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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 PETITION

The following petition, lodged with the Clerk by Senator Bartlett, was received:

From 1 353 petitioners, requesting that the Senate support the Australian Democrats' motion opposing Australia's involvement in pre-emptive military action or a first strike against Iraq and call on the Government to pursue diplomatic initiatives towards disarmament in Iraq, and worldwide.

3 NOTICES

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

(a) notes:

- (i) the release, on Thursday, 20 March 2003, of a report on the future of wind energy in Australia, *Driving investment, generating jobs: Wind energy as a powerhouse for rural and regional development in Australia*,
- (ii) that there are now 104 megawatts of wind power installed and running in Australia, 736 megawatts approved or under construction, and 1 400 megawatts formally proposed for planning approval,
- (iii) that this total of 2 240 megawatts is sufficient to supply the energy needs of approximately 800 000 houses but is twice as much energy as is currently mandated under the Mandatory Renewable Energy Target,
- (iv) approximately 6.6 times as many manufacturing and installation jobs are created for wind power as for coal-fired plant and up to 9 375 jobs could be created in Australia together with income of \$17 million for rental of land from Australian farmers, with 5 000 megawatt installed capacity by 2010, and
- (v) the cost to households of increasing the target to 10 per cent is estimated to be just \$1.20 per month; and

(b) urges the Government to heed the recommendations of the report and increase the target from 2 per cent equivalent to 10 per cent. (*general business notice of motion no. 410*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Corporations (Fees) Amendment Bill 2002 and two related bills be extended to 27 March 2003. (*general business notice of motion no. 411*)

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

(a) notes that:

- (i) 22 March 2003 is World Water Day,
- (ii) more than 1.1 billion people around the world do not have access to safe drinking water, and 2.4 billion people around the world do not have access to adequate sanitation,
- (iii) it is estimated that by 2025, two-thirds of the world's people will live in countries suffering from water scarcity, and

- (iv) currently, Australia spends only 3.5 per cent of its total aid on water and sanitation, compared to the 7 per cent average spending of other donor countries;
- (b) congratulates Water Matters Australia on its campaign to ensure everyone has access to safe water and adequate sanitation, starting with the world's poorest countries; and
- (c) urges the Government to:
 - (i) immediately increase Australia's overseas aid for water and sanitation to \$100 million in the 2003-04 financial year, and to continue raising this level to \$355 million a year by the 2007-08 financial year,
 - (ii) encourage good governance in the provision of water and sanitation services, and
 - (iii) ensure that any participation by the private sector benefits the poor. (*general business notice of motion no. 412*)

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

- (a) condemns the Howard Government's 7 years of lack of interest and denial on public transport, as evidenced by:
 - (i) its decision to add a goods and services tax to fares,
 - (ii) its failure to address the fringe benefit tax disincentives on public transport fares,
 - (iii) its failure to give urban buses a fair go under the Diesel and Alternative Fuel Grant Scheme, and
 - (iv) its stated denial of any responsibility or consideration of public transport in the Auslink Green Paper that purports to lay the groundwork for a national transport plan;
- (b) notes, with concern, the impact of increased congestion in urban and outer urban areas on quality of life, health, and access to jobs and services for Australians;
- (c) emphasises the environmental gains to be made through policy measures that reduce transport emissions, especially by reducing car dependency;
- (d) stresses that access to public transport is an issue in all regions, including regional towns and cities, impacting daily on access to jobs, education and services for Australians; and
- (e) calls on the Howard Government:
 - (i) to release any policy option and research papers commissioned or undertaken by the Commonwealth that canvass policy measures and costs associated with tax and regulatory barriers to increasing public transport usage, including the 'Cost Benefit Analysis Study for Exempting Employer-Provided Public Transport from Fringe Benefits Taxation' conducted by the Australian Greenhouse Office in 2002, and
 - (ii) to accept a role for the Commonwealth in relation to public transport and declare that role in the Auslink White Paper, due to be released in 2003. (*general business notice of motion no. 413*)

4 ORDER OF BUSINESS—REARRANGEMENT

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That business of the Senate orders of the day nos 2 and 4, relating to the presentation of reports of the committee be postponed till a later hour.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the committee on annual reports tabled by 31 October 2002, be postponed till a later hour.

Question put and passed.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 5 Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002.

No. 6 Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2002.

No. 7 Transport Safety Investigation Bill 2002 and a related bill.

Family and Community Services Legislation Amendment Bill 2002.

Question put and passed.

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

- (a) general business notice of motion no. 405 standing in the name of Senator Conroy, relating to late payments to small business suppliers; and
- (b) consideration of government documents.

Question put and passed.

Statements by leave: Senators Brown and Ludwig, by leave, made statements relating to the motion.

5 POSTPONEMENTS

Items of business were postponed as follows:

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 24 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 24 March 2003.

**6 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 402—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.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 403—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.

Question put and passed.

8 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 and passed.

9 ENVIRONMENT—WORLD WATER DAY

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 408—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.

Question put and passed.

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 404—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.

Question put and passed.

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 409—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.

Question put and passed.

10 DEATH OF MS RACHEL CORRIE

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 407—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.

Question put and passed.

11 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

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. 399—That the Senate—

- (a) notes the comments of many former leaders and security experts opposing war on Iraq, including former Australian ambassador to the United Nations, Richard Woolcott;
- (b) notes that senior British Cabinet Minister Robin Cook resigned on 17 March 2003 from his post as the government's leader in the House of Commons over the United Kingdom government's decision to back military action against Iraq;
- (c) notes that the reports of Hans Blix and Mohammad El Baradei on weapons of mass destruction in Iraq made strong recommendations that the weapons inspection process continue;
- (d) notes that the resolution tabled in the United Nations by France, Russia and Germany urges the continuation of the inspection regime rather than military action;

- (e) notes that Iraq has been successfully contained for 13 years, committing no external acts of aggression; and
- (f) opposes the Cabinet's decision to participate in a war against Iraq without a United Nations resolution authorising force.

Question put and passed.

12 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report:

Employment, Workplace Relations and Education Legislation Committee—Annual reports referred to legislation committees—Report no. 1 of 2003, dated March 2003.

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

13 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL 2003

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

Message no. 266, dated 19 March 2003—A Bill for an Act to amend the social security law and the family assistance law, to amend certain other Acts, and to repeal the *First Home Owners Act 1983*, and for related purposes.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) 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 Boswell moved—That this bill be now read a second time.

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

On the motion of Senator Mackay the debate was adjourned.

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

14 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS

Pursuant to order, Senator Ferris, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2003, dated March 2003—

Community Affairs Legislation Committee.

Environment, Communications, Information Technology and the Arts Legislation Committee.

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

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

15 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.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the debate was adjourned till a later hour.

16 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That—

- (a) at the conclusion of government business order of the day no. 5 (Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002), the government business order of the day relating to Iraq be called on and considered till not later than 2 pm today;
- (b) immediately after motions to take note of answers, the routine of business for the remainder of the day shall be as follows:
 - (i) the order of the day relating to Iraq,
 - (ii) any proposal pursuant to standing order 75,
 - (iii) government responses to parliamentary committee reports,
 - (iv) tabling of documents,
 - (v) committee memberships,
 - (vi) general business notice of motion no. 405,
 - (vii) not later than 6 pm, consideration of government documents under general business, and
 - (viii) not later than 7 pm, consideration of committee reports, government responses and Auditor-General's reports; and

- (c) if debate on the order of the day relating to Iraq concludes before 2 pm, the questions on the motion and the amendments shall be put immediately after motions to take note of answers at paragraph (b)(i).

Question put and passed.

17 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. 15).*

Debate resumed.

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

**18 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.

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 Transport and Regional Services (Senator Boswell) the bill was read a third time.

19 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. 17).*

Debate resumed.

Debate concluded.

The Acting Deputy President (Senator Chapman) reminded senators that, pursuant to the order agreed to earlier today (*see entry no. 16*), the questions on the motion and the amendments would be put immediately after motions to take note of answers.

—————
At 2 pm—

20 QUESTIONS

Questions without notice were answered.

21 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ANSWERS TO QUESTIONS

Senator Bishop moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to military action against Iraq.

Debate ensued.

Question put and passed.

22 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION

Order of the day read for the determination of the questions 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. 19).*

Senator Bartlett, by leave, amended the amendment to read as follows:

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) opposes the decision of the Australian Cabinet and the President of the United States of America (Mr Bush) to commit troops to an attack on Iraq;
- (h) calls for the Australian troops to be withdrawn and returned home; 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.

Statements by leave: Senators Harradine, Brown and Bartlett, by leave, made statements relating to the matter.

Question—That Senator Bartlett's amendment to Senator Faulkner's proposed amendment be agreed to—put and passed.

Senator Brown moved the following amendment to Senator Faulkner's proposed amendment:

At the end of the amendment, add:

- (j) calls on the Government to immediately return Australia's 2000 Defence Force personnel home.

Question—That Senator Brown's amendment to Senator Faulkner's proposed amendment be agreed to—put and passed.

Question—That the amendment, as amended, be agreed to—put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

**23 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
GOVERNMENT RESPONSE—INTERIM REPORT ON PROPOSED IMPORTATION OF
FRESH APPLE FRUIT FROM NEW ZEALAND**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Rural and Regional Affairs and Transport Legislation Committee—Interim report on proposed importation of fresh apple fruit from New Zealand, dated June 2002—Government response, dated March 2003.

Senator O'Brien, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**24 SUPERANNUATION AND FINANCIAL SERVICES—SELECT COMMITTEE—
GOVERNMENT RESPONSE—PRUDENTIAL SUPERVISION AND CONSUMER
PROTECTION FOR SUPERANNUATION, BANKING AND FINANCIAL SERVICES—THIRD
REPORT**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Superannuation and Financial Services—Select Committee—Prudential Supervision and Consumer Protection for Superannuation, Banking and Financial Services—Third report: Auditing of superannuation funds, dated September 2001—Government response.

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

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

**25 FOREIGN AFFAIRS—IRAQ—MILITARY ACTION—ORDER FOR PRODUCTION OF
DOCUMENTS—STATEMENT BY LEAVE**

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 19 March 2003 for the production of documents concerning the legality of involvement in a war with Iraq where there is no resolution subsequent to United Nations Resolution 1441 (*see entry no. 16, 19 March 2003*).

**26 HEALTH—TOBACCO SPONSORSHIP—ORDER FOR PRODUCTION OF DOCUMENT—
DOCUMENT**

Pursuant to the order of the Senate of 19 March 2003, the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Health—Tobacco sponsorship—Copy of letter from the Minister for Health and Ageing (Senator Patterson) to the Minister of Health (Denmark) (Mr Lars Rasmussen).

**27 LAW AND JUSTICE—SUPERVISION OF CHILDREN—SWIMMING AUSTRALIA—
DOCUMENT**

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

Law and justice—Supervision of children—Swimming Australia—Letter to the President of the Senate from the Minister for Sport and Recreation (Northern Territory) (Mr Ah Kit), responding to the resolution of the Senate of 11 December 2002, dated 17 March 2003.

28 ECONOMICS LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

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

Economics Legislation Committee—Annual reports referred to legislation committees—Report no. 1 of 2003, dated March 2003.

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

29 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—FINAL REPORT—POWERS AND FUNCTIONS OF THE AUSTRALIAN LAW REFORM COMMISSION

Pursuant to order, Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Powers and functions of the Australian Law Reform Commission—Final report, *Hansard* record of proceedings and submissions [7].

Notice of motion: Senator McGauran, by leave and at the request of Senator Payne, gave a notice of motion as follows: To move on the next day of sitting—That the recommendation in the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission, that the reference to the committee not proceed further, be adopted. (*general business notice of motion no. 414*)

30 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—ADDITIONAL ESTIMATES 2002-03

Pursuant to order, Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Additional estimates 2002-03—Report, dated March 2003 and *Hansard* record of proceedings [2 vols].

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

31 DOCUMENTS

The following documents were tabled by the Clerk:

Currency Act—Currency (Royal Australian Mint) Determination 2003 (No. 1).

Defence Act—Determination under section 52—Determination No. 1 of 2003.

Fisheries Management Act—Australian Fisheries Management Authority Temporary Order No. 1 of 2003.

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

Telecommunications Act—Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2003 (No. 1).

32 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—

Attorney-General's portfolio agencies—

Administrative Appeals Tribunal.
Attorney-General's Department.
Australian Crime Commission.
Australian Customs Service.
Australian Federal Police.
Australian Institute of Criminology and the Criminology Research Council.
Australian Law Reform Commission.
Australian Transaction Reports and Analysis Centre.
Commonwealth Director of Public Prosecutions.
CrimTrac [nil return].
Family Court of Australia.
Federal Court of Australia.
High Court of Australia.
Human Rights and Equal Opportunity Commission.
Insolvency Trustee Service of Australia.
National Native Title Tribunal.
Office of the Federal Privacy Commissioner.
Office of Film and Literature Classification.
Office of Parliamentary Counsel.

Australian Public Service Commission.

Australian Research Council.

Australian Trade Commission.

Communications portfolio agencies—

Department of Communications, Information Technology and the Arts.
National Office for the Information Economy.

Department of the Prime Minister and Cabinet.

Department of Transport and Regional Services.

Finance and Administration portfolio agencies—

Australian Electoral Commission.
Commonwealth Grants Commission.
ComSuper.
Commonwealth Superannuation Scheme Board.
Department of Finance and Administration.
Public Sector Superannuation Scheme Board.

Family and Community Services portfolio agencies—

Australian Institute of Family Studies.
Centrelink.
Child Support Agency.
Department of Family and Community Services.
Social Security Appeals Tribunal [nil return].

33 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—

Communications portfolio agencies—

Department of Communications, Information Technology and the Arts.
National Archives of Australia.
National Office for the Information Economy.

Education, Science and Training portfolio agencies—
 Australian Research Council.
 Department of Education, Science and Training.
 National Office for the Information Economy.
 Veterans' Affairs portfolio agencies.

34 COMMITTEES—CHANGES IN MEMBERSHIP

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

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

Community Affairs Legislation Committee—

Appointed—Senator Humphries
 Discharged—Senator Barnett

Community Affairs References Committee—

Appointed—Senator Humphries
 Discharged—Senator Barnett

Employment, Workplace Relations and Education Legislation Committee—

Appointed—Participating member: Senator Buckland

Privileges—Standing Committee—

Appointed—Senator Humphries

Senators' Interests—Standing Committee—

Appointed—Senator Humphries.

Question put and passed.

35 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

19 March 2003—Message No. 3—

Migration Legislation Amendment (Contributory Parents Migration Scheme) Act 2003 (Act No. 5, 2003)

Migration (Visa Application) Charge Amendment Act 2003 (Act No. 6, 2003)

Maritime Legislation Amendment Act 2003 (Act No. 7, 2003)

Snowy Hydro Corporatisation Amendment Act 2003 (Act No. 8, 2003).

General business was called on.

36 TAXATION—SMALL BUSINESS

Senator Conroy, pursuant to notice, moved general business notice of motion no. 405—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.

Debate ensued.

At 6 pm: Debate was interrupted while the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) was speaking.

37 GOVERNMENT DOCUMENTS—CONSIDERATION

The following order of the day relating to government documents was considered:

Australian Law Reform Commission—Report—No. 95—Principled regulation: Federal civil and administrative penalties in Australia, December 2002. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

General business orders of the day nos 1-8 and 10-15 relating to government documents were called on but no motion was moved.

General business concluded.

38 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Treaties—Joint Standing Committee—Report 51—Treaties tabled on 12 November and 3 December 2002. Motion of Senator Buckland to take note of report called on. On the motion of Senator Ludwig debate was adjourned till the next day of sitting.

Treaties—Joint Standing Committee—Report 17—United Nations Convention on the Rights of the Child—Government response. Motion of Senator Murray to take note of document called on. On the motion of Senator Ludwig debate was adjourned till the next day of sitting.

39 AUDITOR-GENERAL'S REPORTS—ORDER OF THE DAY—CONSIDERATION

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

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.46 pm till Monday, 24 March 2003 at 12.30 pm.

41 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate