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1 MEETING OF SENATE

The Senate met at 2 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 ROUTINE OF BUSINESS—VARIATION

The Minister for Defence (Senator Hill), by leave, moved—That—

- (a) the routine of business set out in standing order 57(1)(b) not be proceeded with today; and
- (b) the routine of business shall instead be:
 - (i) a motion relating to bushfires,
 - (ii) a ministerial statement on the Government's policy on Iraq and any motion relating thereto, and
 - (iii) at 7.20 pm, adjournment proposed.

Senator Brown moved the following amendment:

Before subparagraph (b)(i), insert:

“(ia) at 2 pm, questions”.

Debate ensued.

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

Main question put and passed.

3 BUSHFIRES

The Minister for Defence (Senator Hill) moved—That the Senate—

- (a) extends its sympathies to all Australians who have suffered such grievous personal losses during the tragic bushfires throughout Australia over recent months, and particularly those in the Australian Capital Territory on 18 January 2003;
- (b) acknowledges the tireless commitment of the thousands of individuals, including the rural and metropolitan fire brigades, emergency and rescue services, ambulance services, the defence force, police, welfare groups, government agencies, councils and businesses from across the country, who were involved in fighting these fires;
- (c) expresses its enduring gratitude and admiration to these Australians, many of whom are volunteers, for their efforts and sacrifices and in particular acknowledges the bravery of those who risked their lives in fighting the fires; and
- (d) recognises that the way that communities heroically pulled together in a time of crisis truly demonstrates the strength of the Australian spirit.

Debate ensued.

Question put and passed.

4 FOREIGN AFFAIRS—IRAQ—GOVERNMENT POLICY—MINISTERIAL STATEMENT—PROPOSED CENSURE

The Minister for Defence (Senator Hill) made a statement relating to the Government's policy on Iraq.

Senator Hill moved—That the Senate take note of the statement.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

At the end of the motion, add “and:

- (a) censure the Government for forward-deploying Australian troops to a potential theatre of war with Iraq in the absence of any United Nations authorisation and without revealing to the Australian people the commitments on which that deployment was based;
- (b) declare its opposition to a unilateral military attack on Iraq by the United States;
- (c) insist that the disarmament of Iraq proceed under the authority of the United Nations;
- (d) express its full support and confidence in our service men and women, while expressing its opposition to the Government’s decision to forward-deploy them;
- (e) express its total opposition to any use of nuclear arms and declare that Australian support should not be provided to any operation where such weaponry may be used; and
- (f) declare that it has no confidence in the Prime Minister’s handling of this grave matter for the nation”.

Debate ensued.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment to Senator Faulkner’s proposed amendment:

At the end of the amendment, add “and that the terms of this motion be communicated to the governments of all members of the United Nations Security Council”.

Debate ensued.

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

Foreign Affairs—Iraq—Country analysis brief from the Energy Information Administration website, dated October 2002.

Debate continued.

At 7.20 pm: Debate was interrupted while Senator Santoro was speaking.

5 NOTICES

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

- (a) extends its condolences to the families, relatives and friends of the persons who died in the tragic train disaster near Waterfall, New South Wales, on Friday, 31 January 2003;
- (b) expresses its best wishes for a speedy recovery to those injured in the disaster; and
- (c) acknowledges the dedication of the emergency services personnel and medical and hospital staff who responded to the tragedy and worked under great difficulty to rescue passengers and provide them with assistance and comfort. (*general business notice of motion no. 334*)

Senator Allison: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on Thursday, 6 February 2003, the submission or submissions made by the Department of Defence to the Environment Impact Assessment for a National Radioactive Waste Repository in South Australia. (*general business notice of motion no. 335*)

Senator Allison: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on Monday, 3 March 2003, all documents relating to the records and communications between the Department of Defence and the Department of Education, Science and Training concerning the Government's consideration of a National Radioactive Waste Repository in South Australia. (*general business notice of motion no. 336*)

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

- (a) notes, with sadness, the passing on 27 December 2002 at the age of 67, of Prince of Wales Midpul, an Elder of the Larrakia people of the Darwin region, who was an exceptional dancer, didgeridoo player, songman and artist;
- (b) pays tribute to Midpul as one of the Northern Territory's most renowned artists, who was best known outside his community for his powerful, minimalist paintings, called 'Body Marks', which depicted Larrakia body designs from the ceremonies, dances and songs for which he was one of the principal custodians;
- (c) notes that Midpul only began painting in 1995-96, yet his works hang in many of Australia's foremost public and private collections, including the National Gallery of Australia, the National Gallery of Victoria and the Art Gallery of NSW, and he was the recipient of the Telstra Open Painting Award at the National Aboriginal and Torres Strait Islander Art Awards in 2001; and
- (d) remembers Midpul's long struggle, along with other members of his family, to achieve land rights for the Larrakia people, including the successful land claims for Kulaluk and Kenbi, and thanks his family for their permission to refer to him by name in recognition of his outstanding achievements as an artist and community leader. (*general business notice of motion no. 337*)

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

- (a) pays tribute to Mr Albert Namatjira as the first Indigenous professional artist in Australia, who was born one hundred years ago and died in 1959, after achieving national and international acclaim for his exceptional ability as an artist;
- (b) acknowledges that Namatjira:
 - (i) adapted Western-style painting to express his cultural knowledge and the strength of his connection to his traditional country, and
 - (ii) is now regarded as a national treasure in recognition of the cultural legacy he has left all Australians, as well as the inspiration he is to the generations of Indigenous artists who have followed in his footsteps;
- (c) recognises that:
 - (i) the legal protection of Namatjira's works provided by the *Copyright Act 1968* will expire in 2009, bringing to an end the ability of the copyright owner to exercise an exclusive right to use and reproduce his works, or to allow others to do so in return for a financial benefit, and
 - (ii) the Public Trustee of the Northern Territory Government authorised the sale of Namatjira's copyright to Legend Press in 1983, thereby ending the ability of the descendants of Namatjira to benefit from on-going income from the reproduction of his works; and

(d) calls on the Government to:

- (i) enter into discussions with the Northern Territory Government to buy back the copyright in Namatjira's works so that exclusive control of the use and reproduction of his works is restored to his descendents, as well as the receipt of all financial benefits that result from the use and reproduction of his works under copyright protection, and
- (ii) in recognition of the contribution Namatjira has made to the development of Australia's cultural identity and the need to protect his legacy for future generations, explore all relevant legal and other measures that will provide ongoing protection of the Namatjira name and his reputation and standing as one of our pre-eminent artists. (*general business notice of motion no. 338*)

6 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.17 pm till Wednesday, 5 February 2003 at 9.30 am.

7 ATTENDANCE

Present, all senators except Senators Cherry, Johnston*, Marshall* and McLucas* (* on leave).

HARRY EVANS
Clerk of the Senate