

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 67

THURSDAY, 6 MARCH 2003

Contents

1	Meeting of Senate	1551
2	Petitions	1551
3	Notices	1551
4	Order of Business—Rearrangement	1552
5	Postponements	1553
6	Late Payment of Commercial Debts (Interest) Bill 2003	1553
7	Postponement	1553
8	Parliamentary Zone—Capital Works Proposals—Approval	1553
9	Foreign Affairs, Defence and Trade References Committee—Proposed Reference	1554
10	Health Legislation Amendment (Private Health Insurance Reform) Bill 2003	1555
11	Health—Nuclear Testing—Cancer Deaths	1556
12	Death of Maurice Gibb	1556
13	Foreign Affairs—Iraq—Nuclear Weapons	1556
14	Foreign Affairs—Burma—Human Rights	1557
15	Foreign Affairs—Iraq—Children	1557
16	Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Leave to Meet During Sitting	1558
17	Rural and Regional Affairs and Transport References Committee—Ovine Johne's Disease in the Australian Sheep Flock—Government Response....	1558
18	Foreign Affairs—Iraq—Military Action	1559
19	Foreign Affairs—United Nations—Interception of Communications	1559
20	Community Affairs References Committee—Proposed Reference	1560
21	Foreign Affairs—Iraq—Military Action—International Criminal Court	1561
22	Foreign Affairs—Human Rights—Mr David Hicks and Mr Mamdouh Habib	1562
23	Community Affairs References Committee—Extension of Time to Report	1562
24	Finance and Public Administration References Committee—Extension of Time to Report	1562
25	Foreign Affairs—Iraq—Military Action	1562

26	Health—Medicare—Bulk Billing.....	1564
27	Foreign Affairs—Iraq—Military Action—Proposed Suspension of Standing Orders	1564
28	Health—Medicare—Bulk Billing.....	1565
29	Regulations and Ordinances—Standing Committee—Documents	1565
30	Workplace Relations Amendment (Protecting the Low Paid) Bill 2003	1565
31	Petroleum (Timor Sea Treaty) Bill 2003 Petroleum (Timor Sea Treaty) (Consequential Amendments) Bill 2003 Passenger Movement Charge (Timor Sea Treaty) Amendment Bill 2003.....	1565
32	Order of Business—Rearrangement.....	1568
33	Petroleum (Timor Sea Treaty) Bill 2003 Petroleum (Timor Sea Treaty) (Consequential Amendments) Bill 2003 Passenger Movement Charge (Timor Sea Treaty) Amendment Bill 2003.....	1568
34	New Business Tax System (Consolidation and Other Measures) Bill (No. 2) 2002 New Business Tax System (Venture Capital Deficit Tax) Bill 2002	1570
35	Snowy Hydro Corporatisation Amendment Bill 2002.....	1570
36	Maritime Legislation Amendment Bill 2002	1570
37	Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002	1571
38	Questions	1571
39	Health—Medicare—Bulk Billing—Answers to Questions.....	1571
40	Treaties—Joint Standing Committee—Government Response—17th Report..	1571
41	Australian Parliamentary Delegation to the Islamic Republic of Iran and the Hashemite Kingdom of Jordan—Document	1571
42	Documents.....	1572
43	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document.....	1572
44	Committees—Changes in Membership.....	1572
45	Great Barrier Reef Marine Park (Protecting the Great Barrier Reef from Oil Drilling and Exploration) Amendment Bill 2003 [No. 2].....	1573
46	Government Documents—Orders of the Day—Consideration.....	1573
47	Auditor-General’s Reports—Orders of the Day—Consideration	1574
48	Environment—National Radioactive Waste Repository—Order for Production of Documents—Statement by Leave	1574
49	Adjournment	1574
50	Attendance.....	1574

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 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Crossin, from 10 petitioners, requesting that the Senate take action to reject deregulation of university fees, increase funding to bring Australia's university sector in line with average OECD expenditure, re-introduce a system of HECS equity scholarships and establish an inquiry into student poverty.

Senator Crossin, from 22 petitioners, requesting that the Senate seek the intervention of the Minister for Immigration and Multicultural and Indigenous Affairs to grant East Timorese asylum seekers permanent residency in Australia.

Senator Stephens, from 207 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

3 NOTICES

Senator Forshaw: To move on the next day of sitting—That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 8 October 2003:

- (a) the adequacy and appropriateness of the framework for employment and management of staff under the *Members of Parliament (Staff) Act 1984* (the MoPS Act);
- (b) the role and functions of MoPS staff in assisting and advising their employers and interacting with the Australian Public Service and other stakeholder groups;
- (c) the remuneration and conditions of employment of MoPS staff;
- (d) the means by which MoPS staff are accountable to government, the Parliament and the public;
- (e) suitable means by which the accountability of MoPS staff could be enhanced;
- (f) the merits of introducing a code of conduct for MoPS staff reflecting the Values and Code of Conduct of the *Public Service Act 1999*, the key elements such a code should contain and the process by which such a code should be developed and introduced;
- (g) suitable means by which the accountability of the Government for the employment of MoPS staff can be enhanced;
- (h) the role of departmental liaison officers and their interaction with MoPS staff and departments; and
- (i) appropriate amendments to the MoPS Act flowing from the above.

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

- (a) condemns the Prime Minister's re-writing of history, that bulk billing was never intended to be available to all Australians irrespective of their income;
- (b) condemns the Prime Minister (Mr Howard) for seeking to make Medicare a second-class safety net for the poor rather than a guarantee of quality health care for all Australians irrespective of their ability to pay; and

- (c) calls on the Government to urgently address the dramatically declining rates of bulk billing for all Australians as its highest health priority. (*general business notice of motion no. 389*)

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

- (a) notes the Human Rights Watch report, from December 2002 regarding the use of cluster bombs, which described these munitions used by both British and American forces as ‘fundamentally flawed’;
- (b) recognises that by February 1993 unexploded bomblets had killed 1 600 Kuwaiti and Iraqi civilians and injured 2 500, sixty per cent of which victims were under 15 years of age;
- (c) notes:
- (i) that a leaked British Ministry of Defence report estimated that 60 per cent of the 531 cluster bombs dropped by the Royal Air Force during the Kosovo war missed their intended targets or were unaccounted for,
 - (ii) the provisions of the protocol additional to the Geneva Convention of 12 August 1949, relating to the protection of victims of international armed conflicts (Protocol 1) of 8 June 1977, to which Australia is a state party, in which Article 51 forbids indiscriminate methods and means of attack,
 - (iii) that unexploded cluster bomblets are indiscriminate and cluster bomblets cause higher rates of live ‘duds’ than other explosive munitions, and
 - (iv) that Article 35(2) of Protocol 1 additional to the Geneva Convention states, ‘It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering’;
- (d) accepts the status of these munitions as being as unacceptably dangerous to the safety of civilians as the use of anti-personnel landmines, which are banned under the Ottawa Convention;
- (e) therefore endorses the European Parliament’s call for the United Nations Convention on Certain Conventional Weapons (CCW) State Parties to declare an immediate moratorium until an international agreement has been negotiated on regulation or restriction or ban on the use, production, and transfer of cluster munitions under the CCW, including air-dropped cluster munitions and submunitions delivered by missiles, rockets and artillery projectiles; and
- (f) calls on the Government to guarantee that Australian forces will not use, or be involved in the use of, these cruel and indiscriminate weapons. (*general business notice of motion no. 390*)

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 4 New Business Tax System (Consolidation and Other Measures) Bill (No. 2) 2002 and a related bill.
- No. 5 Snowy Hydro Corporatisation Amendment Bill 2002.
- No. 6 Maritime Legislation Amendment Bill 2002.
- No. 7 Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002.

- No. 8 Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2002.
- No. 9 Transport Safety Investigation Bill 2002 and a related bill.
- No. 10 Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002.

Question put and passed.

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

- (a) general business order of the day no. 50 (Great Barrier Reef Marine Park (Protecting the Great Barrier Reef from Oil Drilling and Exploration) Amendment Bill 2003 [No. 2]); and
- (b) consideration of government documents.

Question put and passed.

5 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 388 standing in the name of Senator Ridgeway for today, relating to the protection of Indigenous rights under copyright legislation, postponed till 18 March 2003.

6 LATE PAYMENT OF COMMERCIAL DEBTS (INTEREST) BILL 2003

Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 372—That the following bill be introduced:

A Bill for an Act to provide for interest to be levied on the late payment of commercial debts arising in relation to contracts for the supply of goods and services, and for related purposes.

Question put and passed.

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

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

7 POSTPONEMENT

Senator Brown, by leave, moved—That general business notice of motion no. 387 standing in his name for today, relating to funding for disability services, be postponed till 18 March 2003.

Question put and passed.

8 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—APPROVAL

The Minister for Justice and Customs (Senator Ellison), 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 National Capital Authority for capital works within the Parliamentary Zone, being the erection of public artwork to celebrate the centenary of women's suffrage in Australia.

Question put and passed.

Senator Ellison, at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department for capital works within the Parliamentary Zone, being the installation of temporary vehicle barriers and permanent security cameras.

Question put and passed.

Senator Ellison, at the request of Senator Ian Campbell and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being additional works at Reconciliation Place, namely, the design and content of the sixth sliver.

Question put and passed.

9 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 June 2003:

The operation and effectiveness of Australia's security and intelligence agencies in the lead up to the Bali bombings, including:

- (a) the discrepancies, if any, between Australia and other nations (including the United States of America) in intelligence received regarding terrorist operations prior to the bombings;
- (b) action taken in Australia and elsewhere to warn the public of potential dangers; and
- (c) any other matters concerning security and intelligence agencies affecting Australians in relation to the Bali bombings.

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

Omit all words after "26 June 2003", substitute:

The performance of the Department of Foreign Affairs and Trade (DFAT) and other relevant agencies of the Commonwealth Government in the assessment and dissemination of threats to the security of Australians in South East Asia in the period 11 September 2001 to 12 October 2002, including:

- (a) the assessment made by DFAT and other relevant agencies of the Commonwealth Government of the threat to Australians in South East Asia from al Qaeda (and associated terrorist organisations) prior to 11 September 2001;
- (b) any change in the assessment of the threat to Australians in South East Asia from these terrorist organisations arising from the terrorist events of 11 September 2001 and the decision by Australia to participate in military actions with other coalition partners against al Qaeda in Afghanistan in November 2001;
- (c) any further changes in the assessment of the threat to Australians in South East Asia from these terrorist organisations arising from the arrest and interrogation of the so-called 'Singapore bombers' in the period December 2001 to February 2002;

- (d) any further change in threat assessments to Australians in South East Asia arising from the arrest and interrogation of Omar al-Faruq;
- (e) any subregional variations on the assessment of the threat to Australians in South East Asia in the period 11 September 2001 to 12 October 2002, in particular within Indonesia, including Jakarta and Bali;
- (f) any differences between the assessments of the threat made by DFAT and other Commonwealth Government agencies, and the assessments of the threat made by the United Kingdom, the United States, New Zealand, Singapore and Canada over the security of their nationals for the same period;
- (g) any differences between the assessments of the threat made by DFAT and other related agencies of the Commonwealth Government and the content of the travel advisories, travel bulletins and embassy bulletins provided by DFAT in the period 11 September 2001 to 12 October 2002;
- (h) any differences between DFAT travel advisories, travel bulletins and embassy bulletins in the period 11 September 2001 to 12 October 2002;
- (i) DFAT's conclusions of any deficiencies in the assessment system and the system for preparing travel advisories, travel bulletins and embassy bulletins in the period 11 September 2001 to 12 October 2002; and
- (j) DFAT's conclusions on improvements to be dissemination of travel advisories, travel bulletins and embassy bulletins to the Australian travelling public in the future.

Statements by leave: The Minister for Justice and Customs (Senator Ellison) and Senators Mackay, Faulkner and Harradine, by leave, made statements relating to the amendment.

Senator Ellison, by leave, moved—That further consideration of the matter be an order of the day for the next day of sitting.

Question put and passed.

10 HEALTH LEGISLATION AMENDMENT (PRIVATE HEALTH INSURANCE REFORM) BILL 2003

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—That the following bill be introduced:

A Bill for an Act to amend legislation relating to private health insurance, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Ellison tabled an explanatory memorandum relating to the bill.

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.

11 HEALTH—NUCLEAR TESTING—CANCER DEATHS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 355—That the Senate—

- (a) notes that:
 - (i) the Centers for Disease Control and Prevention in Atlanta and the National Cancer Institute (USA) draft report estimates that 11 000 people died from cancers relating to nuclear testing during the Cold War, and
 - (ii) this new study considers the health effects of nuclear detonations, including those done in foreign countries, between 1951 and 1962, when open-air testing was banned, and concludes that radioactive fallout from the Cold War nuclear testing exposed virtually everyone in the United States and contributed to cancer deaths; and
- (b) urges the Federal Government to contact servicemen who are found in the current Australian health study to have been exposed to high levels of radiation, for the purpose of assessing their health condition and providing medical services.

Question put and passed.

12 DEATH OF MAURICE GIBB

Senator Ferris, at the request of Senator Ian Campbell and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 379—That the Senate—

- (a) notes, with great sadness, the passing of Maurice Gibb;
- (b) conveys its sympathy to Robin, Barry and the Gibb family;
- (c) recognises the important contribution that Maurice and the Bee Gees have made to the Australian music industry;
- (d) records its appreciation for the inspiration that Maurice and the Bee Gees have provided to generations of young Australian musicians to venture overseas, build international audiences, expand Australia's exports and economy; and
- (e) notes that the works and great success of Maurice Gibb's career as musician will be shared by future generations through his prolific recordings.

Question put and passed.

13 FOREIGN AFFAIRS—IRAQ—NUCLEAR WEAPONS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 384—That the Senate—

- (a) notes:
 - (i) the remarks by the Prime Minister (Mr Howard) in January 2003 that he believed Iraq's 'aspiration to develop a nuclear capacity' might be a sufficient reason for Australia to join in pre-emptive action, claiming 'there is already a mountain of evidence in the public domain',

- (ii) that the Prime Minister has not provided any evidence that Iraq has or has access to nuclear weapons,
 - (iii) that former United Nations inspector, Mr Scott Ritter, has said that, by 1998, Iraq's nuclear infrastructure and facilities had been 100 per cent eliminated and that whilst scientists there would still have the knowledge to reconstruct this infrastructure, this would not be possible while weapons inspectors were there, and
 - (iv) that according to United States (US) nuclear weapons analyst, William Arkin, the US Strategic Command is compiling a list of Iraqi targets with planning focussed on the role for nuclear weapons in relation to underground facilities and to stop chemical or biological attack;
- (b) acknowledges the letter from the Prime Minister to the President of the Senate, dated 3 March 2003, in which he said, '...I see no prospect of nuclear weapons being used against Iraq' and, '...if I believed that nuclear weapons were going to be used, I would not allow Australian forces to be involved'; and
 - (c) urges the Government to seek guarantees from the US Administration that no nuclear weapons will, under any circumstances, be used against Iraq.

Question put and passed.

14 FOREIGN AFFAIRS—BURMA—HUMAN RIGHTS

Senator Payne, also on behalf of Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 375—That the Senate—

- (a) notes that:
 - (i) 9 March 2003 is a Global Day of Prayer for Burma, and
 - (ii) on this day, people throughout the world will pray for the physical and spiritual freedom of Burma;
- (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 State Peace and Development Council of Burma to:
 - (i) take immediate steps to end human rights violations, and
 - (ii) restore the rule of law to Burma.

Question put and passed.

15 FOREIGN AFFAIRS—IRAQ—CHILDREN

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 374—That the Senate—

- (a) notes that an estimated 41 per cent of the Iraqi population is below the age of 14;
- (b) believes that in any war in Iraq that a significant proportion of any killed, wounded, or affected civilians could therefore be children under the age of 14;
- (c) requests the Government to advise the Senate in writing, by no later than Tuesday, 18 March 2003, in the event of Australian participation in war in Iraq, what plans it has to contribute to the recovery of injured children, and improving the circumstances of other children materially affected by the war.

Question put and passed.

**16 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—
JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 381—That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 18 March 2003, from 8 pm.

Question put and passed.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
OVINE JOHNE'S DISEASE IN THE AUSTRALIAN SHEEP FLOCK—GOVERNMENT
RESPONSE**

Senator Cherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 378—That the Senate—

(a) notes that:

- (i) after more than a year and a half, the Howard Government is yet to respond to the July 2001 unanimous report of the Rural and Regional Affairs and Transport References Committee on the National Ovine Johne's Disease (OJD) Program,
- (ii) the administration of the program continues to cause severe hardship to sheep producers in New South Wales,
- (iii) more than 1 000 sheep producers in Forbes on 3 February 2003 passed a vote of no confidence in the handling of the OJD Program in New South Wales,
- (iv) New South Wales Agriculture has estimated that, if uncontrolled, the disease will escalate to cost the New South Wales economy \$204 million in stock losses and \$248 million on lost wool income annually, and
- (v) the recent announcements by the New South Wales Government to improve the management of the OJD Program, including:
 - (A) assistance to stud operators to help them show their animals at shows and trade fairs,
 - (B) recent changes to policy to provide wider access to the OJD vaccine for farmers in the disease control zone,
 - (C) the provision of \$4.2 million to cover the shortfall in industry levy funds caused by the drought, and
 - (D) the creation of the new OJD Management Area, formerly known as the Southern Tablelands Residue Zone, to provide producers with greater trading opportunities; and

(b) calls on the Howard Government to respond to the Senate report, and demonstrate leadership on the development of a national OJD program as its contribution to the alleviation of social and economic hardship experienced by producers and rural communities.

Question put and passed.

18 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Senator Cherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 383—That the Senate—

- (a) notes the opinion of former Australian ambassador to the United Nations (UN), Richard Woolcott:
 - (i) that it is not in Australia's national interest to get involved in a distant, costly war,
 - (ii) that Iraq has been perfectly well contained by the UN for more than a decade, and
 - (iii) that Australia is becoming increasingly isolated diplomatically in its support for the United States; and
- (b) calls on the Government to pursue continuing containment of Iraq under UN supervision as a viable alternative to a devastating and costly war.

Question put and negatived.

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 380—That the Senate—

- (a) notes that:
 - (i) respected world leaders such as Pope John Paul II and Mr Nelson Mandela have called for war against Iraq to be avoided,
 - (ii) the Pope said 'the future of humanity can never be assured by the logic of war', and called for a day of fasting on Ash Wednesday to remind people of the long years of suffering endured by the Iraqi people, and
 - (iii) Mr Mandela said 'the problems are such that for anyone with a conscience (who) can use whatever influence he may have to try to bring about peace', and has warned President Bush that his administration risks destroying the United Nations if it attacks Iraq without international support;
- (b) notes also that Interpol has urged the world's police forces to prepare for an increase in terror attacks in the event of a war, warning that terrorist groups like al-Qaeda could use the war as a pretext to increase attacks; and
- (c) urges the Australian Government to stay out of a war with Iraq with regard to Australia's international standing and the clearly expressed views of the Australian people.

Question put and negatived.

19 FOREIGN AFFAIRS—UNITED NATIONS—INTERCEPTION OF COMMUNICATIONS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 376—That the Senate calls on the Minister for Foreign Affairs (Mr Downer) to:

- (a) use all means at his disposal to investigate allegations that the United States of America (US) has intercepted telephone and e-mail communications of United Nations (UN) delegates in order to ascertain the voting intentions of members of the UN Security Council;
- (b) ask the US Ambassador to Australia to explain the US position in relation to the allegations; and
- (c) report to the Senate on the outcome of his investigations and the explanation, if any, provided by the US Ambassador.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 45

Senators—

Barnett	Ellison	Ludwig	Ray
Bishop	Evans	Lundy	Scullion
Brandis	Ferguson	Macdonald, Sandy	Sherry
Buckland	Ferris (Teller)	Mackay	Stephens
Calvert	Forshaw	Marshall	Tchen
Carr	Heffernan	McGauran	Tierney
Chapman	Hogg	McLucas	Watson
Colbeck	Humphries	Moore	Webber
Collins	Hutchins	Murphy	Wong
Crossin	Johnston	O'Brien	
Denman	Kirk	Patterson	
Eggleston	Knowles	Payne	

Question negatived.

20 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 18 September 2003:
 - (a) the financial sustainability of the Pharmaceutical Benefits Scheme (PBS), including the assumptions of forward estimates of the cost of the PBS to the Commonwealth Government;
 - (b) the social and economic implications of increasing the co-payment for PBS-listed medicines, including the long-term implications for the health of Australians;
 - (c) whether the cost of the PBS to the Commonwealth Government provides value for money to the Australian community in terms of health outcomes;
 - (d) alternative means of funding the PBS, including:
 - (i) abolishing the Private Health Insurance Incentive Scheme and using the budget savings to fund the PBS,
 - (ii) a less regressive direct payment system taking into account ability to pay, and
 - (iii) abolishing the co-payment and replacing it with an increase in the Medicare levy;
 - (e) ways to map the prescribing habits of doctors and possible strategies to improve the quality of prescribing;
 - (f) the transparency of the PBS listing process, including the cost-benefit analysis that is conducted for drugs proposed for listing;
 - (g) whether the Commonwealth Government is making the best use of price-volume agreements to obtain the best value for money;

- (h) the extent of leakage and means to eliminate it;
 - (i) whether voluntary controls on industry marketing practices are adequate or should be replaced with legislative controls;
 - (j) pharmaceutical industry practices that undermine the PBS and possible measures to eliminate or constrain these practices;
 - (k) cost shifting of pharmaceutical expenses from the states to the Commonwealth and ways to improve co-operation between the jurisdictions; and
 - (l) implications of any agreements that seek to link trade restriction practices to the operation of the PBS.
- (2) That in conducting this inquiry, the committee is to invite public submissions and to conduct public hearings in all capital cities.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown (Teller)	Nettle
----------------	--------

NOES, 36

Senators—

Allison	Crossin	Ludwig	Ray
Alston	Denman	Lundy	Santoro
Bartlett	Evans	Mackay	Scullion
Bishop	Ferris (Teller)	Marshall	Stephens
Brandis	Forshaw	McLucas	Stott Despoja
Buckland	Greig	Moore	Tchen
Calvert	Hutchins	Murray	Watson
Cherry	Kirk	O'Brien	Webber
Collins	Knowles	Payne	Wong

Question negatived.

21 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—INTERNATIONAL CRIMINAL COURT

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 377—That the Senate—

- (a) notes, with concern, that the United States of America (US) has:
 - (i) refused to ratify the Rome Statute, which established the International Criminal Court (ICC),
 - (ii) adopted a national security strategy which seeks to ensure that its military efforts ‘are not impaired by the potential for investigations, inquiry, or prosecution by the ICC’,
 - (iii) entered into agreements with a number of states under Article 98 of the Rome Statute to prevent the prosecution of American citizens for crimes against humanity, and
 - (iv) is seeking to enter into such an agreement with Australia;
- (b) acknowledges the possibility that leaders and service personnel may be charged with war crimes arising from unlawful conduct during any attack against Iraq;
- (c) reaffirms its support for the ICC and the important role that it plays in bringing to justice those who commit crimes against humanity; and

- (d) urges the Government to take all measures necessary to ensure that, if Australia joins the US in an attack against Iraq, Australian personnel are subject only to Australian command and are not required to engage in any activity which may render them liable to prosecution under the Rome Statute.

Question put and negatived.

22 FOREIGN AFFAIRS—HUMAN RIGHTS—MR DAVID HICKS AND MR MAMDOUH HABIB

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 370—That the Senate—

- (a) notes the comments of the British Prime Minister (Mr Blair) regarding the detention of British nationals in Camp X-Ray, Guantanamo Bay, Cuba, that, ‘it is an irregular situation and certainly we would want to try to bring it to an end as swiftly as possible’;
- (b) notes that Australian citizens Mr David Hicks and Mr Mamdouh Habib remain incarcerated in Camp X-Ray without having been charged or brought before the courts for trial;
- (c) expresses ongoing concern at the shameful lack of action from the Government regarding this situation; and
- (d) reiterates its call on the Australian Government as a matter of urgency to take whatever steps are required to return both Mr Hicks and Mr Habib to Australia to determine whether they should be freed or face trial, as is their right.

Question put and passed.

23 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. 373—That the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 18 September 2003.

Question put and passed.

24 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 385—That the time for the presentation of the report of the Finance and Public Administration References Committee on recruitment and training in the Australian Public Service be extended to 26 June 2003.

Question put and passed.

25 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 382—That the Senate calls on the Prime Minister (Mr Howard) not to commit Australia to joining a ‘coalition of the willing’ in a military invasion of Iraq.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 34

Senators—

Alston	Denman	Lundy	Scullion
Barnett	Eggleston	Mackay	Sherry
Bishop	Ferris (Teller)	Marshall	Stephens
Boswell	Forshaw	McLucas	Tchen
Brandis	Hutchins	Moore	Watson
Buckland	Johnston	O'Brien	Webber
Calvert	Kirk	Payne	Wong
Campbell, Ian	Knowles	Ray	
Collins	Ludwig	Santoro	

Question negatived.

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. 386—That the Senate—

(a) notes that:

- (i) the United Nations (UN) General Assembly President, Mr Jan Karvan, has criticised the Australian Government's statement that the UN would become irrelevant if it failed to enforce its resolution on Iraq, and intends to meet with the Minister for Foreign Affairs (Mr Downer) in the week beginning 2 March 2003 and explain the position of the UN General Assembly, and
- (ii) the United States Administration had indicated that it considers another resolution on Iraq desirable but not necessary; and

(b) opposes Australia joining or supporting a war against Iraq without, at a minimum, a UN resolution authorising force.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 33

Senators—

Alston	Denman	Lundy	Scullion
Barnett	Eggleston	Mackay	Stephens
Bishop	Ferris (Teller)	Marshall	Tchen
Boswell	Forshaw	McLucas	Watson
Brandis	Hutchins	Moore	Webber
Buckland	Johnston	O'Brien	Wong
Calvert	Kirk	Payne	
Campbell, Ian	Knowles	Ray	
Collins	Ludwig	Santoro	

Question negatived.

26 HEALTH—MEDICARE—BULK BILLING

Senator Nettle amended her 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. 371—That the Senate—

- (a) notes the remarks of the Prime Minister (Mr Howard) that bulk-billing was never intended to be a universal scheme and that the Government could not afford to provide universal free coverage for all Australians;
- (b) condemns the Prime Minister for seeking to return Australia to an age of charity for the 'less fortunate', in place of guaranteeing good quality health care for all Australians irrespective of their ability to pay;
- (c) calls on the Government to examine ways to fund a universal scheme, starting with abolishing the private health insurance rebate;
- (d) notes the principles enshrined in the *Health Care (Appropriation) Act 1998* under which states are funded for health services, which are: that public hospital services must be provided free of charge to public patients; access to these services must be on the basis of clinical need and within a clinically appropriate period; and that people should have equitable access to public hospital services regardless of their geographical location; and
- (e) calls on the Government to extend these principles to all those health services for which the Commonwealth has responsibility.

Question put and passed (*but see entry no. 28*).**27 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—PROPOSED SUSPENSION OF STANDING ORDERS**

Senator Nettle, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent her moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion about Iraq.

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 42

Senators—

Abetz	Crossin	Johnston	Payne
Barnett	Denman	Kirk	Santoro
Bishop	Eggleston (Teller)	Ludwig	Scullion
Boswell	Evans	Lundy	Sherry
Brandis	Ferguson	Mackay	Stephens
Buckland	Ferris	Marshall	Tchen
Campbell, Ian	Forshaw	Mason	Watson
Carr	Heffernan	McGauran	Webber
Collins	Hogg	McLucas	Wong
Conroy	Humphries	Moore	
Cook	Hutchins	O'Brien	

Question negatived.

28 HEALTH—MEDICARE—BULK BILLING

Statement by leave: Senator Ludwig, by leave, made a statement relating to the vote on general business notice of motion no. 371 standing in the name of Senator Nettle (*see entry no. 26*).

Question—That the motion be agreed to—put again, by leave, and negatived.

29 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENTS

Senator McGauran, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), tabled the following documents:

Delegated legislation monitor—Regulations and disallowable instruments tabled in the Senate in 2002, dated February 2003.

Ministerial correspondence relating to the scrutiny of delegated legislation, June 2002 to February 2003.

30 WORKPLACE RELATIONS AMENDMENT (PROTECTING THE LOW PAID) BILL 2003

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 258, dated 5 March 2003—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

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

On the motion of Senator Crossin the debate was adjourned till the next day of sitting.

31 PETROLEUM (TIMOR SEA TREATY) BILL 2003

PETROLEUM (TIMOR SEA TREATY) (CONSEQUENTIAL AMENDMENTS) BILL 2003

PASSENGER MOVEMENT CHARGE (TIMOR SEA TREATY) AMENDMENT BILL 2003

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

Message no. 259, dated 5 March 2003—A Bill for an Act to give effect to the Timor Sea Treaty, and for related purposes.

Message no. 260, dated 5 March 2003—A Bill for an Act to make amendments consequential on the enactment of the *Petroleum (Timor Sea Treaty) Act 2003*, and for related purposes.

Message no. 261, dated 5 March 2003—A Bill for an Act to amend the *Passenger Movement Charge Act 1978*, and for related purposes.

The Special Minister of State (Senator Abetz) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Debate ensued.

Question put and passed.

Bills read a first time.

Consideration of legislation: Senator Abetz, by leave, moved—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to these bills, allowing them to be considered during this period of sittings.

Document: Senator Abetz tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2003 autumn sittings.

Debate ensued.

Question put and passed. Senators Brown and Nettle, by leave, recorded their votes for the noes.

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

Debate ensued.

Senator Stott Despoja moved the following amendment in respect of the *Petroleum (Timor Sea Treaty) Bill 2003*:

At the end of the motion, add “but the Senate:

- (a) condemns the Government’s handling of these bills and the manner in which it has conducted negotiations with East Timor regarding the Timor Sea Treaty, in particular:
 - (i) the very late introduction of the bills prior to the commercial deadline for ratification of the treaty, which has limited the ability of the Parliament to properly scrutinise the bills,
 - (ii) the Government’s insistence on signing the International Unitisation Agreement relating to the Greater Sunrise oil and gas field prior to ratifying the treaty, and
 - (iii) the Government’s withdrawal from the jurisdiction of the International Court of Justice to determine disputes regarding maritime boundaries; and
- (b) notes, however, that East Timor stands to lose billions of dollars in revenue from the Bayu Undun development if the bills are not passed today and that it is the express wish of East Timor that they are passed”.

Debate ensued.

Point of order: Senator Abetz raised a point of order that certain remarks made by Senator Brown were objectionable under the standing orders and should be withdrawn.

Ruling of Acting Deputy President: The Acting Deputy President (Senator Watson) upheld the point of order and called on Senator Brown to withdraw the objectionable words.

Disorder: Senator Brown, having refused to withdraw such words, was reported to the Senate by the Acting Deputy President.

Senator Brown, having been called on in accordance with standing order 203 to make an explanation or apology, made an explanation.

Suspension of senator: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That Senator Brown be suspended from the sitting of the Senate.

Question put.

The Senate divided—

AYES, 58

Senators—

Abetz	Coonan	Hutchins	O'Brien
Barnett	Crossin	Johnston	Payne
Bishop	Denman	Kemp	Ray
Bolkus	Eggleston	Kirk	Santoro
Boswell	Ellison	Knowles	Scullion
Brandis	Evans	Lees	Sherry
Buckland	Faulkner	Ludwig	Stephens
Calvert	Ferguson	Lundy	Tchen
Campbell, Ian	Ferris (Teller)	Macdonald, Ian	Tierney
Carr	Forshaw	Macdonald, Sandy	Troeth
Chapman	Harradine	Mackay	Watson
Colbeck	Heffernan	Marshall	Webber
Collins	Hill	McGauran	Wong
Conroy	Hogg	McLucas	
Cook	Humphries	Moore	

NOES, 8

Senators—

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

Question agreed to.

Senator Brown withdrew from the chamber.

Statement by leave: The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a statement relating to the withdrawal from the chamber of Senator Brown.

On the motion of Senator Ian Campbell the debate was adjourned till a later hour.

32 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That consideration of the government business order of the day relating to the Petroleum (Timor Sea Treaty) Bill 2003 and 2 related bills continue until concluded.

Question put and passed.

33 PETROLEUM (TIMOR SEA TREATY) BILL 2003**PETROLEUM (TIMOR SEA TREATY) (CONSEQUENTIAL AMENDMENTS) BILL 2003
PASSENGER MOVEMENT CHARGE (TIMOR SEA TREATY) AMENDMENT BILL 2003**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That these bills be now read a second time—and on the amendment moved by Senator Stott Despoja in respect of the Petroleum (Timor Sea Treaty) Bill 2003 (see entry no. 31).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Abetz	Denman	Kirk	Ray
Bishop	Eggleston	Lightfoot	Sherry
Brandis	Evans	Ludwig	Stephens
Buckland	Ferris (Teller)	Lundy	Tchen
Calvert	Forshaw	Marshall	Tierney
Carr	Harradine	Mason	Troeth
Chapman	Hogg	McGauran	Watson
Colbeck	Humphries	McLucas	Webber
Collins	Hutchins	Moore	Wong
Cook	Johnston	O'Brien	
Crossin	Kemp	Payne	

Question negatived.

Main question put and passed.

Bills read a second time.

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

—————
In the committee

PETROLEUM (TIMOR SEA TREATY) BILL 2003—

Bill taken as a whole by leave.

Senator Nettle, at the request of Senator Brown, moved the following amendment:

Page 15 (after line 10), at the end of the bill, add:

Part 6—Treaty amendments**26 Amendment of paragraph (a) of Annex E under Article 9(b) of Treaty**

- (1) The Commonwealth considers that equity with East Timor requires the first sentence of paragraph (a) of Annex E under Article 9(b) of the Treaty to be amended with the figure 20.1% replaced by 100% and the second sentence of the paragraph omitted.
- (2) The Commonwealth will during 2003 seek agreement with East Timor for this amendment of the Treaty.

Debate ensued.

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

Senator Nettle, at the request of Senator Brown, moved the following amendment:

Page 15 (after line 10), at the end of the bill, add:

27 Reference to International Court of Justice by addition of paragraph (e) to Annex E under Article 9(b) of Treaty

- (1) The Commonwealth considers that equity with East Timor requires the addition of the following paragraph to Annex E under Article 9(b) of the Treaty:
 - (e) The question of the permanent delimitation of the seabed between Australia and East Timor must be referred by the Commonwealth to the International Court of Justice in 2003 and the Court's ruling shall be accepted as determining the matter.
- (2) The Commonwealth will during 2003 seek agreement with East Timor for this amendment of the Treaty.

Debate ensued.

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

Bill agreed to.

**PETROLEUM (TIMOR SEA TREATY) (CONSEQUENTIAL AMENDMENTS) BILL 2003
PASSENGER MOVEMENT CHARGE (TIMOR SEA TREATY) AMENDMENT BILL 2003—**

Bills, taken together and as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of Senator Abetz the report from the committee was adopted and the bills read a third time. Senator Nettle and all Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

After 12.45 pm—

34 NEW BUSINESS TAX SYSTEM (CONSOLIDATION AND OTHER MEASURES) BILL (NO. 2) 2002

NEW BUSINESS TAX SYSTEM (VENTURE CAPITAL DEFICIT TAX) BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

35 SNOWY HYDRO CORPORATISATION AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (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.

36 MARITIME LEGISLATION AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator Allison moved the following amendment:

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

(a) pollution to the marine environment can occur in forms other than oil originating from ships; and

(b) exotic species are often introduced by means of ballast water from ships,

calls on the Government to:

(a) impose a regime whereby shipping operators are held liable for damage to the marine environment by means other than the discharge of oil, including, but not limited to the discharge of ballast water; and

(b) work towards improving measures undertaken to protect Australia’s marine environment from incursions by exotic aquatic organisms”.

Debate ensued.

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

Main 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.

37 AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT BILL 2002

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

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

38 QUESTIONS

Questions without notice were answered.

39 HEALTH—MEDICARE—BULK BILLING—ANSWERS TO QUESTIONS

Senator McLucas moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked by Senators McLucas and Stephens today relating to Medicare and the decline in the rate of bulk billing.

Debate ensued.

Question put and passed.

40 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—17TH REPORT

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

Treaties—Joint Standing Committee—17th report—United Nations Convention of the Rights of the Child, dated August 1998—Government response, dated March 2003.

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

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

41 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE ISLAMIC REPUBLIC OF IRAN AND THE HASHEMITE KINGDOM OF JORDAN—DOCUMENT

Senator Ferris, by leave, tabled the following document:

Islamic Republic of Iran and the Hashemite Kingdom of Jordan—Report of the Australian parliamentary delegation, 27 October to 9 November 2002.

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

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

42 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—

Amendment 43.

Approval of Amendment 43.

Corporations Act—Determination under section 1445, dated 30 December 2002.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 1 of 2003.

43 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2002—Statements of compliance—International Air Services Commission.

44 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 Defence (Senator Hill), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Participating member: Senator Ludwig

Community Affairs References Committee—

Appointed—

Participating member: Senator Ludwig

Substitute member: Senator Murray to replace Senator Lees for the committee's inquiry into children in institutional care

Economics Legislation Committee—

Appointed—

Participating member: Senator Marshall

Substitute members:

Senator Allison to replace Senator Murray for the committee's inquiry into the provisions of the Energy Grants (Credits) Scheme Bill 2003 and a related bill

Senator Ridgeway to replace Senator Murray for the committee's inquiry into the provisions of the Designs Bill 2002 and a related bill

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Murray to replace Senator Ridgeway for the committee's inquiry into recruitment and training in the Australian Public Service

Discharged—Substitute member: Senator Allison

Legal and Constitutional Legislation Committee—

Appointed—Substitute member: Senator Ridgeway to replace Senator Greig for the committee's inquiry into the Customs Legislation Amendment Bill (No. 2) 2002.

Question put and passed.

General business was called on.

45 GREAT BARRIER REEF MARINE PARK (PROTECTING THE GREAT BARRIER REEF FROM OIL DRILLING AND EXPLORATION) AMENDMENT BILL 2003 [NO. 2]

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

Debate resumed.

At 6 pm: Debate was interrupted.

46 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Department of Foreign Affairs and Trade—Advancing the national interest: Australia's foreign and trade policy white paper. Motion of Senator Mackay to take note of document agreed to.

Treaties—*Bilateral*—Text, together with national interest analysis and regulation impact statement—Singapore-Australia Free Trade Agreement, done at Singapore on 17 February 2003, and associated exchange of notes. Motion of Senator Mackay to take note of document agreed to.

Treaty—*Multilateral*—Text, together with national interest analysis—Amendment, done at Santiago in November 2002, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, of 3 March 1973. Motion of Senator Bartlett to take note of document agreed to.

Treaty—*Multilateral*—Text, together with national interest analysis and regulation impact statement—International Convention on the Control of Harmful Anti-fouling Systems on Ships, done at London on 18 October 2001. Motion of Senator Bartlett to take note of document agreed to.

Treaty—*Multilateral*—Text, together with national interest analysis and regulation impact statement—Annex IV: Regulations for the Prevention of Pollution by Sewage from Ships (revised) of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as Amended (MARPOL 73/78), done at London, 17 February 1978, revised text adopted at London, 13 March 2000. Motion of Senator Mackay to take note of document agreed to.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Final recommendations report, December 2002. Motion of Senator Murphy to take note of document agreed to.

Regional Forest Agreement between the Commonwealth and Tasmania—Tasmanian Government implementation—Report for 2001. Motion of Senator Murphy to take note of document agreed to.

National Biotechnology Centre of Excellence—Review of selection process—Report to the Prime Minister by the Allen Consulting Group, December 2002. Motion of Senator Harradine to take note of document agreed to.

General business concluded.

47 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. 28 of 2002-03—Performance audit—Northern Territory Land Councils and the Aboriginal Benefit Account. Motion of Senator Crossin to take note of document agreed to.

Auditor-General—Audit report no. 31 of 2002-03—Performance audit—Retention of military personnel—Follow-up audit: Department of Defence. Motion of Senator Hogg to take note of document debated. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Orders of the day nos 2, 3 and 5 relating to reports of the Auditor-General were called on but no motion was moved.

48 ENVIRONMENT—NATIONAL RADIOACTIVE WASTE REPOSITORY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for the Arts and Sport (Senator Kemp), by leave, made a statement relating to the order of the Senate of 5 March 2003 for the production of documents concerning the defence-related issues in connection with the National Radioactive Waste Repository in South Australia (*see entry no. 21, 5 March 2003*).

49 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.54 pm till Tuesday, 18 March 2003 at 2 pm.

50 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate