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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 NOTICES

The Minister for Revenue and Assistant Treasurer (Senator Coonan): To move on the next day of sitting—That, on Monday, 29 March 2004:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.30 pm; and
- (b) the question for the adjournment of the Senate shall be proposed at 10.50 pm.

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

- (a) supports the call from a collaboration of those with an interest in rural health that has produced the document ‘Good health to rural communities’, a 10-point plan which recommends that:
 - (i) small rural hospitals be utilised as centres for quality healthcare and training,
 - (ii) procedural rural medicine be sustained through the development of a national strategic approach,
 - (iii) the Medical Specialists Outreach Assistance Program and other initiatives be expanded to ensure integration with local healthcare services and support to sustain local healthcare capacity,
 - (iv) higher medical rebates be available to all Australians,
 - (v) the role of practice nurses be extended to allow them to provide other Medicare-funded services,
 - (vi) advanced nursing practice be supported in areas where access to healthcare is difficult,
 - (vii) a local government medical recruitment infrastructure fund be established for councils that have to acquire facilities,
 - (viii) high quality broadband services be provided for rural communities to give doctors and their patients access to on-line information,
 - (ix) bonded medical school places be made more attractive and effective by scholarships and other incentives, including higher education contribution scheme exemption, and
 - (x) overseas trained doctors be given access to suitable supervision, support mechanisms and mentoring, in order to remove unnecessary barriers to their contribution to rural health; and
- (b) encourages the Government to adopt these recommendations, particularly those relating to grants for walk-in, walk-out clinics, noting that this was recommended by the Australian Democrats in 2003 as one way of overcoming the barriers to doctors practising in country areas. (*general business notice of motion no. 828*)

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—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 11 May 2004. (*general business notice of motion no. 829*)

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That—

- (a) the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:
 - No. 10 Privacy Amendment Bill 2004
 - No. 11 Dairy Produce Amendment Bill 2003;
- (b) after consideration of these bills, the following government business orders of the day be called on to enable second reading speeches to be made till not later than 2 pm today:
 - No. 2 Military Rehabilitation and Compensation Bill 2003 and a related bill
 - No. 4 Migration Legislation Amendment Bill (No. 1) 2002
 - No. 5 Textile, Clothing and Footwear Strategic Investment Program Amendment Bill 2004; and
- (c) this order does not prevent the bills being called on in the course of business earlier in the day.

Debate ensued.

Question put and passed.

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

- (a) general business notice of motion no. 824 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner), relating to the politicisation of the public sector; and
- (b) consideration of government documents.

Question put and passed.

4 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Johnston for the period 30 March to the end of the 2004 autumn sittings, on account of parliamentary business overseas.

Question put and passed.

5 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 823 standing in the name of Senator Sandy Macdonald for today, relating to Taiwan and the World Health Organization, postponed till 31 March 2004.

General business notice of motion no. 827 standing in the name of Senator Harris for today, relating to the establishment of a select committee on the Lindeberg Grievance, postponed till 29 March 2004.

6 TREATIES—JOINT STANDING COMMITTEE—OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Senator Brown amended general business notice of motion no. 825 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) opposes the recent recommendation of the Joint Standing Committee on Treaties against ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) concludes that the reluctance to ratify the optional protocol is caused by the Australian Government's indifference to human rights in Australia and that this indifference includes, but is not limited to:
 - (i) the refusal to allow independent inspections of immigration detention centres in Australia and the Pacific,
 - (ii) the acquiescence by the Australian Government to the indefinite detention of David Hicks and Mamdouh Habib at Guantanamo Bay by the United States of America, and
 - (iii) the human rights abuses being committed in Afghanistan and Iraq;
- (c) expresses concern that not ratifying this protocol would obviate a system of regular visits to be undertaken by independent international and national bodies to places of detention in order to monitor conditions and ensure that torture and other cruel, inhuman or degrading treatment or punishment is not used; and
- (d) calls on the Australian Government to ratify this protocol immediately.

Question put and passed.

7 FOREIGN AFFAIRS—BURMA—HUMAN RIGHTS

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 826—That the Senate—

- (a) notes that:
 - (i) in the week beginning 14 March 2004, Burma's military government refused entry to United Nations (UN) Human Rights Special Rapporteur, Mr Paulo Sergio Pinheiro,
 - (ii) Mr Pinheiro released a report into the state of human rights in Burma in January 2004, which recommended that all restrictions on freedom of expression, movement, assembly and information be lifted, and that there be no further arrests for participation in peaceful political activities, and
 - (iii) Mr Pinheiro was seeking to enter Burma to conduct follow-up investigations before reporting on the state of human rights in the country ahead of a meeting of the UN Human Rights Commission in Geneva in the week beginning 28 March 2004;
- (b) acknowledges that the human rights situation in Burma remains extremely grave, with severe restrictions on political freedoms and continued use of forced labour, torture, child soldiers and other serious abuses; and
- (c) calls on the Government to use all diplomatic means to ensure that the Government of Burma:
 - (i) cooperates fully with the UN investigation,

- (ii) heeds the recommendations of the UN Special Rapporteur's report, and
- (iii) restores the rule of law to Burma.

Question put and passed.

8 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Special Minister of State (Senator Abetz), at the request of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to extend the approval for temporary vehicle barriers around Parliament House.

Question put and passed.

9 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, June 2003 to February 2004.

10 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—STATEMENT—DRAFT AMENDMENT 39, NATIONAL CAPITAL PLAN

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) made a statement by way of a report.

11 MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) 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. 542, dated 24 March 2004—Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003.

12 AUSTRALIAN CRIME COMMISSION AMENDMENT BILL 2003 [2004]

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 543, dated 24 March 2004—Australian Crime Commission Amendment Bill 2003 [2004].

13 SCRUTINY OF BILLS—STANDING COMMITTEE—REFERENCE

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin), pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Standing Committee for the Scrutiny of Bills for inquiry and report by the first sitting day in March 2005:

- (1) The Government's responses to the committee's *Fourth Report of 2000: Entry and Search Provisions in Commonwealth Legislation* and, in particular, whether there has been any resultant impact on the practices and drafting of entry and search provisions.

- (2) A review of the fairness, purpose, effectiveness and consistency of entry and search provisions in Commonwealth legislation made since the committee tabled its Fourth Report of 2000 on 6 April 2000.
- (3) A review of the provisions in Commonwealth legislation that authorise the seizure of material and, in particular:
 - (a) the extent and circumstances surrounding the taking of material that is not relevant to an investigation and the use and protection of such material; and
 - (b) whether the rights and liberties of individuals would be better protected by the development of protocols governing the seizure of material.

Question put and passed.

14 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL—STATEMENT BY LEAVE

The Leader of the Australian Democrats (Senator Bartlett), by leave, made a statement relating to the motion agreed to earlier today concerning the proposal by the Department of Parliamentary Services to extend the approval for temporary vehicle barriers around Parliament House (*see entry no. 8*).

15 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—KYOTO PROTOCOL RATIFICATION BILL 2003 [NO. 2]

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) tabled the following report and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Kyoto Protocol Ratification Bill 2003 [No. 2]—Report, dated March 2004, *Hansard* record of proceedings, documents presented to the committee and submissions [39].

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

Leave refused: Senator Eggleston sought leave to move a motion to take note of the report.

An objection was raised and leave was not granted.

Statements by leave: Senators Mackay and Eggleston, by leave, made statements relating to the matter.

16 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—ADDITIONAL ESTIMATES 2003-04

Pursuant to order, Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Additional estimates 2003-04—Report, dated March 2004 and *Hansard* record of proceedings [2 vols].

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

**17 GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004
CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2004**

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

In the committee

GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004—

Consideration resumed of the bill.

Bill further debated.

Document: The Special Minister of State (Senator Abetz) tabled the following document:

Greater Sunrise Unitisation Agreement Implementation Bill 2004—Environment assessment of Woodside Sunrise Gasfield proposal—

Copy of letter [unsigned] to Environmental Coordinator (Mr Morgan), Woodside Energy Pty Ltd from First Assistant Secretary (Mr Early), Approvals and Wildlife Branch, Department of the Environment and Heritage.

Environment assessment report—Woodside Energy Ltd, Sunrise gas project, Timor Sea, Northern Territory, dated March 2003.

Bill further debated.

Senator Brown moved—That the committee report progress and ask leave to sit again.

Question put and negatived.

Bill further debated.

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

Greater Sunrise Unitisation Agreement Implementation Bill 2004—Copy of map showing Greater Sunrise location.

Bill further debated.

Senator Brown moved the following amendment:

Page 3 (after line 24), after clause 4, add:

5 Referral to International Court of Justice

If the matter of a permanent maritime boundary between Australia and Timor-Leste is not finally agreed by 31 December 2005, the Minister for Foreign Affairs of the Commonwealth must refer the matter to the International Court of Justice for adjudication.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—

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

NOES, 46

Senators—

Abetz	Crossin	Lightfoot	Santoro
Barnett	Denman	Ludwig	Scullion
Bishop	Eggleston	Lundy	Sherry
Boswell	Ferris (Teller)	Macdonald, Sandy	Stephens
Brandis	Forshaw	Mackay	Tchen
Calvert	Hill	Mason	Tierney
Campbell, George	Hogg	McGauran	Troeth
Carr	Humphries	McLucas	Watson
Chapman	Hutchins	Moore	Webber
Collins	Johnston	O'Brien	Wong
Conroy	Kirk	Patterson	
Cook	Knowles	Ray	

Question negatived.

Bill further debated.

Senator Brown moved the following amendment:

Page 3 (after line 24), after clause 4, add:

6 Cessation of operation of Act

This Act ceases to have effect on 31 December 2006 if a permanent maritime boundary between Australia and Timor-Leste is not agreed to by that date.

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

18 PRIVACY AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—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.

19 DAIRY PRODUCE AMENDMENT 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 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.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Hutchins) reported progress.

20 QUESTIONS

Questions without notice were answered.

21 TAXATION—SUPERANNUATION—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked by opposition senators today relating to taxation and to superannuation.

Debate ensued.

Question put and passed.

22 BUILDING AND CONSTRUCTION INDUSTRY—ROYAL COMMISSION—INTERIM BUILDING INDUSTRY TASKFORCE—MINISTERIAL STATEMENT

The Minister for Defence (Senator Hill) tabled the following documents:

Building and Construction Industry—Royal Commission—Interim Building Industry Taskforce—Upholding the law: One year on—

Findings of the Interim Building and Construction Industry Taskforce, dated 25 March 2004.

Ministerial statement by the Minister for Employment and Workplace Relations (Mr Andrews), dated 25 March 2004.

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

Debate ensued.

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

23 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—INCREASING THE MINIMUM REPRESENTATION FOR THE TERRITORIES IN THE HOUSE OF REPRESENTATIVES

The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Electoral Matters—Joint Standing Committee—Report—Territory representation: Inquiry into increasing the minimum representation of the Australian Capital Territory and the Northern Territory in the House of Representatives—Government response, dated March 2004.

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

Debate ensued.

Question put and passed.

24 AUDITOR-GENERAL—AUDIT REPORT NO. 36 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report no. 36 of 2003-04—Performance audit—The Commonwealth's administration of the dairy industry adjustment package: Department of Agriculture, Fisheries and Forestry Australia; Dairy Adjustment Authority.

25 AUSTRALIAN PARLIAMENTARY DELEGATION TO SYRIA, LEBANON AND ISRAEL—DOCUMENT

Senator Sandy Macdonald, by leave, tabled the following document:

Syria, Lebanon and Israel—Report of the Australian parliamentary delegation, 9 to 21 November 2003, dated March 2004.

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

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

26 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Senator McLucas

Discharged—Senator Hutchins

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—Senator Hutchins

Discharged—Senator Cook.

Question put and passed.

General business was called on.

27 POLITICS—PUBLIC SECTOR

Senator Lundy, at the request of the Leader of the Opposition in the Senate (Senator Faulkner), pursuant to notice, moved general business notice of motion no. 824—That the Senate expresses its deep concern at the continuing politicisation of the public sector by the Howard Government.

Debate ensued.

At 6 pm: Debate was interrupted.

28 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Aboriginal and Torres Strait Islander Commission—Report for 2002-03. Motion of Senator Crossin to take note of document called on and agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2003. Motion of Senator Greig to take note of document called on and agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2003. Motion of Senator Greig to take note of document called on and agreed to.

General business concluded.

29 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58H—Defence Force Remuneration Tribunal—Determination No. 1 of 2004.

Higher Education Support Act—Higher Education Provider Guidelines, dated 22 March 2004.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

30 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:

23 March 2004—Message No. 9—

Medical Indemnity Amendment Act 2004 (Act No. 17, 2004)

Medical Indemnity (IBNR Indemnity) Contribution Amendment Act 2004 (Act No. 18, 2004)

International Transfer of Prisoners Amendment Act 2004 (Act No. 19, 2004)

Taxation Laws Amendment Act (No. 2) 2004 (Act No. 20, 2004)

A New Tax System (Commonwealth-State Financial Arrangements) Amendment Act 2004 (Act No. 21, 2004)

Great Barrier Reef Marine Park Amendment Act 2004 (Act No. 22, 2004).

25 March 2004—

Message No. 10—*Social Security Amendment (Further Simplification) Act 2004* (Act No. 23, 2004).

Message No. 11—

Australian Sports Drug Agency Amendment Act 2004 (Act No. 24, 2004)

Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Act 2004 (Act No. 25, 2004)
Import Processing Charges (Amendment and Repeal) Amendment Act 2004 (Act No. 26, 2004)
National Measurement Amendment Act 2004 (Act No. 27, 2004).

31 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:

Economics Legislation Committee—Report—Provisions of the Greater Sunrise Unitisation Agreement Implementation Bill 2004 and the Customs Tariff Amendment (Greater Sunrise) Bill 2004. Motion of the chair of the committee (Senator Brandis) to take note of report agreed to.

Scrutiny of Bills—Standing Committee—Third report of 2003: The quality of explanatory memoranda accompanying bills. Motion of the chairman of the committee (Senator Crossin) to take note of report agreed to.

Australian Crime Commission—Joint Statutory Committee—Report—Cybercrime. Motion of Senator McGauran to take note of report agreed to.

Community Affairs References Committee—Report—A hand up not a hand out: Renewing the fight against poverty. Motion of the chair of the committee (Senator Hutchins) to take note of report debated. On the motion of Senator Moore debate was adjourned till the next day of sitting.

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

An order of the day relating to a report of the Auditor-General was called on but no motion was moved.

33 ADJOURNMENT

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

Debate ensued.

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

Finance—Copy of newspaper article 'Investment consultants start to feel some regulatory heat'.

Debate continued.

The Senate adjourned at 7.09 pm till Monday, 29 March 2004 at 12.30 pm.

34 **ATTENDANCE**

Present, all senators except Senators Buckland, Ian Campbell, Colbeck and Marshall.

HARRY EVANS
Clerk of the Senate