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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 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2002—

Native title.

Social justice.

Aboriginal Land Commissioner—Reports and explanatory statements by the Minister for Immigration and Multicultural and Indigenous Affairs—

No. 61—Maria Island and Limmen Bight River land claim no. 71 and part of Maria Island Region land claim no. 198.

No. 62—McArthur River Region land claim no. 184 and part of Manangoora Region land claim no. 185.

No. 63—Lorella Region land claim no. 199 and part of Maria Island Region land claim no. 198.

Advisory Panel on the Marketing in Australia of Infant Formula—Report for 2001-02.

Australian Law Reform Commission—Report—No. 95—Principled regulation: Federal civil and administrative penalties in Australia, December 2002.

Native Title Act—Native title representative bodies—Reports for 2001-02—

Aboriginal Legal Rights Movement Inc.

Mirimbiak Nations Aboriginal Corporation.

United Nations—

International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 881/1999—Recommendation.

No. 900/1999—Views.

Optional Protocol to the International Covenant on Civil and Political Rights—Communication—No. 1127/2002—Outline.

3 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 10 am to noon, to take evidence for the committee's inquiry into the Customs Legislation Amendment Bill (No. 2) 2002.

Question put and passed.

4 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Order of the day read for the adjourned debate on the motion on the Leader of the Government in the Senate (Senator Hill)—That the Senate—

- (a) condemns Iraq's refusal, over more than 12 years, to abide by 17 resolutions of the United Nations Security Council regarding the threat it poses to international peace and security;
- (b) recognises:
 - (i) that Iraq's continued possession and pursuit of weapons of mass destruction, in defiance of its mandatory obligations under numerous resolutions of the United Nations Security Council, represents a real and unacceptable threat to international peace and security,
 - (ii) that Iraq's behaviour weakens the global prohibitions on the spread of weapons of mass destruction, with the potential to damage Australia's security, and
 - (iii) that, as more rogue states acquire them, the risk of weapons of mass destruction falling into the hands of terrorists multiplies, thereby presenting a real and direct threat to the security of Australia and the entire international community;
- (c) abhors:
 - (i) Iraq's continued support for international terrorism, and
 - (ii) the institutionalised widespread and grave abuse of the human rights of the Iraqi people over many years;
- (d) notes that United Nations Security Council resolutions adopted under Chapter VII of the United Nations charter, in particular resolutions 678, 687 and 1441, provide clear authority for the use of force against Iraq for the purposes of disarming Iraq of weapons of mass destruction and restoring international peace and security to the region;
- (e) endorses the Government's decision to commit Australian Defence Force elements in the region to the international coalition of military forces prepared to enforce Iraq's compliance with its international obligations under successive resolutions of the United Nations Security Council, with a view to restoring international peace and security in the Middle East region;
- (f) expresses its unequivocal support for the Australian service men and women, and other personnel serving with the international coalition, its full confidence in them and the hope that all will return safely to their homes;
- (g) extends to the innocent people of Iraq its support and sympathy during the military action to disarm Iraq of its weapons of mass destruction and the reconstruction period that will follow; and
- (h) notes that the Government is committed to helping the Iraqi people, including through humanitarian assistance, to build a new Iraq at peace with itself and its neighbours.

—*And on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner):*

Omit all words after "That", substitute "the Senate—

- (a) insists that Iraq must disarm under the authority of the United Nations (UN);

- (b) believes that in the absence of an agreed UN Security Council resolution authorising military action against Iraq, there is no basis for military action to disarm Iraq, including action involving the Australian Defence Force;
- (c) insists that there should be no commitment of Australian troops to a war in Iraq outside the authority of the UN;
- (d) concludes that Australian involvement in a war in Iraq without UN authorisation is not in Australia's national interests nor in the interests of maintaining international peace and security; and
- (e) expresses its confidence in our service men and women and its full support for them and their families".

—*And on the amendment moved by the Leader of the Australian Democrats (Senator Bartlett) to Senator Faulkner's proposed amendment:*

At the end of the amendment, add:

- (f) is of the view that the decision of the Australian Government to commit Australian troops to an invasion of Iraq is clearly being done without the authorisation or support of the UN Security Council;
- (g) condemns and opposes the decision of the Australian Cabinet and the President of the United States of America (Mr Bush) to commit troops to an imminent attack on Iraq;
- (h) calls for the Australian troops to be withdrawn and returned home immediately; and
- (i) calls on the Australian and the United States governments to continue the policy of containment and disarmament through weapons inspections under the existing UN Security Council authority, as proposed by the governments of France, Germany and Russia.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Ridgeway was speaking.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Allison, pursuant to standing order 74, asked the Minister for Defence (Senator Hill) for an explanation of an answer not being provided to question on notice no. 1154 (notice given 6 February 2003) relating to nuclear weapons.

Senator Hill did not provide an explanation.

Senator Allison moved—That the Senate take note of the minister's failure to provide either an answer or an explanation.

Question put and passed.

8 MOTIONS TO TAKE NOTE OF ANSWERS

Motions to take note of answers were called on but no motion was moved.

9 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Kirk, from 1 664 petitioners, requesting that the Senate ensure that David Hicks' rights are met under the Geneva Convention as it applies to prisoners of war, and that he be returned to Australia and entitled to a civil trial if charged with any crime.

Senator Mackay, from 123 petitioners, requesting that the Senate explore all options for the resolution of conflict before committing Australia to war.

Senator Nettle, from 10 958 petitioners, requesting that the Senate does not support a war against Iraq and puts the interests of peace and the world community above those of the United States.

Senator Sherry, from 11 petitioners, requesting that the Senate ask the Minister for Communications, Information Technology and the Arts to consider merging the existing Tasmanian telephone directories into two books.

10 NOTICES

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Wheat Marketing Amendment Bill 2002 be extended to 14 May 2003. (*general business notice of motion no. 402*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 March 2003, from 4 pm, to take evidence for the committee's inquiry into the Dairy Industry Service Reform Bill 2003 and a related bill. (*general business notice of motion no. 403*)

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

(a) notes that:

- (i) more than 1.1 billion people in the world today lack access to safe drinking water, and around 2.4 billion lack adequate sanitation,
- (ii) by 2025 two-thirds of the world's population will live in countries suffering water scarcity and that this will pose a massive threat to world security,
- (iii) water-related diseases are the greatest cause of death in the world today, with one child dying every 8 seconds,
- (iv) Australia is committed to the Millennium Development Goals, which include targets to halve, by 2015, the proportion of people without access to safe drinking water and adequate sanitation, and
- (v) Saturday, 22 March 2003 is World Water Day; and

(b) calls on the Federal Government to work towards its commitment to increasing water and sanitation aid in developing countries in line with the 2015 Millennium Development Goals. (*general business notice of motion no. 404*)

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

- (a) calls on the Government to take action to crack down on late payments by big business and government customers to their small business suppliers; and
- (b) notes that:
 - (i) late payments by big businesses are a major issue for small businesses as they create cash flow problems,
 - (ii) this comes on top of the cumbersome administrative arrangements of the new tax system, and
 - (iii) the problems faced by small business are being ignored by the Howard Government. (*general business notice of motion no. 405*)

Senator Stott Despoja: To move on 25 March 2003—That—

- (a) the Senate notes that:
 - (i) the Victorian Legislative Assembly recently changed its rules to allow breastfeeding in the chamber at the Speaker's discretion, and
 - (ii) on 13 March 2003, the Australian Capital Territory's Legislative Assembly changed its standing orders to allow breastfeeding in the chamber, becoming the first state or territory legislature to allow breastfeeding without the need to seek permission from the Speaker; and
- (b) paragraphs (2) and (3) of standing order 175 not apply in respect of a senator breastfeeding an infant. (*general business notice of motion no. 406*)

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

- (a) notes the death of Ms Rachel Corrie, a 23-year old American killed by an Israeli bulldozer as she attempted to prevent it demolishing a Palestinian home in the Rafah refugee camp; and
- (b) expresses its condolences to Ms Corrie's family and friends. (*general business notice of motion no. 407*)

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

- (a) notes that:
 - (i) 22 March 2003 is World Water Day,
 - (ii) there is a growing global water crisis, with more than 1.3 billion people lacking access to safe water and 2.4 billion lacking adequate sanitation,
 - (iii) one of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe water,
 - (iv) this goal was agreed to at the United Nations Millennium Summit in 2000, and
 - (v) Australia has agreed to this goal; and
- (b) calls on the Australian Government:
 - (i) to commit to paying its fair share of the global costs of meeting the water Millennium Development Goal, and
 - (ii) to ensure that local communities have the support needed to manage their own water and sanitation service provision. (*general business notice of motion no. 408*)

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

- (a) notes:
 - (i) that 2003 is the International Year of Freshwater and that 22 March is World Water Day,

- (ii) that we are taking more resources from the Murray-Darling Basin than its natural systems can replenish due to poor management,
 - (iii) the ecological stress in the Murray-Darling Basin indicated by salinity, unhealthy rivers and decreasing biodiversity,
 - (iv) that the condition of the Murray River below its junction with the Darling River at Wentworth in New South Wales is continuing to decline,
 - (v) current scientific advice is that 1 600 gigalitres per annum of additional flow would provide a moderate likelihood of restoring the health of the river system, and
 - (vi) the bipartisan declaration, the Adelaide Declaration, issued after the deliberations in the Forum at Parliament House, Adelaide, on 25 February 2003; and
- (b) supports:
- (i) the Adelaide Declaration's call for the Murray-Darling Basin Ministerial Council to agree to its April 2002 upper reference point of 1 500 gigalitres in extra flows for the Murray River when it meets in October 2003,
 - (ii) the Adelaide Declaration's proposal for an immediate step of restoring an additional flow in the Murray-Darling Basin system of 500 gigalitres within the next 5 years, and
 - (iii) the principle that local communities have the capacities to both implement their local action plans and be involved in making the trade-offs to restore environmental flows. (*general business notice of motion no. 409*)

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2003

The Chairman of the Selection of Bills Committee (Senator Ferris) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 OF 2003

1. The committee met on Tuesday, 18 March 2003.
2. The committee resolved to recommend—That the—
 - (a) Health Legislation Amendment (Private Health Insurance Reform) Bill 2003 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report on 13 May 2003;
 - (b) Late Payment of Commercial Debts (Interest) Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 11 August 2003;
 - (c) *provisions* of the Taxation Laws Amendment Bill (No. 4) 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 16 June 2003;
 - (d) *provisions* of the Taxation Laws Amendment Bill (No. 8) 2002 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 16 June 2003;
 - (e) *provisions* of the Terrorism Insurance Bill 2002 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 30 April 2003;

- (f) Workplace Relations Amendment (Protecting the Low Paid) Bill 2003 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report on 5 May 2003;
- (g) order of the Senate of 5 March 2003 adopting the committee's 2nd report of 2003 be varied to provide that the *provisions* of the Dairy Industry Service Reform Bill 2003 and the Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report on 26 March 2003; and
- (h) following bills *not* be referred to committees:
 - Family and Community Services Legislation Amendment (Disability Reform) Bill (No. 2) 2002 [No. 2]
 - Workplace Relations Amendment (Protection for Emergency Management Volunteers) Bill 2003.

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:

Bill deferred from meeting of 20 August 2002

Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002.

Bills deferred from meeting of 19 November 2002

Workplace Relations Amendment (Award Simplification) Bill 2002
Workplace Relations Amendment (Choice in Award Coverage) Bill 2002.

Bill deferred from meeting of 3 December 2002

Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002.

Bills deferred from meeting of 4 March 2003

Family Law Amendment Bill 2003
Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003.

Jeannie Ferris
Chair
19 March 2003.

Senator Ferris moved—That the report be adopted.

Question put and passed.

12 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That, on Wednesday, 19 March 2003:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm, and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm shall be consideration of the government business order of the day relating to Iraq;
- (c) if a division is called for after 7.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate; and
- (d) the question for the adjournment shall be proposed at 11 pm.

Question put and passed.

13 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Knowles for the period 18 March 2003 to the end of the 2003 autumn sittings, on account of ill health.

Question put and passed.

14 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), moved—That the time for the presentation of the report of the committee on the provisions of the Workplace Relations Amendment (Termination of Employment) Bill 2002 be extended to 26 March 2003.

Question put and passed.

15 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of items [2356], [2357] and [2358] of Schedule 2 to the Migration Amendment Regulations 2002 (No. 10), postponed till 25 March 2003.

Business of the Senate order of the day no. 2, relating to the reference of matters to the Foreign Affairs, Defence and Trade References Committee, postponed till 24 March 2003.

General business notice of motion no. 389 standing in the name of Senator Evans for today, relating to the decline in the rate of bulk billing, postponed till 20 March 2003.

General business notice of motion no. 393 standing in the name of Senator Stott Despoja for today, relating to coffee producers in developing countries, postponed till 20 March 2003.

General business notice of motion no. 399 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, opposing war on Iraq without an authorising United Nations resolution, postponed till 20 March 2003.

16 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 398—That there be laid on the table by the Minister for Defence, no later than 4 pm on 20 March 2003, all documents commissioned by the Australian Government and its agencies and the United Nations that provide comments on, or formal legal advice regarding, the legality of involvement in a war with Iraq where there is no resolution subsequent to Resolution 1441.

Question put and passed.

17 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

Senator Forshaw, 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 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 Act 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 Act staff;
- (d) the means by which MoPS Act staff are accountable to government, the Parliament and the public;
- (e) suitable means by which the accountability of MoPS Act staff could be enhanced;
- (f) the merits of introducing a code of conduct for MoPS Act 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 Act staff can be enhanced;
- (h) the role of departmental liaison officers and their interaction with MoPS Act staff and departments; and
- (i) appropriate amendments to the MoPS Act flowing from the above.

Question put and passed.

18 INDIGENOUS AUSTRALIANS—OLYMPIC MUSEUM FOUNDATION—COPYRIGHT

Senator Ridgeway amended his 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. 388—That the Senate—

- (a) notes the outcome of recent action against the International Olympic Committee for using the work of Indigenous artists during the Sydney Olympics without permission and, in particular, that the Olympic Museum Foundation has:
 - (i) issued an apology to Sam Tjampitjin, Richard Tax Tjupurulla and Mary Kemarre, acknowledging that they are the authors and copyright owners of works displayed on the Museum website from July to 12 December 2000 without proper licence,
 - (ii) asked any persons who downloaded the artistic works in any digital form to delete it immediately from their computer hard drives, and
 - (iii) sincerely apologised for any harm or inconvenience their actions may have caused to the artists, regretting any cultural or other harm that may have been occasioned by their families and clans;
- (b) further notes that:

- (i) Indigenous cultural expression is a fundamental part of Indigenous heritage and identity, and unauthorised use of Indigenous art and cultural expression can be inappropriate, derogatory, and culturally offensive,
 - (ii) individual Indigenous artists are custodians of the knowledge and wisdom their work incorporates and reflects and Indigenous moral rights are therefore collective rights that are inalienable from their community of origin, and
 - (iii) Indigenous artists are particularly vulnerable under Australian law, which offers virtually no protection for the moral rights owned collectively by Indigenous communities; and
- (c) urges the Government to take immediate action to amend the *Copyright Act 1968* to ensure the adequate recognition and protection of Indigenous collective moral rights.

Question put and passed.

19 FAMILY AND COMMUNITY SERVICES—DISABILITY SERVICES—FUNDING

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 387—That the Senate calls on the Commonwealth Government:

- (a) to demonstrate leadership in cooperation with the states in addressing the unmet need for disability services, recognising that the Australian Institute of Health and Welfare report, *Unmet Need for Disability Services: Effectiveness of Funding and Remaining Shortfalls*, July 2002, identified that 12 500 people still need accommodation and respite services, 8 200 places are needed for community access services and 5 400 people need employment services;
- (b) to publicly release the offers made by the states and the Commonwealth for the next 5 years in the negotiations to date, recognising the failure of the Commonwealth and state governments to reach agreement in the current round of negotiations on a new Commonwealth, state and territory disability services agreement;
- (c) to immediately double its offer of new funding; and
- (d) in consultation with the states, to develop and implement a comprehensive plan beyond the current negotiations to address the unmet need for services over the next 5 years.

Question put and negatived. Senators Brown and Nettle, by leave, recorded their votes for the ayes.

20 TAXATION—FRINGE BENEFITS TAX—TRANSPORT

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 401—That the Senate—

- (a) notes that the current fringe benefits tax on employer-provided cars is calculated so that the more you drive the less tax you pay, leading to many unnecessary kilometres being driven in order to avoid tax;
- (b) notes that employer-provided car parking is exempt from fringe benefits tax but employer-provided public transport passes and bicycles are not;
- (c) condemns the Australian Government for supporting policies that are clearly biased against public transport in favour of cars;

- (d) expresses grave concern about the environmental damage resulting from these circumstances;
- (e) notes that the Government has already had an opportunity to address this situation by adopting the Ralph report's recommendation, and condemns the Government for failing to act upon that recommendation; and
- (f) calls on the Australian Government to amend the *Fringe Benefits Tax Assessment Act 1986* to encourage the use of more sustainable transport.

Question put and negatived.

21 HEALTH—PHARMACEUTICAL BENEFITS SCHEME

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 400—That the Senate—

- (a) notes that the Pharmaceutical Benefits Scheme (PBS) is being discussed as part of the negotiations that commenced this week on a free trade agreement between Australia and the United States of America;
- (b) further notes that United States' drug companies are pushing for substantial changes to the PBS that would lift their profits and increase the cost to the public of supplying subsidised prescription medicines to Australians;
- (c) affirms that the PBS is a vital component of Australia's public health system; and
- (d) calls on the Australian Government to withdraw the PBS from the free trade negotiations.

Question put and passed.

22 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), amended Senator Brandis' 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. 394—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 March 2003, from 4.30 pm, to take evidence for the committee's inquiry into the Corporations (Fees) Amendment Bill 2002 and two related bills.

Question put and passed.

23 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 395—That the time for the presentation of reports of the Legal and Constitutional Legislation Committee be extended as follows:

- (a) in respect of the 2002-03 additional estimates—to 20 March 2003;
- (b) annual reports tabled by 31 October 2002—to 15 May 2003; and
- (c) Customs Legislation Amendment Bill (No. 2) 2002—to 25 March 2003.

Question put and passed.

**24 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—LEAVE TO MEET
DURING SITTINGS**

Senator Ferris, at the request of Senator Ferguson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 396—That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on the following days:

- (a) Thursday, 20 March 2003, from 11 am to noon; and
- (b) Thursday, 27 March 2003, from 11 am to noon,

in relation to its inquiry into the review of agency security arrangements.

Question put and passed.

25 HEALTH—TOBACCO ADVERTISING—AUSTRALIAN GRAND PRIX

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 392—That the Senate—

- (a) notes that:
 - (i) the press coverage for the Australian Grand Prix in Melbourne on 8 March and 9 March 2003 again provided tobacco companies with unparalleled advertising opportunities, and
 - (ii) this will be the eighth year that the race has made an operating loss, and again Victorian taxpayers will 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 2004; 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 2003.

Documents: Senator Allison, by leave, tabled the following documents:

Australian Grand Prix—Tobacco advertising—Press extracts [21] illustrating tobacco advertising associated with the Australian Grand Prix, March 2003.

Question put and negatived.

26 HEALTH—TOBACCO SPONSORSHIP—ORDER FOR PRODUCTION OF DOCUMENT

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 391—That there be laid on the table, no later than 4 pm on 20 March 2003, the letter dated 2 December 2002 from the Minister for Health and Ageing to the European Commission on the matter of the European Union's decision to phase-out tobacco sponsorship of formula one races in 2003.

Question put and passed.

27 DEFENCE—CLUSTER BOMBS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 390—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.

Question put.

The Senate proceeded to divide—

The call for the division was withdrawn, by leave.

Postponement: Senator Nettle, by leave, moved—That general business notice of motion no. 390 be postponed till the next day of sitting.

Question put and passed.

28 SCIENCE AND TECHNOLOGY—GENETICALLY-ENGINEERED CROPS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 327—That the Senate—

(a) notes:

- (i) the recent \$US3 million fine imposed by the United States Department of Agriculture on ProdiGene, a biotechnology company, for contamination of soybeans meant for human consumption with genetically-engineered corn containing a vaccine,
- (ii) that 500 000 bushels of food crop must now be destroyed,
- (iii) that research into such pharma-foods (genetically-engineered crops containing vaccines, medicines and drugs) is occurring in Australia, and
- (iv) that pharma-foods, because they contain drugs, may create serious health and safety issues in Australia, including by misuse and contamination; and

(b) urges the Government to prevent the commercial release of pharma-foods in Australia until all issues relating to health, safety, environment and contamination are fully resolved.

Question put and passed.

29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 397—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on annual reports tabled by 31 October 2002 be extended to 26 March 2003.

Question put and passed.

30 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2002-03

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled additional information received by the committee (Budget estimates 2002-03 (Supplementary)—vols 1 to 3).

31 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—66TH ANNUAL REPORT

Senator Ferris, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report

Public Works—Joint Statutory Committee—66th annual report, dated March 2003.

Senator Ferris moved—That the Senate take note of the report.

Question put and passed.

32 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 3 OF 2003

Senator Mackay, at the request of Chairman of the Standing Committee for the Scrutiny of Bills (Senator McLucas), tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 3 of 2003, dated 19 March 2003.

Statement by leave: Senator Mackay, by leave, made a statement relating to the document.

33 TREATIES—JOINT STANDING COMMITTEE—51ST REPORT

Senator Buckland, on behalf on the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—51st report—Treaties tabled on 12 November and 3 December 2002, dated March 2003, *Hansard* record of proceedings and minutes of proceedings.

Senator Buckland moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Australian Democrats (Senator Bartlett) in continuation.

34 COMMONWEALTH DAY 2003—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Commonwealth Day 2003—Message for Commonwealth Day 2003 from Her Majesty The Queen, Head of the Commonwealth, dated 10 March 2003.

35 LAW AND JUSTICE—SUPERVISION OF CHILDREN—SWIMMING AUSTRALIA—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Law and justice—Supervision of children—Swimming Australia—Letter to the President of the Senate from the Premier of New South Wales (Mr Carr), responding to the resolution of the Senate of 11 December 2002, dated 6 March 2003.

36 AUDITOR-GENERAL—AUDIT REPORT NO. 33 OF 2002-03—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Auditor-General—Audit report no. 33 of 2002-03—Performance audit—Management of e-Business in the Department of Education, Science and Training.

37 DOCUMENTS

The following documents were tabled by the Clerk:

Aboriginal and Torres Strait Islander Commission Act—Notice under section 142S in relation to the Torres Strait Regional Authority 2003, dated 25 February 2003.

Aged Care Act—Allocation Amendment Principles 2003 (No. 1).

Australian Communications Authority Act—Radiocommunications (Charges) Amendment Determination 2003 (No. 1).

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Export of Sheep and Goats from Northern Ports) Amendment Order 2002 (No. 1).

Broadcasting Services Act—

Commercial Television Conversion Scheme Variation 2003 (No. 1).

National Television Conversion Scheme Variation 2003 (No. 1).

Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—Part—

105, dated 13 [5], 14 [3], 27 [4] and 28 [8] February; 3, 4 [4], 5 [5], 6 [3], 7 and 10 [7] March 2003.

106, dated 3 [4], 4 [4] and 5 [2] March 2003.

107, dated 7 and 26 February; 4 and 5 March 2003.

Exemption No. CASA EX08/2003.

Class Rulings CR 2003/11 and CR 2003/14-CR 2993/19.

Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies (Financial Statements for reporting periods ending on or after 30 June 2003) Orders.

Corporations Act—Regulations—Statutory Rules 2003 No. 31.

Criminal Code Act—Regulations—Statutory Rules 2003 No. 30.

Customs Act—CEO Instruments of Approval Nos 1-3 of 2003.

Defence Act—Determination under section—

58B—Defence Determinations 2003/4-2003/6.

58H—Defence Force Remuneration Tribunal—Determination No. 1 of 2003.

Environment Protection and Biodiversity Conservation Act—Instrument amending list of specimens suitable for live import under section 303EB, dated 17 February 2003.

Extradition Act—Regulations—Statutory Rules 2003 No. 34.

Financial Management and Accountability Act—Financial Management and Accountability (Financial Statements for reporting periods ending on or after 30 June 2003) Orders.

Financial Sector (Collection of Data) Act—Determination of reporting standards RRS 320.0, RRS 320.1, RRS 320.2, RRS 320.3, RRS 320.4, RRS 320.5, RRS 331.0, RRS 332.0, RRS 391.0, RRS 392.0, RRS 393.0, RRS 394.0 and RRS 010.

Financial Transaction Reports Act—Regulations—Statutory Rules 2003 No. 32.

Goods and Services Tax Bulletin GSTB 2003/1 (Addendum).

Goods and Services Tax Ruling GSTR 2003/3.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2003 No. 27.

Primary Industries (Excise) Levies Act—

Primary Industries (Excise) Levies (Rice Levy) Specification 2003.

Regulations—Statutory Rules 2003 No. 28.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 No. 29.

Product Ruling PR 2003/6.

Public Service Act—Public Service Commissioner’s Amendment Directions 2003 (No. 1).

Radiocommunications Act—

Radiocommunications (Compliance Labelling — Electromagnetic Radiation) Notice 2003.

Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2003.

Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003.

Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2003.

Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2003 (No. 1).

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2003 (No. 1).

Space Activities Act—Regulations—Statutory Rules 2003 No. 33.

Taxation Ruling TR 2003/1.

Telecommunications Act—

Telecommunications Numbering Plan Variation 2003 (No. 2).

Telecommunications Numbering Plan Variation 2003 (No. 3).

Therapeutic Goods Act—

Conformity Assessment Standards Orders Nos 1 and 2.

Medical Device Standards Orders Nos 1-3.

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

The following documents were 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—

Aboriginal and Torres Strait Islander Commission.

Australian Taxation Office.

Department of Defence.

Department of Health and Ageing.

Environment and Heritage portfolio agencies—

Australian Antarctic Division.

Australian Greenhouse Office.

Bureau of Meteorology.

Department of the Environment and Heritage.

Great Barrier Reef Marine Park Authority.

National Oceans Office.

Office of the Renewable Energy Regulator.

Sydney Harbour Federation Trust.

Treasury portfolio agencies—

Australian Accounting Standards Board.

Australian Bureau of Statistics.

Australian Competition and Consumer Commission.

Australian Competition Tribunal.

Australian Office of Financial Management.
 Australian Prudential Regulation Authority.
 Australian Securities and Investments Commission.
 Australian Taxation Office.
 Axiss Australia.
 Companies Auditors and Liquidators Disciplinary Board.
 Corporations and Markets Advisory Committee.
 Department of the Treasury.
 National Competition Council.
 Productivity Commission.
 Reserve Bank of Australia.
 Royal Australian Mint.
 Superannuation Complaints Tribunal.
 Takeovers Panel.

39 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—2003 autumn sittings—

Department of Defence.

Family and Community Service portfolio agencies—

Centrelink.

Child Support Agency.

Department of Family and Community Services.

Social Security Appeals Tribunal.

Finance and Administration portfolio agencies—

Australian Electoral Commission.

Commonwealth Grants Commission.

ComSuper.

CSS Board.

Department of Finance and Administration.

PSS Board.

Industry, Tourism and Resources portfolio agencies—

Department of Industry, Tourism and Resources.

Geoscience Australia.

IP Australia.

Treasury portfolio agencies—

Australian Bureau of Statistics.

Australian Competition and Consumer Commission.

Australian Office of Financial Management.

Australian Taxation Office.

Department of the Treasury.

National Competition Council.

Productivity Commission.

Royal Australian Mint.

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—
That the Senate take note of the documents.

Debate ensued.

Question put and passed.

40 COMMITTEES—APPOINTMENT OF MEMBERS

The Deputy President (Senator Hogg) informed the Senate that the President had received letters nominating senators to be members of various committees.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That senators be appointed to committees as follows:

Employment, Workplace Relations and Education References Committee—

Appointed—Participating member: Senator McLucas

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Participating member: Senator McGauran.

Question put and passed.

41 DAIRY INDUSTRY SERVICE REFORM BILL 2003**PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (DAIRY) BILL 2003**

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

Message no. 263, dated 6 March 2003—A Bill for an Act relating to the dairy industry, and for related purposes.

Message no. 264, dated 6 March 2003—A Bill for an Act to amend the *Primary Industries (Excise) Levies Act 1999*, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

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

42 TAXATION LAWS AMENDMENT BILL (NO. 4) 2003

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

Message no. 265, dated 18 March 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) 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 Ian Campbell moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the bill.

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

43 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2002-03

Pursuant to order, Senator Ferris, at the request of the chairs of the respective committees, tabled the following reports, dated March 2003, and documents:

2002-03 additional estimates—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Economics Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Employment, Workplace Relations and Education Legislation Committee—Report, *Hansard* record of proceedings [3 vols] and documents presented to the committee.

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Finance and Public Administration Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Foreign Affairs, Defence and Trade Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Rural and Regional Affairs and Transport Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

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

44 SUPERANNUATION—SELECT COMMITTEE—REPORT—SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2002 AND THE SUPERANNUATION (FINANCIAL ASSISTANCE FUNDING) LEVY AMENDMENT BILL 2002

Pursuant to order, Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson), tabled the following report and documents:

Superannuation—Select Committee—Superannuation Industry (Supervision) Amendment Bill 2002 and the Superannuation (Financial Assistance Funding) Levy Amendment Bill 2002—Report, dated March 2003, *Hansard* record of proceedings and submissions [7].

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

45 ECONOMICS LEGISLATION COMMITTEE—REPORT—CORPORATIONS AMENDMENT (REPAYMENT OF DIRECTORS' BONUSES) BILL 2002

Pursuant to order, Senator Ferris, at the request of Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Corporations Amendment (Repayment of Directors' Bonuses) Bill 2002—Report, dated March 2003, *Hansard* record of proceedings and submissions [9].

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

46 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Order of the day read for the adjourned debate on the motion of the Leader of the Government in the Senate (Senator Hill)—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner)—and on the amendment moved by the Leader of the Australian Democrats (Senator Bartlett) to Senator Faulkner's proposed amendment (see entry no. 4).*

Debate resumed.

At 11 pm: Debate was interrupted.

47 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.37 pm till Thursday, 20 March 2003 at 9.30 am.

48 ATTENDANCE

Present, all senators except Senators Ellison and Knowles* (* on leave).

HARRY EVANS
Clerk of the Senate