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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 261 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

3 NOTICES

Notices of motion:

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

- (a) notes the Australian Broadcasting Corporation's *7.30 Report* investigation into the planned field trials of a genetically-modified herpes virus to sterilise mice; and
- (b) calls on the Government to ban the use of genetically-modified organism material to sterilise pest species until the Parliament is sure that other species, including native fauna and humans, are safe from their effects. (*general business notice of motion no. 511*)

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to implement urgent measures to assist the complementary healthcare industry to recover from the effects of the Pan Pharmaceuticals affair, including streamlining of approvals to replace products. (*general business notice of motion no. 512*)

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

- (a) notes, with alarm, the dangerous imprisonment of Daw Aung San Suu Kyi; and
- (b) calls on the Minister for Foreign Affairs (Mr Downer) to urgently increase action against the military regime in Burma to release Daw Aung San Suu Kyi and restore democracy, including consideration of trade sanctions, diplomatic restrictions and a ban on senior Burmese officials' travel in Australia. (*general business notice of motion no. 513*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 7 sitting days after today for the disallowance of the Workplace Relations Amendment Regulations 2002 (No. 3), as contained in Statutory Rules 2002 No. 337 and made under the *Workplace Relations Act 1996*.

Senator Tchen, by leave, made a statement relating to the notice of intention.

4 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 13 Governor-General Amendment Bill 2003.
- No. 14 HIH Royal Commission (Transfer of Records) Bill 2003.

No. 15 Australian Film Commission Amendment Bill 2003.

No. 16 National Health Amendment (Private Health Insurance Levies) Bill 2003 and four related bills.

No. 17 Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003.

Workplace Relations Amendment (Protection for Emergency Management Volunteers) Bill 2003.

Civil Aviation Legislation Amendment Bill 2003.

Debate ensued.

Senator Ian Campbell, by leave, amended the motion to omit:

No. 13 Governor-General Amendment Bill 2003.

No. 15 Australian Film Commission Amendment Bill 2003.

Question put and passed.

5 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Brown for today, relating to the disallowance of Space Activities Amendment Regulations 2003 (No. 1), postponed till 11 August 2003.

Business of the Senate notice of motion no. 4 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of items [2] to [6] of Schedule 1 of the Migration Agents Amendment Regulations 2003 (No. 1), postponed till 11 August 2003.

Business of the Senate notice of motion no. 8 standing in the name of Senator Tierney for today, relating to the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 11 August 2003.

General business notice of motion no. 491 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the welfare of cattle transported from Australia to Egypt, postponed till 11 August 2003.

6 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REFERENCE

Senator Carr, also on behalf of Senator Stott Despoja, amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 30 October 2003:

The Government's proposed budget changes to higher education, with particular reference to:

- (a) the principles of the Government's higher education package;
- (b) the effect of these proposals upon sustainability, quality, equity and diversity in teaching and research at universities, with particular reference to:
 - (i) the financial impact on students, including merit selection, income support and international comparisons,

- (ii) the financial impact on universities, including the impact of the Commonwealth Grants Scheme, the differential impact of fee deregulation, the expansion of full fee places and comparable international levels of government investment, and
- (iii) the provision of fully funded university places, including provision for labour market needs, skill shortages and regional equity, and the impact of the 'learning entitlement';
- (c) the implications of such proposals on the sustainability of research and research training in public research agencies;
- (d) the effect of this package on the relationship between the Commonwealth, the States and universities, including issues of institutional autonomy, governance, academic freedom and industrial relations; and
- (e) alternative policy and funding options for the higher education and public research sectors.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

7 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REFERENCE

Senator Lundy, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 7—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by the last sitting day in March 2004:

- (a) the current and prospective levels of competition in broadband services, including interconnection and pricing in both the wholesale and retail markets;
- (b) any impediments to competition and to the uptake of broadband technology;
- (c) the implications of communications technology convergence on competition in broadband and other emerging markets;

- (d) the impact and relationship between ownership of content and distribution of content on competition; and
- (e) any opportunities to maximise the capacity and use of existing broadband infrastructure.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

8 HEALTH—THERAPEUTIC GOODS—PAN PHARMACEUTICALS

Senator Brown 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. 510—That the Senate—

- (a) notes that the Pan Pharmaceuticals' affair has had a devastating effect on the complementary healthcare industry in Australia; and
- (b) calls on the Government to begin an independent investigation into all aspects of the Pan Pharmaceuticals affair, including the actions of the Therapeutic Goods Administration.

Question put and passed.

9 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—VARIATION

The Chair of 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. 506—That the order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June 2003, for the production of documents relating to departmental and agency contracts, be amended as follows:

Omit paragraph (9), substitute:

- (9) In this order:
“**agency**” means an agency within the meaning of the *Financial Management and Accountability Act 1997*; and
“**previous 12 months**” means the period of 12 months ending on either 31 December or 30 June in any year, as the case may be.

Accordingly, the order was amended to read as follows:

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 2 calendar months after the last day of the financial and calendar year, a letter of advice that a list of contracts in accordance with paragraph (2) has been placed on the Internet, with access to the list through the department’s or agency’s home page.
- (2) The list of contracts referred to in paragraph (1) indicate:
 - (a) each contract entered into by the agency which has not been fully performed or which has been entered into during the previous 12 months, and which provides for a consideration to the value of \$100 000 or more;
 - (b) the contractor, the amount of the consideration and the subject matter of each such contract, the commencement date of the contract, the duration of the contract, the relevant reporting period and the twelve-month period relating to the contract listings;
 - (c) whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether there are any other requirements of confidentiality, and a statement of the reasons for the confidentiality; and
 - (d) an estimate of the cost of complying with this order and a statement of the method used to make the estimate.
- (3) If a list under paragraph (1) does not fully comply with the requirements of paragraph (2), the letter under paragraph (1) indicate the extent of, and reasons for, non-compliance, and when full compliance is expected to be achieved. Examples of non-compliance may include:
 - (a) the list is not up to date;
 - (b) not all relevant agencies are included; and
 - (c) contracts all of which are confidential are not included.
- (4) Where no contracts have been entered into by a department or agency, the letter under paragraph (1) is to advise accordingly.
- (5) In respect of contracts identified as containing provisions of the kind referred to in paragraph (2)(c), the Auditor-General be requested to provide to the Senate, within 6 months after each day mentioned in paragraph (1), a report indicating that the Auditor-General has examined a number of such contracts selected by the Auditor-General, and indicating whether any inappropriate use of such provisions was detected in that examination.
- (6) In respect of letters including matter under paragraph (3), the Auditor-General be requested to indicate in a report under paragraph (5) that the Auditor-General has examined a number of contracts, selected by the Auditor-General, which have not been included in a list, and to indicate whether the contracts should be listed.

- (7) The Finance and Public Administration References Committee consider and report on the first and second year of operation of this order.
- (8) This order has effect on and after 1 July 2001.
- (9) In this order:
 - “**agency**” means an agency within the meaning of the *Financial Management and Accountability Act 1997*; **and**
 - “**previous 12 months**” means the period of 12 months ending on **either 31 December or 30 June in any year**, as the case may be.

Question put and passed.

10 ANIMAL WELFARE—DOGS—TAIL DOCKING

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. 492—That the Senate—

- (a) notes that the Primary Industries Ministerial Council (PIMC) meeting has repeatedly considered a national position on banning tail docking of dogs without reaching a consensus, as recently as December 2002 and April 2003;
- (b) notes that, although PIMC failed to reach a consensus at its April 2003 meeting, it resolved to finalise a national position on the issue of tail docking of dogs for cosmetic purposes by 30 June 2003;
- (c) notes that after the April 2003 PIMC meeting the Australian Capital Territory and Western Australia proceeded with the banning of tail docking of dogs for cosmetic reasons, while Queensland put similar regulations in place to be automatically enacted in October 2003; and
- (d) calls on the Federal Minister for Agriculture, Fisheries and Forestry (Mr Truss) to obtain consensus by 30 June 2003 on the implementation of a national ban on tail docking of dogs for cosmetic purposes.

Question put and passed.

11 HEALTH—DRUG ACTION WEEK

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 509—That the Senate—

- (a) notes that:
 - (i) 23 June to 28 June 2003 is Drug Action Week, aimed at generating community awareness about drug and alcohol abuse and the solutions being used to tackle these issues,
 - (ii) each day of Drug Action Week highlights a different theme, and the theme for 26 June 2003 is Indigenous issues,
 - (iii) the misuse of alcohol and other drugs has long been linked to the deep levels of emotional and physical harm suffered by Indigenous communities since the colonisation of Australia,
 - (iv) alcohol and tobacco consumption rates continue to remain high in the Indigenous population, against declining rates in the general population, and the increasing use of heroin in urban, regional and rural Indigenous communities is of particular concern,
 - (v) substance misuse is probably the biggest challenge facing Indigenous communities today as it affects almost everybody either directly or indirectly and is now the cause as well as the symptom of much grief and loss experienced by Indigenous communities, and

- (vi) the demand for the services of existing Indigenous-controlled drug and alcohol rehabilitation centres far exceeds the current level of supply;
- (b) acknowledges that Indigenous communities have been tackling substance abuse for many years through a range of different approaches such as family and individual treatment programs, night patrols, harm minimisation, alcohol restrictions, and direct action against the sale and promotion of alcohol; and
- (c) calls on the Government to:
 - (i) immediately fund the recently completed National Aboriginal and Torres Strait Islander Illicit Drug and Alcohol Strategy so it can be implemented before the next budget, and
 - (ii) improve co-ordination between Commonwealth, state, territory and local governments on these issues and ensure this facilitates greater Indigenous control over the development and implementation of all health programs.

Question put and passed.

12 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson), amended Senator Watson's 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. 505—That the time for the presentation of the report of the Select Committee on Superannuation on planning for retirement be extended to 11 August 2003.

Question put and passed.

13 SOCIAL SECURITY AMENDMENT (SUPPORTING YOUNG CARERS) BILL 2003

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 465—That the following bill be introduced:

A Bill for an Act to amend the *Social Security Act 1991* to provide for young students' eligibility for the carer payment, and for related purposes.

Question put and passed.

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

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

14 MEDICARE—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Select Committee on Medicare (Senator McLucas) 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. 471—That the time for the presentation of the report of the Select Committee on Medicare be extended to 9 September 2003.

Question put and passed.

15 DEFENCE—UNITED STATES MILITARY BASES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 486—That the Senate—

- (a) calls on the Government to:
 - (i) rule out the establishment of any new United States (US) military bases in Australia,
 - (ii) rule out future use of Australian territory for US military training exercises,
 - (iii) rule out the transformation of any Australian ports into regular US military ‘transit points’,
 - (iv) inform the Senate of any formal or informal approaches made by the US Government to the Australian Government or Department of Defence in relation to any further deployment of US troops to Australia, or the establishment of any US military bases in Australia, and
 - (v) close the US military spy base at Pine Gap; and
- (b) condemns the Government’s ill-considered pursuit of closer military ties with the US, without parliamentary consultation or debate and despite the threat to Australia’s national interest that this policy poses.

Question put and negatived.

Statement by leave: The Leader of the Australian Democrats (Senator Bartlett), by leave, made a statement relating to the motion.

16 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, on Thursday, 26 June 2003:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
- (b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) not be proceeded with;
- (c) the routine of business from not later than 4.30 pm shall be government business only;
- (d) divisions may take place after 6 pm; and
- (e) the question for the adjournment of the Senate shall not be proposed till after the Senate has finally considered the bills listed below and any messages from the House of Representatives:
 - Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2]
 - Broadcasting Services Amendment (Media Ownership) Bill 2002
 - Export Market Development Grants Amendment Bill 2003
 - Taxation Laws Amendment Bill (No. 4) 2003
 - Taxation Laws Amendment Bill (No. 6) 2003
 - National Handgun Buyback Bill 2003
 - Industrial Chemicals (Notification and Assessment) Amendment Bill 2003
 - Wheat Marketing Amendment Bill 2002
 - Migration Amendment (Duration of Detention) Bill 2003

Migration Legislation Amendment (Protected Information) Bill 2003
 Superannuation Legislation (Commonwealth Employment) Repeal and
 Amendment Bill 2002
 Customs Amendment Bill (No. 1) 2003
 Customs Tariff Amendment Bill (No. 1) 2003
 Superannuation (Government Co-contribution for Low Income Earners)
 Bill 2003
 Superannuation (Government Co-contribution for Low Income Earners)
 (Consequential Amendments) Bill 2003
 Appropriation (Parliamentary Departments) Bill (No. 1) 2003-2004
 Appropriation Bill (No. 1) 2003-2004
 Appropriation Bill (No. 2) 2003-2004
 Governor-General Amendment Bill 2003
 HIH Royal Commission (Transfer of Records) Bill 2003
 Australian Film Commission Amendment Bill 2003
 Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003
 National Health Amendment (Private Health Insurance Levies) Bill 2003
 Private Health Insurance (ACAC Review Levy) Bill 2003
 Private Health Insurance (Collapsed Organization Levy) Bill 2003
 Private Health Insurance (Council Administration Levy) Bill 2003
 Private Health Insurance (Reinsurance Trust Fund Levy) Bill 2003
 Workplace Relations Amendment (Protection for Emergency Management
 Volunteers) Bill 2003
 Civil Aviation Legislation Amendment Bill 2003.

Statements by leave: Senators Brown and Ian Campbell, the Leader of the Opposition in the Senate (Senator Faulkner), the Leader of the Australian Democrats (Senator Bartlett) and Senator Mackay, by leave, made statements relating to the motion.

Question put and passed.

17 AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the *Australian Protective Service Act 1987*, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Ian Campbell 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.

18 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE

Senator Stott Despoja, also on behalf of Senator Bolkus, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

- (1) That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report:
 - (a) the most appropriate process for moving towards the establishment of an Australian republic with an Australian Head of State; and
 - (b) alternative models for an Australian republic, with specific reference to:
 - (i) the functions and powers of the Head of State,
 - (ii) the method of selection and removal of the Head of State, and
 - (iii) the relationship of the Head of State with the executive, the parliament and the judiciary.
- (2) That the committee facilitate wide community participation in this inquiry by conducting public hearings throughout Australia, including in rural and regional areas.

Question put and passed.

19 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REFERENCE—SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2003—VARIATION

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—

- (1) That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by the last sitting day in March 2004:
The regulation, control and management of invasive species, being non-native flora and fauna that may threaten biodiversity, with particular reference to:
 - (a) the nature and extent of the threat that invasive species pose to the Australian environment and economy;
 - (b) the estimated cost of different responses to the environmental issues associated with invasive species, including early eradication, containment, damage mitigation and inaction, with particular focus on:
 - (i) the following pests:
 - (A) European fox (*Vulpes vulpes*),
 - (B) yellow crazy ant (*Anoplolepis gracilipes*),
 - (C) fire ant (*Solenopsis invicta*),
 - (D) cane toad (*Bufo marinus*), and
 - (E) feral cats (*Felis catus*) and pigs (*Sus scrofa*), and
 - (ii) the following weeds:
 - (A) mimosa (*Mimosa pigra*),
 - (B) serrated tussock (*Nassella trichotoma*),

- (C) willows (*Salix* spp.),
 - (D) lantana (*Lantana camara*),
 - (E) blackberry (*Rubus fruticosus* agg.), and
 - (F) parkinsonia (*Parkinsonia aculeata*);
- (c) the adequacy and effectiveness of the current Commonwealth, state and territory statutory and administrative arrangements for the regulation and control of invasive species;
 - (d) the effectiveness of Commonwealth-funded measures to control invasive species; and
 - (e) whether the Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002 could assist in improving the current statutory and administrative arrangements for the regulation, control and management of invasive species.
- (2) That the order of the Senate adopting Report No. 4 of 2003 of the Selection of Bills Committee be varied to provide that the Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002 be referred to the Environment, Communications, Information Technology and the Arts References Committee instead of the Environment, Communications, Information Technology and the Arts Legislation Committee.

Statement by leave: Senator Murphy, by leave, made a statement relating to the motion.

Question put and passed.

20 FOREIGN AFFAIRS—KOREA

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. 508—That the Senate—

- (a) notes:
 - (i) the United States of America and Russia's decision to partition the Korean peninsula in 1945,
 - (ii) the involvement of several countries, including Australia, in the 1950-53 Korean War which ended in an armistice and the stationing of around a million troops on the North Korean/South Korean border to this day, and
 - (iii) Australia's political and financial support for the 1994 Korean Peninsula Energy Development Organisation Agreement with aid being given to the Democratic People's Republic of Korea (North Korea) in return for the dismantling of any potential North Korean nuclear weapons program;
- (b) expresses concern:
 - (i) at the North Korean decision to withdraw from the Nuclear Non-Proliferation Treaty (NPT) announced on 10 January 2003,
 - (ii) that the proliferation of nuclear and other weapons of mass destruction represents a growing threat to Australian and regional security,
 - (iii) at the effect that a North Korean nuclear arsenal may have on regional governments' compliance with the NPT,
 - (iv) at the catastrophic effect that an exchange of nuclear weapons, or even a conventional military exchange on the Korean peninsula, would have on the region and Australia's interests in it, and

- (v) at the humanitarian crisis in North Korea due to a lack of food and medical supplies and previous problems of aid being diverted to the North Korean military; and
- (c) calls on the Government to:
 - (i) increase aid to non-government organisations and United Nations agencies providing food and medical supplies to the North Korean people,
 - (ii) support the use of multilateral diplomatic means to arrive at a peaceful solution without military action, and
 - (iii) express Australia's hopes for the eventual peaceful reunification of Korea.

Question put and passed.

21 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for Defence (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Civil Aviation Legislation Amendment Bill 2003

Workplace Relations Amendment (Protection for Emergency Management Volunteers) Bill 2003.

Question put and passed.

Senator Ian Campbell, at the request of Senator Hill and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the Migration Amendment (Duration of Detention) Bill 2003, allowing it to be considered during this period of sittings.

Question put and negatived.

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

Senator Eggleston, 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. 507—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 7 pm, to take evidence for the committee's inquiry into the application and expenditure of funds by Australian Wool Innovation Ltd.

Question put and passed.

23 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), at the request of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 5—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 connected with the reconstruction of the Old Parliament House gardens.

Question put and passed.

24 PARLIAMENTARY LIAISON OFFICER—MS MYRA CROKE—STATEMENT BY PRESIDENT

The President made a statement relating to the departure of the Senate Parliamentary Liaison Officer, Ms Myra Croke.

Statements by leave: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and Senator Ludwig, by leave, made statements relating to the matter.

25 PUBLICATIONS—STANDING COMMITTEE—9TH REPORT

The Chair of the Standing Committee on Publications (Senator Colbeck) tabled the following report:

PUBLICATIONS COMMITTEE

9TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents tabled since 14 May 2003, recommends that the following be printed:

Aboriginal Land Commissioner—Report—No. 64—Garrwa (Wearyan and Robinson River Beds and Banks) land claim No. 178.

Australian Law Reform Commission and National Health and Medical Research Council Australian Health Ethics Committee—Report—ALRC No. 96—Essentially yours: The protection of human genetic information in Australia, March 2003—Vols 1 and 2.

Australian Land Transport Development Program—Progress report for 2001-02.

Australian Maritime College—Report for 2002.

Australian National University—Report for 2002.

Department of Agriculture, Fisheries and Forestry—Report for 2001-02—Corrigendum.

National Crime Authority—Report for 2001-02.

Native Title Act 1993—Native title representative bodies—Carpentaria Land Council Aboriginal Corporation—Report for 2001-02.

Telecommunications (Interception) Act 1979—Report for 2001-02 pursuant to Division 2 of Part IX of the Act.

Western Australian Fisheries Joint Authority—Report for 2000-01.

Senator Richard Colbeck

Chairman

26 June 2003.

Senator Colbeck moved—That the report be adopted.

Question put and passed.

26 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—FUNDING MATTER UNDER THE DAIRY REGIONAL ASSISTANCE PROGRAM

The Chair of the Finance and Public Administration References Committee (Senator Forshaw) tabled the following report and documents:

Finance and Public Administration References Committee—A funding matter under the Dairy Regional Assistance Program—Report, dated June 2003, *Hansard* record of proceedings, documents presented to the committee and submissions [4].

Report ordered to be printed on the motion of Senator Forshaw.
Senator Forshaw moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

27 TREATIES—JOINT STANDING COMMITTEE—52ND REPORT

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

Treaties—Joint Standing Committee—52nd report—Treaties tabled in March 2003, dated June 2003, *Hansard* record of proceedings [2 vols] and minutes of proceedings.

Senator Kirk moved—That the Senate take note of the report.
Debate ensued.
Question put and passed.

28 WORKPLACE RELATIONS AMENDMENT (PROTECTION FOR EMERGENCY MANAGEMENT VOLUNTEERS) BILL 2003

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

Message no. 347, dated 25 June 2003—A Bill for an Act to amend the *Workplace Relations Act 1996*, 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.
On the motion of Senator Buckland 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.

29 WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

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

Message no. 348, dated 25 June 2003—A Bill for an Act to amend the *Workplace Relations Act 1996*, 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.

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.

30 MIGRATION AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Stott Despoja, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice, moved business of the Senate notice of motion no. 3—That item [2197] of Schedule 2 to the Migration Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 106 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 37

Senators—

Barnett	Coonan	Johnston	Patterson
Bishop	Crossin (Teller)	Kirk	Sherry
Brandis	Denman	Knowles	Stephens
Buckland	Eggleston	Ludwig	Tchen
Campbell, George	Ellison	Lundy	Tierney
Carr	Evans	Mackay	Webber
Colbeck	Ferguson	Marshall	Wong
Collins	Forshaw	McGauran	
Conroy	Hogg	McLucas	
Cook	Humphries	Moore	

Question negatived.

31 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Murray:

Schedule 1, page 37 (after line 19), after item 10, insert:

10A After section 218

Add:

219 Public broadcasters

- (1) The Minister must, by 1 July 2005, ensure that each of the five radio networks provided by the Australian Broadcasting Corporation are transmitted to population centres with a population of more than 10,000, where spectrum is available.
- (2) The Parliament shall appropriate funds for this purpose.

220 Review of regional broadcasting

The Authority shall, by 1 July 2005, conduct a review of the provision of local news and information provided by radio stations in non-metropolitan areas to determine appropriate changes to licence conditions to ensure the provision of local news and information to promote the object in paragraph 3(1)(g).

Debate ensued.

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

Consideration resumed of the amendment moved by Senator Cherry and postponed on 25 June 2003.

Senator Cherry, by leave, withdrew the amendment.

On the motion of Senator Cherry the following amendment was debated and agreed to:

Schedule 2, page 37 (after line 8), after item 8, insert:

8AA Before section 150

Insert:

150A Action by ABA in relation to a broadcasting service where complaint justified

- (1) If, having investigated a complaint, the ABA is satisfied that:
 - (a) the complaint was justified; and
 - (b) the ABA should take action under this section to encourage a provider of a broadcasting service to comply with the relevant code of practice;

the ABA may, by notice in writing given to a provider of a broadcasting service, recommend that it take action to comply with the relevant code of practice and take such other action in relation to the complaint as is specified in the notice.

- (2) That other action may include broadcasting or otherwise publishing an apology or retraction or providing a right of reply.
- (3) The ABA must notify the complainant of the results of such an investigation.

150B ABA may report to Minister on results of recommendation

- (1) If:
 - (a) the ABA has made a recommendation to a provider of a broadcasting service under section 150A; and
 - (b) the provider of a broadcasting service has not, within 30 days after the recommendation was given, taken action that the ABA considers to be appropriate;

the ABA may give the Minister a written report on the matter.

- (2) The Minister must cause a copy of the report to be laid before each House of the Parliament within 7 sitting days of that House after the day on which he or she receives the report.

Senator Cherry moved the following amendment:

Schedule 2, item 4, page 14 (after line 6), at the end of subsection 61F(2), add:

; and (d) the entities, or parts of the entities, that run those media operations, where those media operations involve a television

station and one or more daily newspapers in the same market, have established an editorial board for the news and current affairs operation of the television station which will:

- (i) have complete editorial control over the news and current affairs output of the television station, subject only to a right of veto by the entity over any story which is likely to expose the entity to a successful legal action for damages; and
- (ii) consist of three members, one appointed by the entity, one elected by the staff of the news and current affairs operation, and an independent chair appointed by agreement between the entity and the Authority; and
- (iii) have the power to appoint or dismiss the news editor, who in turn shall have the power to appoint or dismiss all staff of the news and current affairs operation within the budget set by the entity; and
- (iv) abide by any commercial objectives set by the entity and approved by the Authority consistent with the objectives of this Act and this section.

Debate ensued.

On the motion of Senator Cherry further consideration of the amendment was postponed.

On the motion of Senator Lees the following amendment was debated and agreed to:

Schedule 2, page 38 (after line 26), at the end of the Schedule, add:

17 Subclause 2(1) of Schedule 6

Insert:

local sports news bulletin has the meaning given by clause 5A.

18 Subclause 2(1) of Schedule 6

Insert:

local sports program has the meaning given by clause 5A.

19 After clause 5 of Schedule 6

Insert:

5A Local sports programs and local sports news bulletins

Local sports program

- (1) For the purposes of this Schedule, a *local sports program* is a sports program the sole purpose of which is to provide:
 - (a) coverage of one or more local sporting events; or
 - (b) analysis, commentary or discussion in relation to one or more local sporting events;
 or both, but does not include a local sports news bulletin.

Local sports news bulletin

- (2) For the purposes of this Schedule, a *local sports news bulletin* is a sports news bulletin the sole purpose of which is to provide news about one or more local sporting events.

Local sporting event

- (3) For the purposes of the application of this clause to a datacasting licence, a sporting event is a **local sporting event** if, and only if:
- (a) the event takes place wholly within the relevant transmitter licence area; or
 - (b) the event is a team event, and at least one competing team represents a location within, or an organisation based within, the relevant transmitter licence area.
- (4) However, none of the following is a local sporting event:
- (a) a sporting event that is, or is part of, an international sporting competition;
 - (b) a sporting event that is, or is part of, a national sporting competition;
 - (c) a sporting event that is, or is part of, the highest level competition for a particular sport within a particular State or Territory;
 - (d) a sporting event specified in a notice under subsection 115(1).

Relevant transmitter licence area

- (5) For the purposes of the application of this clause to a datacasting licence, if a transmitter licence authorises the operation of a transmitter or transmitters for transmitting the datacasting service concerned in a particular area, that area is the **relevant transmitter licence area**.

Definitions

- (6) In this clause:

foreign location means a location in a foreign country.

foreign organisation means an organisation based in a foreign country.

foreign resident means an individual whose ordinary place of residence is in a foreign country.

international sporting competition includes (but is not limited to):

- (a) a sporting competition (at any level) that is part of an international circuit or series; or
- (b) a sporting competition (at any level) that is an individual competition, where 50% or more of the competitors are foreign residents; or
- (c) a sporting competition (at any level) that is a team competition, where 50% or more of the competing teams represent a foreign location or foreign organisation.

national sporting competition means:

- (a) a sporting competition (at any level) that is part of an Australian circuit or series; or
- (b) a sporting competition (at any level) that:
 - (i) is an individual competition; and
 - (ii) operates as a single competition in Australia;
 even if:
 - (iii) a small proportion of the competitors are foreign residents; or

- (iv) a small proportion of the events take place in a foreign country; or
- (c) a sporting competition (at any level) that:
 - (i) is a team competition; and
 - (ii) operates as a single competition in Australia;
 even if:
 - (iii) a small proportion of the competing teams represent a foreign location or foreign organisation; or
 - (iv) a small proportion of the events take place in a foreign country.

20 After subclause 14(4) of Schedule 6

Insert:

- (4A) The condition set out in subclause (1) does not prevent the licensee from transmitting a local sports program.

21 Subclause 14(5) of Schedule 6

After “(2)”, insert “or (4A)”.

22 After subclause 16(3) of Schedule 6

Insert:

- (3A) The condition set out in subclause (1) does not prevent the licensee from transmitting a local sports news bulletin.

23 Subclause 16(5) of Schedule 6

Omit “(2) or (3)”, substitute “(2), (3) or (3A)”.

Consideration resumed of the amendment moved by Senator Cherry and postponed earlier today.

Debate resumed.

Senator Lees moved the following amendment to Senator Cherry’s proposed amendment:

Subparagraph (iii), omit “appoint or dismiss”, substitute “ratify the appointment or dismissal of”.

Question—That Senator Lees’ amendment to Senator Cherry’s proposed amendment be agreed to—put and passed.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2.

Schedule 2, as amended, debated and agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) the report from the committee was adopted.

Senator Alston moved—That this bill be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—

Abetz	Eggleston	Kemp	Murphy
Alston	Ellison	Knowles	Patterson
Barnett	Ferguson	Lees	Santoro
Boswell	Ferris (Teller)	Lightfoot	Scullion
Brandis	Harradine	Macdonald, Ian	Tchen
Campbell, Ian	Harris	Macdonald, Sandy	Tierney
Chapman	Heffernan	Mason	Vanstone
Colbeck	Humphries	McGauran	Watson
Coonan	Johnston	Minchin	

NOES, 33

Senators—

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

Question agreed to.

Bill read a third time.

32 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2003

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 12.45 pm: Debate was interrupted while Senator Lundy was speaking.

33 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That the order of the Senate agreed to earlier today (*see entry no. 4*) relating to bills to be considered from 12.45 pm to 2 pm, be varied to provide that the following bills be considered from 12.45 pm till not later than 2 pm:

No. 14 HIH Royal Commission (Transfer of Records) Bill 2003.

No. 16 National Health Amendment (Private Health Insurance Levies) Bill 2003 and four related bills.

No. 13 Governor-General Amendment Bill 2003.

Workplace Relations Amendment (Protection for Emergency Management Volunteers) Bill 2003.

No. 15 Australian Film Commission Amendment Bill 2003.

No. 22 Health and Ageing Legislation Amendment Bill 2003.

No. 23 Health Legislation Amendment Bill (No. 1) 2003.

Question put and passed.

34 HII ROYAL COMMISSION (TRANSFER OF RECORDS) BILL 2003

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

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 Treasurer (Senator Ian Campbell) the bill was read a third time.

35 NATIONAL HEALTH AMENDMENT (PRIVATE HEALTH INSURANCE LEVIES) BILL 2003

PRIVATE HEALTH INSURANCE (ACAC REVIEW LEVY) BILL 2003

PRIVATE HEALTH INSURANCE (COLLAPSED ORGANIZATION LEVY) BILL 2003

PRIVATE HEALTH INSURANCE (COUNCIL ADMINISTRATION LEVY) BILL 2003

PRIVATE HEALTH INSURANCE (REINSURANCE TRUST FUND LEVY) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That these bills be now read a second time.

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 Treasurer (Senator Ian Campbell) the bills were read a third time.

36 GOVERNOR-GENERAL AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment:

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

- (a) an 18 per cent increase in the salary level for the Governor-General is significantly above inflation and wage increases for ordinary Australians;
- (b) a broad-based and open process should be adopted to determine the most appropriate models for an Australian republic;
- (c) the separation of powers and the rule of law should be strengthened by creating an Australian Head of State with codified powers that adequately describe his or her relationship with the executive, the legislature, the judiciary and the people; and
- (d) under any future constitutional arrangements the Government should not have the power to arbitrarily dismiss the head of state”.

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 Treasurer (Senator Ian Campbell) the bill was read a third time.

37 WORKPLACE RELATIONS AMENDMENT (PROTECTION FOR EMERGENCY MANAGEMENT VOLUNTEERS) BILL 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Ludwig moved the following amendments together by leave:

Schedule 1, page 3 (after line 4), before item 1, insert:

1A After paragraph 89A(1)(g)

Insert:

(ga) emergency services leave;

Schedule 1, page 4 (after line 32), after item 5, insert:

5A After Part XA

Insert:

Part XB—Victimisation of employees engaged in emergency service activities

Insert:

298ZA Object

This Part has the object of ensuring that employees are not subjected to victimisation by their employer for the reason of the employees being absent from work without leave or being unavailable for work because the employees are taking part in emergency operations as members of an emergency services organisation.

298ZB Application

This Part applies to the employment of employees if the employee concerned is:

- (a) a Commonwealth public sector employee; or
- (b) a Territory employee; or
- (c) a Federal award employee who was employed by a constitutional corporation; or
- (d) a Federal award employee who was a waterside worker, maritime employee or flight crew officer, employed in the course

of, or in relation to, trade or commerce between Australia and a place outside Australia, between the States, within a Territory, between a State and a Territory, or between 2 Territories.

298ZC Victimisation

- (1) An employer must not victimise an employee of the employer for the reason of being absent from work without leave or unavailable for work if the absence or unavailability was due to the employee taking part in emergency operations as a member of an emergency services organisation.
- (2) An employer victimises an employee if the employer:
 - (a) dismisses the employee from employment with the employer or terminates the engagement of the employee by the employer; or
 - (b) alters the employee's position in her or his employment with the employer, or alters the circumstances of the employee's engagement by the employer, to the employee's prejudice; or
 - (c) otherwise injures the employee in her or his employment with, or engagement by, the employer.

298ZD Applications to the Court

- (1) An application may be made to the Court for orders under section 298ZE in respect of conduct in contravention of this Part.
- (2) An application may be made by:
 - (a) an employee against whom the conduct has been, is being or would be carried out; or
 - (b) an organisation of which an employee is a member; or
 - (c) the Minister or a person authorised by the Minister.

298ZE Orders that the Court may make

In respect of conduct in contravention of this Part, the Court may, if the Court considers it appropriate in all the circumstances of the case, make one or more of the following orders:

- (a) an order imposing on an employer whose conduct contravened or is contravening the provision in question a penalty of not more than 10 penalty units;
- (b) injunctions (including interim injunctions) and any other orders that the Court thinks necessary to stop the conduct or remedy its effects;
- (c) any other consequential orders.

298ZF Proof not required of the reason for, or the intention of, conduct

If, in an application under this Part relating to an employer's conduct, it is alleged that the conduct was, or is, being carried out for the reason set out in subsection 298ZC(1) which constitutes a contravention of this Part, it is presumed, in proceedings under this Part arising from the application, that the conduct was, or is, being carried out for that reason, unless the employer proves otherwise.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the report from the committee was adopted and the bill read a third time.

38 AUSTRALIAN FILM COMMISSION AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Brown the following amendment was agreed to:

Schedule 1, item 11, page 5 (after line 6), after subsection 6(5), add:

- (6) The annual report of the Commission under section 9 of the *Commonwealth Authorities and Companies Act 1997*, in respect of a financial year, must include a report of the operations relating to the national collection.

Senator Brown moved the following amendment:

Schedule 1, page 5 (after line 9), after item 12, insert:

12A After subsection 15(3)

Insert:

- (3A) At least three members of the Commission shall be persons who have knowledge of, or experience in, film and sound archival requirements and processes.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Minister for the Arts and Sport (Senator Kemp) the report from the committee was adopted and the bill read a third time.

39 HEALTH AND AGEING LEGISLATION AMENDMENT BILL 2003

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.

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

In the committee

Bill taken as a whole by leave.

Senator Allison moved the following amendment:

Schedule 1, page 5 (after line 19), after item 4, insert:

4A At the end of subsection 100B(1)

Add “on the basis of merit in accordance with section 100BA”.

4B After section 100B

Insert:

100BA Procedures for merit selection of committee members

- (1) The Minister must by writing determine a code of practice for selecting and appointing members and acting members of the Pharmaceutical Benefits Advisory Committee that sets out general principles on which the selection and appointment is to be made, including but not limited to:
 - (a) merit;
 - (b) independent scrutiny of appointments;
 - (c) probity;
 - (d) openness and transparency.
- (2) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
- (3) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (4) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (5) A code of practice determined under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of Senator Ian Campbell the report from the committee was adopted and the bill read a third time.

40 HEALTH LEGISLATION AMENDMENT BILL (NO. 1) 2003

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.

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 Senator Ian Campbell the bill was read a third time.

Suspension of sitting: On the motion of Senator Ian Campbell the sitting of the Senate was suspended till 2 pm.

At 2 pm—

41 QUESTIONS

Questions without notice were answered.

42 HEALTH—MEDICARE—BULK BILLING—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

43 DEFENCE—BRIGHTON BARRACKS—PERSONAL EXPLANATION

The Special Minister of State (Senator Abetz), by leave, made a personal explanation relating to comments made during question time today concerning the sale of the Brighton Barracks in Tasmania.

Document: Senator Abetz tabled the following documents:

Defence—Brighton Barracks—Copies of documents written by the Special Minister of State (Senator Abetz) and forwarded to—

Damian Bester, dated 5 June 2003.

The Editor, *The Advocate*, dated 29 April 2003.

The Editor, *The Examiner*, dated 29 April 2003.

44 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING

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

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 26 June 2003.

45 ASSOCIATION OF FORMER MEMBERS OF THE PARLIAMENT OF AUSTRALIA—REPORT FOR 2002—DOCUMENT

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

Association of Former Members of the Parliament of Australia—Report for 2002.

46 AUDITOR-GENERAL—AUDIT REPORT NO. 58 OF 2002-03—DOCUMENT

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

Auditor-General—Audit report no. 58 of 2002-03—Performance audit—Veterans’ appeals against disability compensation decisions—Follow-up audit: Department of Veterans’ Affairs; Veterans’ Review Board.

47 PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT

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

Parliamentarians’ travel paid by the Department of Finance and Administration—July to December 2002, dated June 2003.

48 FORMER PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT

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

Former parliamentarians’ travel paid by the Department of Finance and Administration—July to December 2002, dated June 2003.

49 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT

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

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2002.

50 FORMER GOVERNORS-GENERAL TRAVEL COSTS—DOCUMENT

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

Former Governors-General travel paid by the Department of the Prime Minister and Cabinet—1 July to 31 December 2002.

51 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—REGULATION 7.1.29 IN CORPORATIONS AMENDMENT REGULATIONS 2003 (NO. 3)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and document:

Corporations and Financial Services—Joint Statutory Committee—Regulation 7.1.29 in Corporations Amendment Regulations 2003 (No. 3), Statutory Rules 2003 No. 85—Report, dated June 2003 and document provided to the committee.

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

Senator Chapman, by leave, moved—That the Senate take note of the report.

Question put and passed.

52 AUSTRALIAN PARLIAMENTARY DELEGATION TO NIGERIA AND SOUTH AFRICA—DOCUMENT

Senator Tierney, by leave, tabled the following document:

Nigeria and South Africa—Report of the Australian parliamentary delegation, 27 October to 8 November 2002.

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

Question put and passed.

53 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE ASIA PACIFIC PARLIAMENTARY FORUM—DOCUMENT

Senator Ferris, by leave, tabled the following document:

Asia Pacific Parliamentary Forum—Report of the Australian parliamentary delegation to the 11th annual meeting held in Kuala Lumpur, Malaysia, 13 to 15 January 2003, dated June 2003.

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

Question put and passed.

54 DOCUMENTS

The following documents were tabled by the Clerk:

ACIS Administration Act—ACIS Administration (Modulation) Amendment Guidelines 2003 (No. 2).

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA 242/03, CASA 248/03 and CASA 250/03-CASA 254/03.

Defence Act—Determination under section 58H—Defence Force Remuneration Tribunal—Determination No. 7 of 2003.

Financial Management and Accountability Act—Determination under section—
20—

Financial Management and Accountability (Special Accounts) Determination 2003/02.

Initial determination to establish components of the Reserved Money Fund, dated 31 December 1997.

21—Initial determination to establish components of the Commercial Activities Fund, dated 31 December 1997.

Hearing Services Administration Act—Hearing Services Rules of Conduct Amendment Rules 2003 (No. 1).

Medical Indemnity Act—Medical Indemnity Subsidy Scheme 2003.

National Health Act—

Determinations under Section 5D—PHS8/2003 and PHS9/2003.

Health Benefits Organizations — Capital adequacy Standard 2003.

Health Benefits Organizations — Interpretation Standard 2003.

Health Benefits Organizations — Solvency Standard 2003.

55 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2003

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 Ridgeway moved the following amendment:

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

- (a) notes that the Export Market Development Grant scheme is an important and vital means of support to Australian industry and their export activities; and
- (b) calls on the Government to show a commitment to maintaining the real value of funding available under the scheme, by indexing it to inflation”.

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 Minister for Revenue and Assistant Treasurer (Senator Coonan) the bill was read a third time.

56 NOTICE

Senator Lees gave a notice of motion as follows: To move on 19 August 2003—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 31 December 2003:

The issue of corporate governance, with particular reference to:

- (a) the decline in the share price of some iconic Australian companies, including those majority-owned by the Commonwealth, such as Telstra, and possible reasons for this decline;
- (b) corporate competence and accountability demonstrated by the boards of these companies;
- (c) payment and benefits to directors and executives, including the rewarding of non-performing and exiting senior executives with ‘Golden Parachutes’, and possible future taxation of such benefits;
- (d) the provision of share options as a form of payment;
- (e) the conduct of company annual general meetings, including necessary changes to their guidelines to allow for effective action on the part of shareholder-activists;
- (f) the need for independent directors on company boards;
- (g) the role of fund managers, including whether or not fund managers should sit on boards of companies in which they have invested, and the disclosure of votes by funds at company meetings or on boards;
- (h) the oversight and regulation of superannuation funds, particularly those jointly established by unions and employers, and the role of administrators of these funds;

- (i) the relationship between Government majority-owned companies and the Executive and Parliament, including the use of company resources to monitor and lobby members of the Government and the Parliament, and the level of accountability of these companies to the Parliament, in relation to all items of expenditure, including sponsorship and hospitality; and
- (j) any other relevant matters.

57 TAXATION LAWS AMENDMENT BILL (NO. 4) 2003

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.

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

Taxation Laws Amendment Bill (No. 4) 2003—Copy of letter from General Manager, Individuals and Entities Tax Division, Treasury to Corporate Advisory Group, Blake Dawson Waldron relating to FBT exemption for certain payments to approved worker entitlement funds, dated 6 June 2003.

Debate continued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Marshall the following amendment was debated and agreed to:

Schedule 7, item 1, page 69 (after line 38), after section 58PB, insert:

58PC Exempt benefits—existing worker entitlement funds

(1) If:

- (a) a person makes a contribution to an existing worker entitlement fund; and
- (b) the contribution is made in accordance with existing industrial practice; and
- (c) the contribution is either:
 - (i) made for the purposes of ensuring that an obligation to make leave payments (including payments in lieu of leave) or payments when an employee ceases employment is met; or
 - (ii) for the reasonable administrative costs of the fund; and
- (d) the contribution is made during the FBT year beginning on 1 April 2003;

the contribution is an exempt benefit.

- (2) A fund is an *existing worker entitlement fund* if the fund accepted contributions during the FBT year beginning on 1 April 2002 for the purposes of ensuring that obligations to make leave payments (including payments in lieu of leave) or payments when an employee ceases employment are met.
- (3) A contribution is made in accordance with *existing industrial practice* if the taxpayer or another person in the taxpayer's industry made payments in the FBT year beginning on 1 April 2002 to an existing worker entitlement fund for the purposes of ensuring that an obligation to make leave payments (including payments in lieu of leave) or payments when an employee ceases employment is met.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time.

58 TAXATION LAWS AMENDMENT BILL (NO. 6) 2003

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 2.

Question—That Schedule 2 stand as printed—put and negatived.

On the motion of Senator Marshall the following amendment was agreed to:

Clause 2, page 2 (table item 2, column 1), omit “Schedules 1 and 2”, substitute “Schedule 1”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time.

59 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (National Handgun Buyback Bill 2003).

Question put and passed.

60 NATIONAL HANDGUN BUYBACK BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That this bill be now read a second time.

Debate resumed.

Senator Greig moved the following amendment:

At the end of the motion, add “but the Senate expresses its concern that:

- (a) the details of the proposed ban on certain handguns have not been finalised;
- (b) the final list of models to be banned has not yet been released;
- (c) this is causing confusion for the states, which are responsible for implementing the buyback;
- (d) the proposed ban only applies to a small percentage of handguns, leaving the vast majority of handguns in the Australian community; and
- (e) because of the large number of handguns that will escape the ban, the buyback will effectively enable gun-owners to trade in their banned handguns and use Government funds to purchase legal handguns”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the bill in committee of the whole was made an order of the day for a later hour.

61 AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002 [NO. 2]

A message from the House of Representatives was reported as follows:

Message no. 349, dated 26 June 2003—Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2], agreeing to amendments nos 1 to 15, 17 to 22, 24 to 29, 31, 35, 36, 38 to 56 and 59 to 77 made by the Senate, disagreeing to amendments nos 30, 33, 34, 37, 57 and 58, and making amendments in place of amendments nos 16, 23 and 32.

Ordered, on the motion of the Minister for Justice and Customs (Senator Ellison), that the message be considered in committee of the whole immediately.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE
TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(30) Dem (4) [Sheet 2923 Revised]

Schedule 1, item 24, page 14 (line 32), at the end of subsection (1), add:

; (h) subject to sections 34TA, 34TB and 34U, the person's right to contact a lawyer of choice at any time during the questioning period.

(33) Opp (4) [Sheet 2953]

Schedule 1, item 24, page 18 (lines 13 and 14), omit the note.

(34) Opp (5) [Sheet 2953]

Schedule 1, item 24, page 18 (lines 30 and 31), omit the note.

(37) Opp

Section 34HC, omit "168" (wherever occurring), substitute "72".

(57) Opp (8) [Sheet 2953]

Paragraph 34TA(2)(a), after "may", insert ", as a real possibility,".

(58) Opp (9) [Sheet 2953]

Paragraph 34TA(2)(b), after "may" (second occurring), insert ", as a real possibility,".

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH
THE HOUSE OF REPRESENTATIVES HAS DISAGREED,
BUT MADE AMENDMENTS IN PLACE THEREOF

(16) Opp (1) [Sheet 2953]

Schedule 1, item 24, page 10 (line 23), omit "168", substitute "72".

(23) Opp (2) [Sheet 2953]

Schedule 1, item 24, page 12 (line 21), omit "168", substitute "72".

(32) Opp (3) [Sheet 2953]

Schedule 1, item 24, page 16 (line 22), omit "168", substitute "72".

AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES
IN PLACE OF SENATE AMENDMENT NOS 16, 23 AND 32

(1) Schedule 1, item 24, page 10 (lines 19 to 23), omit paragraph (3)(d).

[questioning]

(2) Schedule 1, item 24, page 12 (lines 17 to 21), omit paragraph (c).

[questioning]

(3) Schedule 1, item 24, page 16 (lines 18 to 24), omit paragraphs (4)(a) and (aa), substitute:

(a) a person being detained after the end of the questioning period described in section 34D for the warrant; or

[questioning]

Senator Ellison moved—That the committee does not insist on its amendments nos 30, 33, 34, 37, 57 and 58 to which the House of Representatives has disagreed and agrees to the amendments made by the House in place of amendments nos 16, 23 and 32.

Debate ensued.

Question put.

The committee divided—

AYES, 51

Senators—

Alston	Collins	Johnston	O'Brien
Barnett	Conroy	Kirk	Patterson
Bishop	Denman	Knowles	Ray
Bolkus	Eggleston	Lightfoot	Santoro
Boswell	Ellison	Ludwig	Scullion
Brandis	Evans	Lundy	Sherry
Buckland	Faulkner	Macdonald, Ian	Stephens
Calvert	Ferguson	Mackay	Tchen
Campbell, George	Ferris	Marshall	Tierney
Campbell, Ian	Forshaw	Mason	Watson
Carr	Harradine	McGauran (Teller)	Webber
Chapman	Hogg	McLucas	Wong
Colbeck	Humphries	Moore	

NOES, 12

Senators—

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

Question agreed to.

Senator Brown moved the following amendment:

Schedule 1, item 24, page 18 (after line 14), after subsection 34G(4), insert:

(4A) Where a person who is before a prescribed authority for questioning under a warrant in accordance with this Division is a:

- (a) medical practitioner, including a counsellor;
- (b) legal practitioner;
- (c) member of the clergy;

and the person is requested to disclose information obtained in the provision of their professional services as listed in paragraphs (a) to (c), the person does not bear the evidential burdens required by subsections (4) and (7).

Debate ensued.

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

Debate continued.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Watson) reported that the committee had considered message no. 349 from the House of Representatives relating to the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2], had

resolved not to insist on amendments nos 30, 33, 34, 37, 57 and 58 made by the Senate to which the House had disagreed and had agreed to the amendments made by the House in place of amendments nos 16, 23 and 32.

Senator Ellison moved—That the report from the committee be adopted.

Debate ensued.

Question put and passed.

62 NATIONAL HANDGUN BUYBACK BILL 2003

Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Bill, taken as a whole by leave, debated.

Senator Brown moved the following amendment:

Clause 4, page 3 (line 17), at the end of subclause (2), add:

; and (d) the Minister is satisfied that the State has banned all self-loading pistols or revolvers except for those:

- (i) to be used for military, police or other government purposes; or
- (ii) to be used for legitimate employment purposes; or
- (iii) to be traded and owned by firearms collectors licensed under appropriate State and Territory legislation; or
- (iv) to be used by members of the Olympic and Commonwealth Games sporting teams, or people training for those teams as determined by an Olympic Shooting Regulation Committee convened by the Minister as defined by regulation subject to the following provisions:
 - (A) the Committee is to consist of representatives of the Australian Olympic Committee, the Minister for Sport, the National Coalition for Gun Control, the Australian Medical Association, the Australian College of Psychiatrists, the Teachers Federation, the Domestic Violence Advocacy Centre and the Australian Shooting Association;
 - (B) the Committee is to develop a policy for the basis of developing a list of approved weapons within guidelines defined by regulation;
 - (C) individuals must apply to the Committee for accreditation to use weapons from an approved list within guidelines defined by regulation.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 2

Senators—

Brown (Teller)

Nettle

NOES, 49

Senators—

Abetz	Conroy	Lees	Ridgeway
Allison	Ellison	Lightfoot	Santoro
Barnett	Evans	Ludwig	Scullion
Bartlett	Ferguson	Lundy	Sherry
Bishop	Ferris	Mackay	Stephens
Brandis	Forshaw	Marshall	Stott Despoja
Buckland	Greig	Mason	Tchen
Campbell, George	Harris	McGauran (Teller)	Watson
Carr	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wong
Cherry	Johnston	Murphy	
Colbeck	Kirk	Murray	
Collins	Knowles	O'Brien	

Question negatived.

Bill further debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time. Senators Harris and Murphy, by leave, recorded their votes for the noes in respect of the question for the third reading.

63 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002

A message from the House of Representatives was reported as follows:

Message no. 353, dated 26 June 2003—Broadcasting Services Amendment (Media Ownership) Bill 2002, agreeing to amendments nos 1 to 15, 17 to 19, 21, 22, 25 to 41, and 44 to 48 made by the Senate and disagreeing to amendments nos 16, 20, 23, 24, 42 and 43.

Ordered, on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston), that the message be considered in committee of the whole immediately.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE
TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(16) Harradine (1) [Sheet 2985 Revised]

Schedule 2, item 4, page 12 (line 30), omit “if”, substitute “provided”.

(20) Harradine (2) [Sheet 2985 Revised]

Schedule 2, item 4, page 13 (line 4), at the end of subsection 61E(1) (before the note), add:

- ; and (d) the application is not in relation to a set of media operations in a metropolitan licence area that includes a television broadcasting licence and a newspaper associated with the licence area.

(23) Harradine (3) [Sheet 2985 Revised]

Schedule 2, item 4, page 13 (after line 5), after subsection 61E(1), insert:

- (1A) The ABA must refuse to issue a cross-media exemption certificate if it relates to a set of media operations in a metropolitan licence area and the set includes a television broadcasting licence and a newspaper associated with the licence area.

(24) Dem (R3) [Sheet 2987 Revised 2] (As amended by APA)

Schedule 2, item 4, page 14 (after line 6), at the end of subsection 61F(2), add:

- ; and (d) the entities, or parts of the entities, that run those media operations, where those media operations involve a television station and one or more daily newspapers in the same market, have established an editorial board for the news and current affairs operation of the television station which will:
- (i) have complete editorial control over the news and current affairs output of the television station, subject only to a right of veto by the entity over any story which is likely to expose the entity to a successful legal action for damages; and
 - (ii) consist of three members, one appointed by the entity, one elected by the staff of the news and current affairs operation, and an independent chair appointed by agreement between the entity and the Authority; and
 - (iii) have the power to ratify the appointment or dismissal of the news editor, who in turn shall have the power to appoint or dismiss all staff of the news and current affairs operation within the budget set by the entity; and
 - (iv) abide by any commercial objectives set by the entity and approved by the Authority consistent with the objectives of this Act and this section.

(42) Dem (R1) [Sheet 2987 Revised 2]

Schedule 2, page 37 (after line 8), after item 8, insert:

8AA Before section 150

Insert:

150A Action by ABA in relation to a broadcasting service where complaint justified

- (1) If, having investigated a complaint, the ABA is satisfied that:
- (a) the complaint was justified; and
 - (b) the ABA should take action under this section to encourage a provider of a broadcasting service to comply with the relevant code of practice;

the ABA may, by notice in writing given to a provider of a broadcasting service, recommend that it take action to comply with the relevant code of practice and take such other action in relation to the complaint as is specified in the notice.

- (2) That other action may include broadcasting or otherwise publishing an apology or retraction or providing a right of reply.
- (3) The ABA must notify the complainant of the results of such an investigation.

150B ABA may report to Minister on results of recommendation

- (1) If:
 - (a) the ABA has made a recommendation to a provider of a broadcasting service under section 150A; and
 - (b) the provider of a broadcasting service has not, within 30 days after the recommendation was given, taken action that the ABA considers to be appropriate;the ABA may give the Minister a written report on the matter.
- (2) The Minister must cause a copy of the report to be laid before each House of the Parliament within 7 sitting days of that House after the day on which he or she receives the report.

(43) Dem (2) [Sheet 2987 Revised]

Schedule 2, page 37 (after line 8), after item 8, insert:

8AB At the end of subsection 152(2)

Add “or providing a right of reply”.

Senator Alston moved—That the committee does not insist on its amendments nos 16, 20, 23, 24, 42 and 43 to which the House of Representatives has disagreed.

Debate ensued.

Senator Murphy moved the following amendment:

At the end of the motion, add “but agrees to the following further amendments:

Schedule 2, page 5 (after line 8), after item 1, insert:

1AA After section 36

Insert:

36A Disaggregation and transfer of commercial television licences for metropolitan areas where an application for a cross-media exemption certificate has been made

Where a person applies for a cross-media exemption certificate that includes the transfer of a metropolitan commercial television licence or licences and the transfer includes a metropolitan commercial television licence held by a person who holds another metropolitan commercial television licence or licences, then the second mentioned licence or licenses may only be transferred collectively with the first mentioned licence and only to one other person.

Schedule 2, item 4, page 12 (line 30), omit “if”, substitute “provided”.

Schedule 1, item 4, page 13 (after line 4), at the end of subsection 61E(1) (before the note), add:

- ; and (d) the application is not one which would provide an applicant for an exemption certificate in a metropolitan licence area with more than 35% of the total advertising revenue of commercial television and commercial radio broadcasting licensees and

newspapers generated through those operations in that metropolitan licence area.

Schedule 2, item 4, page 13 (after line 5), after subsection 61E(1), insert:

- (1A) The ABA must refuse to issue a cross-media exemption certificate if it relates to an applicant for an exemption certificate in a metropolitan licence area which has more than 35% of the total advertising revenue of commercial television and commercial radio broadcasting licensees and newspapers generated through those operations in that metropolitan licence area.
- (1B) In taking action under subsection (1A), the ABA must obtain a consumer and market impact report from the ACCC in accordance with section 61DA.

Schedule 2, item 4, page 13 (after line 7), after section 61E, insert:

61EA Cessation of operation

Paragraph 61E(1)(d) and subsection 61E(1A) cease to have effect 3 years after they commence.

Schedule 2, page 18 (after line 12), at the end of Subdivision B, add:

61PAA Review of effect of Subdivision

The Minister must:

- (a) initiate, as soon as possible after the third anniversary of the day on which this Subdivision commences, a review of the operation, effectiveness and implications of the Subdivision; and
- (b) cause to be tabled in both Houses of the Parliament a copy of the report of the review within 15 sitting days of receiving the report.

Schedule 2, item 4, page 12 (after line 26), after section 61D, insert:

61DA Australian Competition and Consumer Commission to provide a consumer and market impact report

- (1) At least 30 days before a cross-media exemption certificate is issued to a person, the ABA must request the Australian Competition and Consumer Commission to provide a consumer and market impact report under this section.
- (2) The report is to advise whether, in the opinion of the Australian Competition and Consumer Commission, the entering into or carrying out of one or more associated transactions or associated agreements in relation to the certificate:
- (a) would constitute a contravention of section 50 of the *Trade Practices Act 1974* if the entering into or carrying out of those associated transactions or associated agreements were the acquisition by a person (the *acquirer*) of an asset of a body corporate; and
- (b) would not be authorised under section 88 of that Act if the acquirer had applied for such an authorisation; or
- (c) would provide an applicant for an exemption certificate in a metropolitan licence area with more than 35% of the total advertising revenue of all commercial television and commercial radio broadcasting licensees and newspapers generated through those operations in that metropolitan licence area.

Note: For associated transaction and associated agreement, see subsection (7).

- (3) In preparing the report, the Australian Competition and Consumer Commission must take into account the matters set out in subsection 50(3) of the *Trade Practices Act 1974* (including those matters relating to the interests of consumers).
- (4) Subsection (3) does not limit the matters that may be taken into account by the Australian Competition and Consumer Commission.
- (5) The ABA must not make a decision on the application for the certificate until the Australian Competition and Consumer Commission reports under this section.
- (6) For the purposes of the consideration of a request to the Australian Competition and Consumer Commission, section 155 of the *Trade Practices Act 1974* applies as if the entering into or carrying out of one or more associated transactions or associated agreements in relation to a cross-media exemption certificate were a matter referred to in subsection (1) of that section.
- (7) For the purposes of this section, if, in the event that a cross-media exemption certificate were to be issued, a transaction or agreement would (either alone or together with any other transactions or agreements) result in the certificate becoming active, the first-mentioned transaction or agreement is an **associated transaction** or **associated agreement**, as the case may be, in relation to the certificate.
- (8) For the purposes of this section, a viewer of a commercial television broadcasting service, or a listener to a commercial radio broadcasting service, is taken to be a consumer of that service.

Schedule 2, item 4, page 13 (after line 7), at the end of section 61E, add:

- (3) Despite subsection (1), the ABA must not issue a cross-media exemption certificate if:
 - (a) the Australian Competition and Consumer Commission has reported under section 61DA in relation to the certificate; and
 - (b) the report is to the effect that, in the opinion of the Australian Competition and Consumer Commission, the entering into or carrying out of one or more associated transactions or associated agreements in relation to the certificate:
 - (i) would constitute a contravention of section 50 of the *Trade Practices Act 1974* if the entering into or carrying out of those associated transactions or associated agreements were the acquisition by a person (the **acquirer**) of an asset of a body corporate; and
 - (ii) would not be authorised under section 88 of that Act if the acquirer had applied for such an authorisation; or
 - (iii) would result in an applicant for an exemption certificate in a metropolitan licence area obtaining more than 35% of the total advertising revenue of commercial television and commercial radio broadcasting licensees and newspapers generated through those operations in that metropolitan licence area.

Note: For *associated transaction* and *associated agreement*, see subsection (5).

- (4) If the Australian Competition and Consumer Commission has not provided the report within 30 days after being given a request for the report:
- (a) the Australian Competition and Consumer Commission must notify the ABA that the Australian Competition and Consumer Commission has been unable to provide the report within that 30-day period; and
 - (b) subsection 61D(5) has effect, in relation to a decision on the application for the certificate, as if the 60-day period mentioned in that subsection were extended by one day for each day in the period:
 - (i) beginning at the end of that 30-day period; and
 - (ii) ending when the Australian Competition and Consumer Commission provides the report.
- (5) For the purposes of subsection (3), if, in the event that a cross-media exemption certificate were to be issued, a transaction or agreement would (either alone or together with any other transactions or agreements) result in the certificate becoming active, the first-mentioned transaction or agreement is an *associated transaction* or *associated agreement*, as the case may be, in relation to the certificate.”.

Debate ensued.

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

Main question put.

The committee divided—

AYES, 29

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 353 from the House of Representatives relating to the Broadcasting Services Amendment (Media Ownership) Bill 2002 and had resolved to insist on amendments nos 16, 20, 23, 24, 42 and 43 made by the Senate to which the House had disagreed.

Senator Alston moved—That the report from the committee be adopted.

Debate ensued.

Question put and passed.

64 WHEAT MARKETING 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.

The Senate continued to sit till midnight—
FRIDAY, 27 JUNE 2003 AM

Debate continued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Cherry the following amendment was debated and agreed to:

Schedule 1, item 1, page 3 (after line 12), at the end of the definition of *wheat export charge amounts*, add:

Note: The charge mentioned in paragraph (a) is to be imposed by regulations that specify the period for which the charge is to apply.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 1.

Schedule 1, item 1, as amended, agreed to.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 2, section 5A.

Schedule 1, item 2, section 5A debated and agreed to.

On the motion of Senator Cherry the following amendments, taken together by leave, were debated and agreed to:

Page 2 (after line 2), after clause 3, add:

4 Application

The Authority must prepare and publish the first reports under section 5C of the *Wheat Marketing Act 1989* as amended by this Act for the financial year ending on 30 June 2003. However, the Authority is not required to publish a report under section 5C earlier than 4 months after the commencement of this Act.

Schedule 1, page 3 (after line 12), after item 1, insert:

1A Section 3

Insert:

related body corporate has the same meaning as in the *Corporations Act 2001*.

Schedule 1, item 2, page 3 (after line 32), after section 5B, insert:

5C Reports about nominated company B's performance

Report for Minister

- (1) The Authority must prepare and give to the Minister each financial year a report in relation to:
 - (a) nominated company B's performance in relation to the export of wheat for the year; and
 - (b) the benefits to growers that resulted from that performance.
- (2) The Authority must give the report for a financial year to the Minister on or before 31 December in the next financial year.

Report for growers

- (3) The Authority must prepare and publish a report for growers each financial year in relation to:
 - (a) nominated company B's performance in relation to the export of wheat for the year; and
 - (b) the benefits to growers that resulted from that performance.
- (4) The Authority must publish the report for a financial year on or before 31 December in the next financial year.

Note: Information that is protected from disclosure by subsection 5E(2) must not be included in a report for growers.

5D Power to obtain information

- (1) The Authority may direct nominated company B, or a related body corporate of nominated company B, to give to the Authority:
 - (a) information; or
 - (b) documents, or copies of documents, in the custody or under the control of nominated company B or the related body corporate;
 that the Authority considers relevant to the operation of pools mentioned in section 84 (including the costs of operating the pools and the returns to growers that result from the pools).
- (2) A direction must:
 - (a) be in writing; and
 - (b) specify the information that is, or documents that are, to be given; and
 - (c) specify the date by which the information is, or documents are, to be given.

- (3) A direction may specify the manner and form in which the information is, or documents are, to be given.
- (4) The directed company must comply with a direction.
- (5) If the directed company does not comply with a direction by the specified date, the Authority may apply to the Federal Court for an order under subsection (6).
- (6) If the Federal Court is satisfied that:
 - (a) the directed company has not complied with the direction; and
 - (b) if information is specified in the direction—the information is relevant to the operation of pools mentioned in section 84 (which may include the costs of operating the pools and the returns to growers that result from the pools); and
 - (c) if documents are specified in the direction—the documents are in the custody or under the control of the directed company and are relevant to the operation of pools mentioned in section 84 (which may include the costs of operating the pools and the returns to growers that result from the pools);the Federal Court may make the following orders:
 - (d) an order granting an injunction requiring the directed company to comply with the direction;
 - (e) any other order that the Court considers appropriate.
- (7) The Federal Court may exercise powers under subsection (6) whether or not:
 - (a) it appears to the Court that the directed company intends to continue to fail to comply with the direction; or
 - (b) the directed company has previously failed to comply with a direction.
- (8) The Federal Court may discharge or vary an injunction granted under this section.

5E Dealing with confidential information

- (1) This section applies to a person who is or has been:
 - (a) a member of the Authority; or
 - (b) a member of the staff of the Authority; or
 - (c) a person who performs services in connection with the functions of the Authority; or
 - (d) the Minister; or
 - (e) a person employed as a member of staff of the Minister under section 13 or 20 of the *Members of Parliament (Staff) Act 1984*; or
 - (f) a person appointed by the Minister to conduct the review under subsection 57(7); or
 - (g) a person who assists a person mentioned in paragraph (f) in the conduct of the review.
- (2) The person must not disclose information if:
 - (a) either:
 - (i) it is information given to the Authority under section 5D and the company that gave the information claims it is commercial-in-confidence information; or

- (ii) it is information contained in a document given to the Authority under section 5D and the company that gave the document claims that the information is commercial-in-confidence information; and
- (b) the disclosure of the information could reasonably be expected:
 - (i) to cause financial loss or detriment to the directed company or a related body corporate of the directed company; or
 - (ii) to directly benefit a competitor of the directed company or of a related body corporate of the directed company; or
 - (iii) to reduce the return for a pool mentioned in section 84.

Penalty: Imprisonment for 1 year.

- (3) Subsection (2) does not prevent the person from disclosing information:
 - (a) with the consent of the company that gave the information; or
 - (b) in accordance with an order of a court; or
 - (c) to any of the following persons, for a purpose in connection with the performance of the functions of the Authority:
 - (i) a member of the Authority;
 - (ii) a member of the staff of the Authority;
 - (iii) a person who performs services in connection with the functions of the Authority; or
 - (d) to the Minister; or
 - (e) to a person employed as a member of staff of the Minister under section 13 or 20 of the *Members of Parliament (Staff) Act 1984*; or
 - (f) to any of the following persons, for a purpose in connection with the conduct of the review under subsection 57(7):
 - (i) a person appointed by the Minister to conduct the review;
 - (ii) a person who assists a person mentioned in subparagraph (i) in the conduct of the review.

Note: The defendant bears an evidential burden in relation to a matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 3.

Schedule 1, item 3 debated and agreed to.

Senator O'Brien moved the following amendments together by leave:

Schedule 1, page 4 (after line 23), after item 4, insert:

4A Subsection 57(7)

Repeal the subsection, substitute:

- (7) Before 1 July 2004, the Minister must cause an independent review to be conducted of the following matters:
 - (a) the operation of subsection (1A) in relation to nominated company B;
 - (b) the conduct of nominated company B in relation to:
 - (i) consultations for the purposes of repealed subsection (3A); and

- (ii) the granting or withholding of approvals for the purposes of subsection (3B); and
 - (iii) returns to growers; and
 - (c) the economic impact of export wheat control arrangements on Australia's domestic wheat market; and
 - (d) the benefit of maintaining export wheat control arrangements; and
 - (e) recommended changes to export wheat control arrangements; and
 - (f) recommended changes to monitoring and reporting arrangements.
- (8) The review conducted in accordance with subsection (7) is to have the same powers, procedures and protections of an inquiry conducted by the Productivity Commission in accordance with the *Productivity Commission Act 1998*.
- (9) A review initiated under with subsection (7) is to be conducted by a panel nominated by the Minister by a written instrument.
- (10) An instrument prepared under subsection (9) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (11) The Minister must cause a copy of the report of the review prepared in accordance with subsection (7) to be tabled in each House of the Parliament within 25 sitting days of that House after the day on which the Minister receives the report.

Schedule 1, page 5 (after line 31), at the end of the Schedule, add:

6 Paragraph 5(1)(b)

Omit “and examine and report on the benefits to growers that result from that performance”.

Debate ensued.

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

Senator Cherry moved the following amendment:

Schedule 1, page 4 (after line 23), after item 4, insert:

4A Subsection 57(7)

Repeal the subsection, substitute:

- (7) Before the end of 2004, the Minister must cause an independent review to be conducted of the following matters:
- (a) the operation of subsection (1A) in relation to nominated company B;
 - (b) the conduct of nominated company B in relation to:
 - (i) consultations for the purposes of subsection (3A); and
 - (ii) the granting or withholding of approvals for the purposes of subsection (3B);
 - (c) whether benefits to growers have resulted from the performance of nominated company B in relation to the export of wheat;
 - (d) the Authority's performance of its functions under this Act.

- (8) The persons who are to conduct the review are to be appointed by the Minister.
- (9) The persons who conduct the review must:
 - (a) be assisted by the Authority; and
 - (b) make use of reports under section 5C and other information collected by the Authority.
- (10) The persons who conduct the review must give the Minister a report of the review before the end of 2004.
- (11) The persons who conduct the review must publish a report of the review for growers before the end of 2004.

Note: Information that is protected from disclosure by subsection 5E(2) must not be included in a report for growers.

Debate ensued.

Senator O'Brien moved the following amendments to Senator Cherry's proposed amendment together by leave:

At the end of subsection 57(7), add:

- ; (e) the economic impact of export wheat control arrangements on Australia's domestic wheat market;
- (f) the benefit of maintaining export wheat control arrangements;
- (g) recommended changes to export wheat control arrangements;
- (h) recommended changes to monitoring and reporting arrangements.

At the end of subsection 57(8), add "by a written instrument".

After subsection 57(8), insert:

- (8A) An instrument prepared under subsection (8) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

Question—That Senator O'Brien's amendments to Senator Cherry's proposed amendment be agreed to—put and negatived.

Senator O'Brien moved the following amendment to Senator Cherry's proposed amendment:

At the end of section 57, add:

- (12) The Minister must cause a copy of the report of the review prepared in accordance with subsection (7) to be tabled in each House of the Parliament within 25 sitting days of that House after the day on which the Minister receives the report.

Debate ensued.

Senator O'Brien, by leave, amended the amendment as follows:

Omit "of the review prepared in accordance with subsection (7)", substitute "referred to in subsection (11)".

Question—That Senator O'Brien's amendment to Senator Cherry's proposed amendment be agreed to—put and passed.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 5.

Schedule 1, item 5 debated and agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted and the bill read a third time.

65 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 8 (Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002).

Question put and passed.

66 SUPERANNUATION LEGISLATION (COMMONWEALTH EMPLOYMENT) REPEAL AND 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.

Explanatory memoranda: The Special Minister of State (Senator Abetz) tabled an additional explanatory memorandum relating to the bill and a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 1, 8, 10 and 12 to 15 and Schedule 2, Part 1.

Schedule 1, items 1, 8, 10 and 12 to 15 and Schedule 2, Part 1 debated.

Question—That Schedule 1, items 1, 8, 10 and 12 to 15 and Schedule 2, Part 1 stand as printed—put and negatived.

On the motion of Senator Abetz the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (table item 2), omit “1 July 2002”, substitute “1 July 2003”.

Clause 2, page 2 (table item 15), omit the table item.

Schedule 1, item 9, page 6 (line 9), omit “1 July 2002”, substitute “1 July 2003”.

Schedule 1, item 25, page 12 (lines 10 and 11), omit “30 June 2002”, substitute “30 June 2003”.

Schedule 1, item 27, page 12 (lines 23 and 24), omit “30 June 2002”, substitute “30 June 2003”.

Schedule 1, item 29, page 12 (line 31), omit “1 July 2002”, substitute “1 July 2003”.

Schedule 1, item 29, page 13 (line 5), omit “1 July 2002”, substitute “1 July 2003”.

Schedule 1, item 33, page 14 (line 7), omit “30 June 2002”, substitute “30 June 2003”.

Schedule 1, item 40, page 16 (line 11), omit “1 July 2002”, substitute “1 July 2003”.

Schedule 1, item 40, page 16 (line 20), omit “1 July 2002”, substitute “1 July 2003”.

Schedule 1, item 48, page 17 (lines 23 and 24), omit “30 June 2002”, substitute “30 June 2003”.

Schedule 1, item 48, page 17 (lines 27 and 28), omit “30 June 2002”, substitute “30 June 2003”.

Schedule 1, item 50, page 20 (lines 12 and 13), omit “30 June 2002”, substitute “30 June 2003”.

Senator Greig moved the following amendments together by leave:

Schedule 1, page 4 (after line 12), after item 2, insert:

2A Subsection 3(1)

Insert:

de facto partner, in relation to a person, means a person who, whether or not of the same sex as the person, lives with the person on a genuine domestic basis as a partner of the person.

Schedule 1, page 4 (after line 12), after item 2, insert:

2B Subsection 3(1)

Insert:

dependant, in relation to a person, includes the spouse, de facto partner, and any child of the person or of the person’s spouse or de facto partner.

Schedule 1, page 10 (after line 37), after item 18, insert:

18A At the end of section 8A

Add:

- (6) For the purposes of this section, marital relationship includes a person defined as a de facto partner.

Debate ensued.

Question—That the amendments be agreed to—put and negatived. Senators Brown and Nettle and all Australian Democrats senators, by leave, recorded their votes for the ayes.

Senator Greig moved the following amendment:

Schedule 1, page 8 (after line 32), after item 12, insert:

12A At the end of section 4

Add:

- (2) This Act is to be applied so as not to discriminate, in relation to a beneficiary, on the basis of race, colour, sex, sexual preference, transgender status, marital status, family responsibilities, religion, political opinion or social origin.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Abetz the report from the committee was adopted and the bill read a third time.

**67 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT
BILL 2003**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—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 Treasurer (Senator Ian Campbell) the bill was read a third time. Senator Harris, by leave, recorded his vote for the noes in respect of the question for the third reading.

68 MIGRATION LEGISLATION AMENDMENT (PROTECTED INFORMATION) BILL 2003

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 Minister for the Arts and Sport (Senator Kemp) the bill was read a third time.

69 CUSTOMS AMENDMENT BILL (NO. 1) 2003**CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 2003**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That these bills be now read a second time.

Debate resumed.

Senator Ridgeway moved the following amendment:

At the end of the motion, add “but the Senate, while congratulating the Government for its decision to allow preferential duty treatment for Least Developed Countries in these bills:

- (a) condemns the manner in which debate on these bills was brought about, with insufficient time for consideration to be given to the findings of the report of the Joint Standing Committee on Treaties; and
- (b) calls on the Government to recognise the importance of proper parliamentary scrutiny to enhance democratic governance of the process of entering into important international agreements”.

Debate ensued.

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

Main question, as amended, 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 Special Minister of State (Senator Abetz) the bills were read a third time.

70 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business orders of the day nos 11 (Superannuation (Government Co-contribution for Low Income Earners) Bill 2003 and a related bill) and 17 (Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003) be postponed till the next day of sitting.

Question put and passed.

71 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2003-2004**APPROPRIATION BILL (NO. 1) 2003-2004****APPROPRIATION BILL (NO. 2) 2003-2004**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments or requests for amendments to the bills were circulated and they were not considered in committee.

On the motion of the Special Minister of State (Senator Abetz) the bills were read a third time.

72 AUSTRALIAN FILM COMMISSION AMENDMENT BILL 2003**TAXATION LAWS AMENDMENT BILL (NO. 4) 2003****TAXATION LAWS AMENDMENT BILL (NO. 6) 2003****WHEAT MARKETING AMENDMENT BILL 2002****SUPERANNUATION LEGISLATION (COMMONWEALTH EMPLOYMENT) REPEAL AND AMENDMENT BILL 2002**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 350, dated 26 June 2003—Australian Film Commission Amendment Bill 2003.

Message no. 354, dated 26 June 2003—Taxation Laws Amendment Bill (No. 4) 2003.

Message no. 355, dated 26 June 2003—Taxation Laws Amendment Bill (No. 6) 2003.

Message no. 358, dated 27 June 2003 am—Wheat Marketing Amendment Bill 2002.

Message no. 359, dated 27 June 2003 am—Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002.

73 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation and References Committees—

Appointed—Substitute member: Senator Barnett to replace Senator Brandis from 30 June to 8 August 2003

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator Bartlett

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Murray to replace Senator Ridgeway for the committee's inquiry into staff employed under the *Members of Parliament (Staff) Act 1984*

Legal and Constitutional References Committee—

Appointed—Substitute member: Senator Stott Despoja to replace Senator Greig for the committee's inquiry into the establishment of an Australian republic with an Australian Head of State

Rural and Regional Affairs and Transport References Committee—

Appointed—Substitute member: Senator Colbeck to replace Senator Heffernan for the committee's inquiry into forestry plantations to be held in Launceston on 6 August 2003.

Question put and passed.

74 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REFERENCE

The Special Minister of State (Senator Abetz), by leave, moved—That the Australian Protective Service Amendment Bill 2003 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 18 August 2003.

Question put and passed.

75 SUPERANNUATION—INSURANCE AND SUPERANNUATION COMMISSION—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 19 November 2002 for the production of documents concerning the Insurance and Superannuation Commission (*see entry no. 13, 19 November 2002*).

76 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 4.08 am till Monday, 11 August 2003 at 12.30 pm.

77 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate