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Contents

1	Meeting of Senate	3097
2	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting.....	3097
3	Women—International Women’s Day.....	3097
4	Consideration of Legislation.....	3097
5	Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003.....	3098
6	Order of Business—Rearrangement.....	3099
7	International Transfer of Prisoners Amendment Bill 2004.....	3099
8	Questions.....	3099
9	Health—Family Planning Services—Funding—Answer to Question	3099
10	Employment—Paid Maternity Leave—Answer to Question	3099
11	Petitions.....	3099
12	Notices.....	3100
13	Postponements.....	3101
14	Environment—Climate Change	3101
15	Trade—Free Trade Agreement.....	3102
16	Discussion of Matter of Public Importance—Family and Community Services—Anti-domestic Violence Community Awareness Campaign	3102
17	Commonwealth Day 2004—Document	3102
18	Auditor-General—Audit Report No. 34 of 2003-04—Document.....	3103
19	Community Affairs Legislation Committee—Additional Information—Budget Estimates 2003-04	3103
20	Documents.....	3103
21	New International Tax Arrangements Bill 2003 Taxation Laws Amendment Bill (No. 2) 2004.....	3103
22	Tax Laws Amendment (2004 Measures No. 1) Bill 2004 Appropriation (Parliamentary Departments) Bill (No. 2) 2003-2004 Appropriation Bill (No. 3) 2003-2004 Appropriation Bill (No. 4) 2003-2004.....	3104
23	Criminal Code Amendment (Terrorist Organisations) Bill 2003	3104

24	International Transfer of Prisoners Amendment Bill 2004.....	3105
25	Taxation Laws Amendment Bill (No. 2) 2004.....	3107
26	Order of Business—Rearrangement.....	3107
27	Migration Amendment (Duration of Detention) Bill 2004.....	3107
28	Adjournment	3108
29	Attendance.....	3108

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

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiries into the administration of Biosecurity Australia concerning import risk analyses for pig meat and bananas.

Question put and passed.

3 WOMEN—INTERNATIONAL WOMEN'S DAY

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), at the request of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) and pursuant to notice, moved government business notice of motion no. 1—That the Senate recognises International Women's Day on 8 March 2004 and notes:

- (a) that the idea to hold an International Women's Day first arose at the turn of the 20th Century;
- (b) that International Women's Day is celebrated worldwide as a day for reflecting upon the progress made by women in achieving equal status with men, calling for further change and celebrating the achievements of women in their many and diverse roles;
- (c) the major role that rural women play in food and fibre production, food security and the development of worldwide rural economies, women making up approximately 32 per cent of Australia's farm workforce;
- (d) the contribution of outstanding rural women, as recognised in the Rural Industries Research and Development Corporation's Rural Women's Awards and that, consistent with the values of International Women's Day, the Australian Government actively supports these awards and will be celebrating the achievements of the award winners at a national reception for rural women in March 2004; and
- (e) that the Australian Government continues to encourage the development of rural women through other initiatives such as the Industry Partnerships Corporate Governance for Rural Women Program, a program which equips and encourages women to participate in their industries at whatever level they choose and also includes participating in decision-making bodies and playing a key role in contributing to national government and industry agendas relevant to agriculture, fishing and forestry.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) amended his notice of motion by leave and, pursuant to notice, moved government business notice of motion no. 2—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:

Australian Sports Drug Agency Amendment Bill 2004
 Customs Tariff Amendment (Paraquat Dichloride) Bill 2004
 Great Barrier Reef Marine Park Amendment Bill 2004
 International Transfer of Prisoners Amendment Bill 2004
 Medical Indemnity Amendment Bill 2004
 Medical Indemnity (IBNR Indemnity) Contribution Amendment Bill 2004
 Migration Amendment (Duration of Detention) Bill 2004.

Debate ensued.

Question put and passed.

5 WORKPLACE RELATIONS AMENDMENT (COMPLIANCE WITH COURT AND TRIBUNAL ORDERS) BILL 2003

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.

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

The Special Minister of State (Senator Abetz) moved—That this bill be now read a third time.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 36

Senators—

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

Question negatived.

6 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the International Transfer of Prisoners Amendment Bill 2004.

Question put and passed.

7 INTERNATIONAL TRANSFER OF PRISONERS AMENDMENT BILL 2004

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.

Senator Ludwig moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) acquiescing in the use of United States of America (US) military commissions to try Australian citizens; and
- (b) failing to explore all options for the two Australians currently being detained by US authorities in Guantanamo Bay, to be tried in Australia”.

Debate ensued.

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

8 QUESTIONS

Questions without notice were answered.

9 HEALTH—FAMILY PLANNING SERVICES—FUNDING—ANSWER TO QUESTION

Senator Mackay moved—That the Senate take note of the answer given by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to a question without notice asked by Senator Mackay today relating to funding for family planning services.

Debate ensued.

Question put and passed.

10 EMPLOYMENT—PAID MATERNITY LEAVE—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Stott Despoja today relating to a national system of paid maternity leave.

Question put and passed.

11 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 13 421 petitioners, requesting that the Senate establish an inquiry into all aspects of live animal exports from Australia.

Senator Webber, from 19 petitioners, requesting that the Senate call on the Government to grant the Hazara Afghans in the Albany area who have been granted temporary protection visas permission to remain in Australia permanently.

12 NOTICES

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2003-04 additional estimates be extended to 1 April 2004. (*general business notice of motion no. 791*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002 be extended to 13 May 2004. (*general business notice of motion no. 792*)

The Chair of the Community Affairs Legislation Committee (Senator Knowles): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on annual reports tabled by 31 October 2003 be extended to 1 April 2004. (*general business notice of motion no. 793*)

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

(a) notes that:

- (i) the press coverage of the Australian Grand Prix in Melbourne on 6 March and 7 March 2004 again provided tobacco companies with unparalleled advertising opportunities, and
- (ii) this will be the ninth year that the race has made an operating loss, and Victorian taxpayers will again underwrite the event;

(b) urges the Federal Government to:

- (i) bring forward the removal of the exemption for tobacco advertising at the Grand Prix from October 2006 to January 2005, in line with the recent decision of the European Commission,
- (ii) progressively tighten conditions on tobacco advertising up until the removal of the exemption, and
- (iii) ban incidental advertising of tobacco products outside the confines of the Grand Prix from 2005; and

(c) urges the Victorian Government to:

- (i) investigate alternative venues for the Grand Prix,
- (ii) make public the contract signed with the Grand Prix Corporation, and
- (iii) reveal the extent to which it subsidised the Grand Prix in 2004. (*general business notice of motion no. 794*)

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

(a) notes:

- (i) that the Australian Broadcasting Corporation's Radio National is a vital part of Australia's broadcasting sector, offering analysis and in-depth coverage of current affairs, politics, the arts, health, law and other key aspects of contemporary life, and
- (ii) media reports that the Radio National network may be abolished; and

- (b) calls on the Government to guarantee the future of Radio National. (*general business notice of motion no. 795*)

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

- (a) acknowledges:
 - (i) 8 March 2004 as International Women's Day, a day when women across the globe mark the importance of continuing the struggle for equality and fairness, and the fight against discrimination in all of its forms, and
 - (ii) the massive contribution of Australian women to our community, through both paid and unpaid work; and
- (b) urges the Government to:
 - (i) develop and introduce better policies to support women in both their work and family lives, and
 - (ii) introduce measures to combat barriers to the healthy, safe and independent participation of women in our society, such as violence, poverty and discrimination, and ensure that such measures are adequately resourced. (*general business notice of motion no. 796*)

13 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Conroy for today, relating to the disallowance of Schedule 3 of the Corporations Amendment Regulations 2003 (No. 8), postponed till 24 March 2004.

14 ENVIRONMENT—CLIMATE CHANGE

Senator Allison amended general business notice of motion no. 789 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) the weight of scientific evidence strongly suggests that:
 - (A) the global average surface temperature increased by approximately 0.6°C in the 20th Century and is likely to increase by between 1.4°C and 5.8°C in the 21st Century, and
 - (B) the primary cause of global warming is the increased concentrations of greenhouse gases in the atmosphere due to human activities, particularly the burning of fossil fuels,
 - (ii) the impact of climate change in Australia could include decreased water availability, lost productivity in the agricultural, fisheries, forestry and tourism sectors, increased fire risk, loss of alpine habitats and species, an increase in severe weather events, degradation and loss of coral reefs, and an increased risk of infectious diseases, respiratory illness, heat-related illnesses and allergies, and
 - (iii) despite the risk to Australia, the Howard Government has refused to ratify the Kyoto Protocol and failed to implement sufficient measures to reduce domestic greenhouse gas emissions and minimise the impact of climate change; and
- (b) calls on the Government to:
 - (i) ratify the Kyoto Protocol and work cooperatively with the international community to devise a comprehensive agreement to reduce global greenhouse gas emissions,

- (ii) increase the mandatory renewable energy target to a real 5 per cent by 2010,
- (iii) introduce an emissions trading scheme,
- (iv) amend the *Environment Protection and Biodiversity Conservation Act 1999* to ensure approval is required for all actions that could result in significant greenhouse gas emissions, and
- (v) develop and implement a broader range of measures to reduce domestic emissions and encourage the expansion of the renewable energy sector.

Question put and passed.

15 TRADE—FREE TRADE AGREEMENT

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 790—That the Senate—

- (a) notes that:
 - (i) the Government has committed to a public review of the economic impact of the free trade agreement (FTA) between Australia and the United States of America (US), and
 - (ii) under US trade law, before an agreement can be ratified, a thorough environmental impact assessment must be done to review the extent to which positive and negative environmental impacts may flow from economic changes expected to result from the prospective agreement; and
- (b) calls on the Government to:
 - (i) conduct a full public analysis of the environmental impact of the FTA,
 - (ii) conduct a full public analysis of the social and cultural impact of the FTA, and
 - (iii) table reports of these reviews in the Parliament for its consideration.

Question put and passed.

16 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FAMILY AND COMMUNITY SERVICES—ANTI-DOMESTIC VIOLENCE COMMUNITY AWARENESS CAMPAIGN

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

The \$2.7 million spent on the Government's anti-domestic violence community awareness campaign developed by the Office of the Status of Women subsequently scrapped by the Government Communications Unit.

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

17 COMMONWEALTH DAY 2004—DOCUMENT

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

Commonwealth Day 2004—Message for Commonwealth Day 2004 from Her Majesty The Queen, Head of the Commonwealth, dated 8 March 2004.

18 AUDITOR-GENERAL—AUDIT REPORT NO. 34 OF 2003-04—DOCUMENT

The Acting Deputy President (Senator Lightfoot) tabled the following document received on 5 March 2004:

Auditor-General—Audit report no. 34 of 2003-04—Performance audit—The administration of major programs: Australian Greenhouse Office.

Senator Lundy, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

19 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2003-04

Senator Eggleston, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Budget estimates 2003-04—vols 6 to 9).

20 DOCUMENTS

The following documents were tabled by the Clerk:

Airports Act—Statement about a certain decision under section 243, dated 29 February 2004.

Class Ruling—

CR 2003/84 (Addendum).

CR 2004/19.

Goods and Services Tax Determination GSTD 2004/1.

Product Ruling PR 2004/21.

Superannuation Act 1976—

Superannuation (CSS) Final Deferred Transfer Value and Surplus Payments (Australia Post Superannuation Scheme) Determination 2004.

Superannuation (CSS) Final Deferred Transfer Value and Surplus Payments (Telstra Superannuation Scheme) Determination 2004.

**21 NEW INTERNATIONAL TAX ARRANGEMENTS BILL 2003
TAXATION LAWS AMENDMENT BILL (NO. 2) 2004**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 519, dated 4 March 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 522, dated 4 March 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

Explanatory memorandum: Senator Ellison tabled a revised explanatory memorandum relating to the Taxation Laws Amendment Bill (No. 2) 2004.

On the motion of Senator Crossin the debate was adjourned.

On the motion of Senator Ellison the resumption of the debate was made an order of the day for a later hour.

Consideration of legislation: Senator Ellison moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

22 TAX LAWS AMENDMENT (2004 MEASURES NO. 1) BILL 2004
APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2003-2004
APPROPRIATION BILL (NO. 3) 2003-2004
APPROPRIATION BILL (NO. 4) 2003-2004

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 521, dated 4 March 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 523, dated 4 March 2004—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 524, dated 4 March 2004—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 525, dated 4 March 2004—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Ellison moved that the Tax Laws Amendment (2004 Measures No. 1) Bill 2004 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

23 CRIMINAL CODE AMENDMENT (TERRORIST ORGANISATIONS) BILL 2003

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

Message no. 520, dated 4 March 2004—Criminal Code Amendment (Terrorist Organisations) Bill 2003.

24 INTERNATIONAL TRANSFER OF PRISONERS AMENDMENT BILL 2004

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—and on the amendment moved by Senator Ludwig (see entry no. 7).

Debate resumed.

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

Senator Brown moved the following amendment:

At the end of the motion, add “but the Senate requests that the Government:

- (a) immediately seek to obtain the repatriation of the two Australian citizens who are currently detained against their will in Camp Delta Guantanamo Bay; and
- (b) provide a report to the Parliament by 1 July 2004 on the measures it has taken to achieve the release of the two detainees.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

Senators—

Allison (Teller)	Greig	Murray	Ridgeway
Brown	Lees	Nettle	Stott Despoja
Cherry	Murphy		

NOES, 43

Senators—

Barnett	Crossin	Hutchins	Santoro
Bishop	Denman	Johnston	Scullion
Brandis	Eggleston	Kirk	Sherry
Buckland	Ellison	Knowles	Stephens
Calvert	Evans	Lightfoot	Tchen
Campbell, George	Ferguson	Ludwig	Tierney
Campbell, Ian	Ferris (Teller)	Lundy	Troeth
Carr	Forshaw	Mackay	Watson
Chapman	Harradine	McGauran	Webber
Colbeck	Heffernan	McLucas	Wong
Cook	Hogg	Payne	

Question negatived.

Main question, as amended, 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.

Senator Brown moved the following amendment:

Schedule 1, page 4 (after line 10), after item 4, insert:

4A At the end of section 45

Add:

- (3) This section does not apply to a prisoner transferred to Australia following a conviction by the United States Military Commission established on 13 November 2001.

Debate ensued.

Document: The Minister for Justice and Customs (Senator Ellison) tabled the following document:

International Transfer of Prisoners Amendment Bill 2004—United States of America, Department of Defense—Military Commission Instruction No. 9, dated 26 December 2003.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senators—

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

NOES, 38

Senators—

Barnett	Eggleston (Teller)	Ludwig	Scullion
Bishop	Ellison	Lundy	Sherry
Bolkus	Evans	Macdonald, Sandy	Stephens
Buckland	Faulkner	Mackay	Tchen
Campbell, George	Hogg	Marshall	Troeth
Carr	Humphries	McGauran	Watson
Chapman	Hutchins	Patterson	Webber
Colbeck	Johnston	Payne	Wong
Collins	Kirk	Ray	
Crossin	Knowles	Santoro	

Question negatived.

Bill further debated and agreed to.

Bill to be reported without amendment.

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

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

25 TAXATION LAWS AMENDMENT BILL (NO. 2) 2004

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.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the bill was read a third time.

26 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of the government business orders of the day relating to the following bills:

Migration Amendment (Duration of Detention) Bill 2004.

Medical Indemnity Amendment Bill 2004 and a related bill.

Question put and passed.

27 MIGRATION AMENDMENT (DURATION OF DETENTION) BILL 2004

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.

The Senate divided—

AYES, 30

Senators—

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

NOES, 33

Senators—

Allison	Collins	Lees	Ray
Bartlett	Conroy	Ludwig	Ridgeway
Bishop	Cook	Lundy	Sherry
Bolkus	Crossin	Mackay (Teller)	Stott Despoja
Brown	Evans	Marshall	Webber
Buckland	Faulkner	McLucas	Wong
Campbell, George	Forshaw	Murray	
Carr	Greig	Nettle	
Cherry	Hutchins	O'Brien	

Question negatived.

28 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 10.30 pm till Tuesday, 9 March 2004 at 12.30 pm.

29 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate