Disability Discrimination Amendment Bill 2003 be extended to 7 April 2004.

Question put and passed.

19 HEALTH—JUVENILE DIABETES RESEARCH FOUNDATION

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 771—That the Senate—

- (a) notes the comments by the Prime Minister (Mr Howard), reported in the Juvenile Diabetes Research Foundation (JDRF) publication of 20 August 2003, that 'the Government [has] identified diabetes as one of the national health priority areas'; and

- (b) calls on the Government to support the JDRF proposal to establish an islet transplant global centre of excellence and to provide research grants for islet transplantation.

Question put and passed.

20 FOREIGN AFFAIRS—HUMAN RIGHTS—CHILDREN

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 767—That the Senate—

- (a) notes that:
 - (i) there are an estimated 300 000 children being used as soldiers in at least 20 countries around the world,
 - (ii) the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict prohibits:
 - (A) the compulsory recruitment of children under the age of 18 years into national armed forces, and
 - (B) any recruitment of children under the age of 18 years by non-state armed groups,
 - (iii) the United Nations (UN) Secretary-General's Special Representative for Children and Armed Conflict:
 - (A) recently reported to the Security Council that the situation remains 'grave and unacceptable' and the struggle to protect children from involvement in armed conflict 'has reached a watershed moment', and
 - (B) specifically called on the UN Commission on Human Rights to take action on this issue,
 - (iv) Australia will chair the 60th session of the Commission on Human Rights, which runs from 15 March to 23 April 2004, and
 - (v) the rights of children are being violated in Australia's own immediate region, with the Special Representative highlighting Aceh as one of the areas where children have particularly suffered in the past year; and
- (b) calls on the Australian Government to ensure that, during the 60th session of the Commission on Human Rights, consideration is given to utilising the special procedures mechanism as a means of addressing the continued violation of children's rights in conflict situations and, in particular, the recruitment and use of child soldiers.

Question put and passed.

21 PARLIAMENT—ENTITLEMENTS OF FORMER MEMBERS—LIFE GOLD PASS

Motion determined as not formal: Senator Murray requested that general business notice of motion no. 776 standing in his name for today, relating to the Life Gold Pass retirement benefit, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Proposed suspension of standing orders: Senator Murray, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bartlett moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 776.

Debate ensued.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)	Cherry	Harris	Nettle
Bartlett	Greig	Murray	Stott Despoja
Brown			

NOES, 40

Senators—

Barnett	Collins	Johnston	O'Brien
Bishop	Conroy	Kirk	Patterson
Boswell	Cook	Lightfoot	Payne
Brandis	Crossin	Ludwig	Ray
Buckland	Denman	Lundy	Scullion
Campbell, George	Ferris (Teller)	Mackay	Sherry
Campbell, Ian	Forshaw	Marshall	Stephens
Carr	Hogg	McGauran	Tchen
Chapman	Humphries	McLucas	Watson
Colbeck	Hutchins	Minchin	Webber

Question negatived.

22 AUDITOR-GENERAL—AUDIT REPORT NO. 32 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report no. 32 of 2003-04—Performance audit—
'Wedgetail' airborne early warning and control aircraft: Project management:
Department of Defence.

23 DEFENCE ACT—REVIEW OF PART IIIAAA—DOCUMENT

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Defence Act—Statutory review of Part IIIAAA of the *Defence Act 1903* (Aid to civilian authorities), January 2004.

Senator Minchin, by leave, made a statement relating to the document.

24 PRIVILEGES—STANDING COMMITTEE—116TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report:

Privileges—Standing Committee—116th report—Possible improper interference with a witness before the Rural and Regional Affairs and Transport Legislation Committee, dated March 2004.

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

Senator Ray, by leave, moved—That the Senate endorse the finding at paragraph 28 of the 116th report of the Committee of Privileges.

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

25 DOCUMENTS

The following documents were tabled by the Clerk:

- Corporations Act—Accounting Standard AASB 1046—Director and Executive Disclosures by Disclosing Entities.
- Currency Act—Currency (Perth Mint) Determination 2004 (No. 1).
- Export Control Act—Export Control (Orders) Regulations—
 - Export Control (Fees) Amendment Orders 2003 (No. 2).
 - Export Control (Fees) Amendment Orders 2003 (No. 3).
 - Prescribed Goods (General) Amendment Orders 2004 (No. 1).
- Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—Temporary Order No. 1 of 2004.
- Quarantine Act—Quarantine Service Fees Amendment Determinations 2003 (No. 1).
- Superannuation Industry (Supervision) Act—Requests from Minister to APRA, dated 28 October 2003 [2].
- Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 3/04 [2].

26 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

- 27 February 2004—Message—
 - No. 1—*Health Legislation Amendment (Private Health Insurance Reform) Act 2004* (Act No. 1, 2004).
 - No. 2—
 - Migration Legislation Amendment (Identification and Authentication) Act 2004* (Act No. 2, 2004)
 - National Residue Survey Customs Levy Rate Correction (Lamb Exports) Act 2004* (Act No. 3, 2004)
 - National Residue Survey Excise Levy Rate Correction (Lamb Transactions) Act 2004* (Act No. 4, 2004)
 - Primary Industries (Excise) Levies Amendment (Wine Grapes) Act 2004* (Act No. 5, 2004).

27 FUEL QUALITY INFORMATION STANDARD (ETHANOL) DETERMINATION—MOTION FOR DISALLOWANCE

Senator Allison, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Fuel Quality Information Standard (Ethanol) Determination 2003, made under section 22A of the *Fuel Quality Standards Act 2000*, be disallowed.

Document: Senator Allison, by leave, tabled the following document:

- Fuel Quality Information Standard (Ethanol) Determination 2003—Copy of label, *E¹⁰ Unleaded*.
-

Debate ensued.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)	Cherry	Harris	Nettle
Bartlett	Greig	Murray	Stott Despoja
Brown			

NOES, 39

Senators—

Barnett	Crossin	Johnston	Santoro
Bishop	Denman	Kirk	Scullion
Brandis	Eggleston	Knowles	Stephens
Buckland	Evans	Macdonald, Sandy	Tchen
Campbell, George	Ferguson	Mackay	Troeth
Carr	Ferris	Marshall	Vanstone
Colbeck	Forshaw	McGauran (Teller)	Watson
Collins	Hogg	McLucas	Webber
Conroy	Humphries	O'Brien	Wong
Cook	Hutchins	Ray	

Question negatived.

**28 WORKPLACE RELATIONS AMENDMENT (CODIFYING CONTEMPT OFFENCES)
BILL 2003**

Order of the day read for the adjourned debate on the motion—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, debated.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 1 to 4.

Schedule 1, items 1 to 4 debated.

Question—That Schedule 1, items 1 to 4 stand as printed—put and negatived.

Senator Murray moved the following amendment:

Schedule 1, item 5, page 4 (line 29), after “false”, insert “sworn or affirmed”.

Debate ensued.

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

Senator Murray moved the following amendments together by leave:

No. 1—Schedule 1, item 5, page 4 (line 29), after “evidence”, insert “touching any matter material to that proceeding”.

No. 2—Schedule 1, item 5, page 5 (line 6), at the end of subsection (3), add:

Note: Section 10.2 of the *Criminal Code Act 1995* states that a person is not criminally responsible for an offence if he or she carries out the conduct constituting the offence under duress.

No. 3—Schedule 1, item 5, page 5 (line 7), after “*Inducing*”, insert “*or coercing*”.

No. 4—Schedule 1, item 5, page 5 (line 14), after “induces”, insert “, threatens or intimidates”.

No. 5—Schedule 1, item 6, page 5 (line 23), omit all words from and including “of that subsection” to the end of subitem (1).

No. 6—Schedule 1, item 6, page 5 (line 27), omit all words from and including “of that subsection” to the end of subitem (2).

Debate ensued.

The question for the amendments was divided—

Question—That amendments nos 1, 3 and 4 be agreed to—put and passed.

Question—That amendments nos 2, 5 and 6 be agreed to—put and negatived.

Senator Murray moved the following amendments together by leave:

Schedule 2, page 6 (after line 20), after item 4, insert:

4A Section 178

Omit “\$5,000” wherever occurring, substitute “\$16,500”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4B Section 178

Omit “\$1,000” wherever occurring, substitute “\$3,300”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4C Section 178

Omit “\$10,000” wherever occurring, substitute “\$33,000”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4D Section 178

Omit “\$2,000” wherever occurring, substitute “\$6,600”.

Debate ensued.

At 6.50 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Knowles) reported progress.

29 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.23 pm till Wednesday, 3 March 2004 at 9.30 am.

31 ATTENDANCE

Present, all senators except Senators Moore*, Murphy* and Ridgeway (* on leave).

HARRY EVANS
Clerk of the Senate