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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 **GOVERNMENT DOCUMENT**

The following government document was tabled:

Crimes Act 1914—Report on controlled operations for 2002-03.

3 **CONSIDERATION OF LEGISLATION**

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) amended his notice of motion by leave and, pursuant to notice, moved government business notice of motion no. 1—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:

Crimes (Overseas) Amendment Bill 2003

Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003

Taxation Laws Amendment Bill (No. 8) 2003.

Debate ensued.

Question put and passed.

4 **SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003**
SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) BILL 2003
SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) (CONSEQUENTIAL AMENDMENTS) BILL 2003

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

In the committee

SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS) BILL 2003—

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

Clause 56, page 45 (lines 1 and 2), omit the definition of *dependant*, substitute:

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 basis as a partner of the person.

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.

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

Bill, as amended, agreed to, subject to requests.

**SUPERANNUATION (GOVERNMENT CO-CONTRIBUTION FOR LOW INCOME EARNERS)
(CONSEQUENTIAL AMENDMENTS) BILL 2003—**

Bill taken as a whole by leave.

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

Schedule 1, page 3 (after line 7), before item 1, insert:

1A Section 6 (after the definition of *demerging entity*)

Insert:

dependant, in relation to a person, includes the spouse, partner, any child of the person or any person with whom the person is involved in an interdependency relationship.

Schedule 1, page 3 (after line 7), before item 1, insert:

1B Section 6 (after the definition of *insurance funds*)

Insert:

interdependency relationship means a relationship between 2 persons that is acknowledged by both and that involves:

- (a) residing together; and
- (b) being closely interdependent; and
- (c) having a continuing commitment to mutual emotional and financial support.

Schedule 1, page 3 (after line 7), before item 1, insert:

1C Section 6 (after the definition of *part of a distribution that is franked with a venture capital credit*)

Insert:

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 the partner of the person.

Schedule 1, page 3 (after line 7), before item 1, insert:

1D Section 6 (definition of *spouse*)

Repeal the definition, substitute:

spouse, in relation to a person, means another person who, at the relevant time, was legally married to that person.

Schedule 1, page 4 (after line 20), after item 7, insert:

7A Section 995-5 (definition of *spouse*)

Repeal the definition, substitute:

spouse, in relation to a person, means another person who, at the relevant time, was legally married to that person.

Schedule 1, page 11 (after line 14), at the end of Part 1, add:

Superannuation Industry (Supervision) Act 1993

24A Subsection 10(1) (definition of *dependant*)

Repeal the definition, substitute:

dependant, in relation to a person, includes the spouse, partner, any child of the person or any person with whom the person is involved in an interdependency relationship.

24B Subsection 10(1) (after the definition of *insurance funds*)

Insert:

interdependency relationship means a relationship between 2 persons that is acknowledged by both and that involves:

- (a) residing together; and
- (b) being closely interdependent; and
- (c) having a continuing commitment to mutual emotional and financial support.

Schedule 1, page 11 (after line 14), at the end of Part 1, add:

Superannuation Industry (Supervision) Act 1993

24C Subsection 10(1)

Insert:

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 the partner of the person.

24D Subsection 10(1) (definition of *spouse*)

Repeal the definition, substitute:

spouse, in relation to a person, means another person who, at the relevant time, was legally married to that person.

24E At the end of subsection 52(2)

Add:

- ; (i) 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.

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

Schedule 1, page 5 (after line 32), after item 9, insert:

9A Schedule (Form of Trust Deed, subrule 7(4) (definition of *spouse*))

Repeal the definition, substitute:

spouse, in relation to a member, means a person who is legally married to the member and includes a person who, although not legally married to the member, ordinarily lives with the member as his or her husband or wife or partner, as the case may be, on a permanent and bona fide basis.

9B Schedule 1 (paragraphs 9(c) and (d))

After “husband or wife” (twice occurring), insert “or partner”.

9C Clause 12

Repeal the clause, substitute:

12. In spite of anything in this Part, a 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 9 (after line 14), before item 16, insert:

15A At the end of subsection 8B(3)

Add:

; or (e) if the person at the time of death was the partner of the person.

- (4) For the purposes of this section, *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 11 (after line 14), at the end of Part 1, add:

Superannuation Act 1990

24AA The Schedule (clause 1.1.1, paragraphs (c), (d), (e) and (f) of the definition of spouse)

After “husband or wife” (wherever occurring), insert “or partner”.

24AB The Schedule (clause 1.1.1, after the definition of *partially dependent child*)

Insert:

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.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, page 6 (after line 22), after item 13, insert:

13A Section 16 (notes 1, 2, 3 and 4)

Repeal the notes, substitute:

- Note 1: Section 61 deals with individuals who request transfer of account balances to RSAs or superannuation funds.
- Note 2: Section 65 deals with individuals who retire because of disability.
- Note 3: Section 66 deals with individuals who have turned 65.
- Note 4: Section 67 deals with individuals who are not Australian residents for income tax purposes etc.
- Note 5: Section 67A deals with individuals who have permanently departed from Australia.
- Note 6: Section 91E deals with debiting of accounts to recover overpayments of Government co-contributions.

Schedule 1, item 25, page 12 (line 6), omit “2002”, substitute “2003”.

Bill, as amended, agreed to.

The Superannuation (Surcharge Rate Reduction) Amendment Bill 2003 and the Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003 to be reported with amendments and the Superannuation (Government Co-contribution for Low Income Earners) Bill 2003 to be reported with amendments and requests for amendments.

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

On the motion of Senator Coonan the report from the committee was adopted, and the Superannuation (Surcharge Rate Reduction) Amendment Bill 2003 and the Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003 were read a third time.

5 SEX DISCRIMINATION AMENDMENT (PREGNANCY AND WORK) BILL 2002

Order of the day read for the consideration of message no. 388 from the House of Representatives in committee of the whole (*see entry no. 21, 11 September 2003*).

In the committee

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator McLucas) reported progress.

6 MINISTRY AND MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE

The Leader of the Government in the Senate (Senator Hill), by leave, informed the Senate of changes to the third Howard Ministry.

Document: Senator Hill tabled a document showing all members of the third Howard Ministry, dated 7 October 2003.

7 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Singapore led by the Speaker of the Singapore Parliament, Mr Abdullah Tarmugi, MP, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

Document: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled the following document:

Animal welfare—Live sheep export—Condition of sheep on MV *Cormo Express*—Copy of veterinary statement by the Office International des Epizooties regional representative for the Middle East (Dr Ghazi Yehia), dated 2 October 2003.

Further questions without notice were answered.

8 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Allison, pursuant to standing order 74, asked the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) for an explanation of an answer not being provided to question on notice no. 1642 (notice given 21 July 2003) relating to detention centres.

Senator Vanstone indicated that an answer would be provided.

9 ANIMAL WELFARE—LIVE SHEEP EXPORT—ANSWERS TO QUESTIONS

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) and the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to questions without notice asked by Senators O'Brien and Crossin today relating to live sheep exports and the MV *Cormo Express*.

Debate ensued.

Question put and passed.

10 SCIENCE AND TECHNOLOGY—HUMAN CLONING—ANSWER TO QUESTION

Senator Harradine moved—That the Senate take note of the answer given by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to a question without notice asked by Senator Harradine today relating to the cloning of human embryos.

Question put and passed.

11 ANIMAL WELFARE—LIVE SHEEP EXPORT—PERSONAL EXPLANATION

Senator O'Brien, by leave, made a personal explanation relating to a number of reports in News Limited newspapers on 19 September 2003 concerning live sheep exports and the MV *Cormo Express*.

Document: Senator O'Brien, by leave, tabled the following document:

Animal welfare—Live sheep export—*Another live export fiasco*—Copy of statement by Shadow Minister for Primary Industries (Senator O'Brien), dated 29 August 2003.

12 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 21 740 petitioners, requesting that the Senate establish an inquiry into all aspects of live animal exports from Australia.

Senator Collins, 2 petitions similar in wording, from 8 and 14 petitioners, requesting that the Senate oppose the proposed changes to Medicare.

Senator McLucas, from 11 891 petitioners, requesting that the Senate oppose proposed changes to Medicare and ensure bulk billing for all Australians.

Senator McLucas, from 906 petitioners, requesting that the Senate establish a select committee to inquire into health care in rural and regional Australia.

Senator McLucas, from 256 petitioners, requesting that the Senate take action to restore bulk billing by general practitioners.

Statement by leave: The Leader of the Australian Democrats (Senator Bartlett), by leave, made a statement relating to a petition concerning live animal exports.

13 NOTICES

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to the last sitting day in 2003. (*general business notice of motion no. 613*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the order of the Senate of 9 September 2003 authorising the Economics Legislation Committee to hold a public meeting during the sitting of the Senate on 13 October 2003, be varied to provide that, after consideration of the Late Payment of Commercial Debts (Interest) Bill 2003, the committee also take evidence on the provisions of the International Tax Agreements Amendment Bill 2003. (*general business notice of motion no. 614*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 October 2003, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003. (*general business notice of motion no. 615*)

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than the next day of sitting, the following documents:

- (a) the advice provided by the Australian Technical Advisory Group on Immunisation (ATAGI) in August 2002, as outlined in paragraph (3) of question on notice no. 1750 (Senate *Hansard*, 15 September 2003, p. 14473), relating to the options for vaccination programs ahead of other ATAGI recommendations;
- (b) the submissions received by the National Health and Medical Research Council as part of its public consultation on the draft 8th Australian Immunisation Handbook;

- (c) all documents relating to the government funding, its requirements of and the subsequent performance of the National Consortium for Education in Primary Medical Care Alternative Pathway Program since its inception, including any review documents; and
- (d) the latest report submitted by the Medical Benefit Schedule Attendance Item Restructure Working Group. (*general business notice of motion no. 616*)

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than the next day of sitting, the most recent draft of the National Drug Research Strategy, as prepared by the National Drug Research Committee. (*general business notice of motion no. 617*)

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

- (a) notes the findings of the Access Economics report, released 25 August 2003, showing that:
 - (i) the financial costs of bipolar disorder amounted to \$1.59 billion in 2003, around 0.2 per cent of gross domestic product,
 - (ii) around half of this cost is borne by people with the illness and their carers,
 - (iii) the cost of treating people with bipolar disorder is \$298 million per annum, with 66 per cent being on hospital costs and 2 per cent on medication,
 - (iv) other costs include \$464 million in lost earnings, \$199 million in carer costs, \$25 million in prison, police and legal costs and \$224 million in lost tax revenue, and
 - (v) the burden of bipolar disorder is greater than that for ovarian cancer, rheumatoid arthritis or HIV/AIDS, and similar to that of schizophrenia;
- (b) notes that:
 - (i) misdiagnosis and under-treatment were found to be associated with unacceptable levels of suffering and suicide, and
 - (ii) around 298 Australians with bipolar disorder take their own lives each year, 60 per cent of whom are estimated to have received inadequate treatment; and
- (c) urges the Government to adopt recommendations by SANE Australia to:
 - (i) enhance training and support for health professionals to aid earlier accurate diagnosis and treatment,
 - (ii) improve funding for community mental health services with a focus on better continuity of care, more assertive psychiatric intervention and easier access to psychological treatments,
 - (iii) increase support and training programs for people with bipolar disorder and for carers,
 - (iv) integrate treatment for substance abuse with community mental health services,
 - (v) provide more effective suicide prevention programs with more focus on people with a mental illness,
 - (vi) conduct research into the most effective treatments for bipolar disorder as well as into its causes, and

- (vii) improve community education in mental health literacy, especially in relation to awareness of possible early symptoms requiring assessment. (*general business notice of motion no. 618*)

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

- (a) notes that since the Government's announcement that it would introduce an excise on alternative fuels commencing 2008, the effect on the LPG industry has been to:
 - (i) during the week beginning 28 September 2003, force Australia's largest manufacturer and supplier of automotive LPG tanks and accessories for factory fitted gas only and dual fuel motor vehicles and after-market dual fuel installations – APA Manufacturing Pty Ltd – into voluntary administration,
 - (ii) put 75 Victorian jobs at APA Manufacturing under threat, with an estimated 200 – 300 direct flow-on jobs also threatened,
 - (iii) make unlikely any sale of APA Manufacturing as a going concern, and
 - (iv) reduce demand for LPG-only vehicles by approximately 50 per cent, largely because of fleet buyer concerns about the effect on resale values of excise imposition;
- (b) notes that:
 - (i) the Prime Minister (Mr Howard) wrote to the industry in November 2002, stating that the Government had no intention of imposing an excise on LPG,
 - (ii) Australia has the second highest number of LPG vehicles in the world despite the price differential between LPG and petrol being the second smallest in the world, and
 - (iii) LPG use in transport currently reduces carbon dioxide emissions by more than 840 000 tonnes a year and avoids the need to import around 13 million barrels of oil a year; and
- (c) urges the Government to reverse its decision to impose excise on alternative fuels. (*general business notice of motion no. 619*)

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

- (a) notes that:
 - (i) according to figures prepared by the Tasmanian Gaming Commission from data in all states and territories, in 2001-02 Australians lost more than \$15 billion in gambling, an increase of \$0.6 billion on the previous year,
 - (ii) \$8.9 billion of this was lost on poker machines (excluding those in casinos), an increase of more than \$350 million on the previous year,
 - (iii) 43 per cent of gambling losses were estimated to come from problem gamblers, and
 - (iv) the former treasurer of the Box Hill Football Club is the latest to be charged with stealing and says he lost \$200 000 on poker machines at the Box Hill RSL Club;
- (b) urges the Prime Minister (Mr Howard) to make good his 1999 commitment to show national leadership in combating problem gambling; and
- (c) notes that a meeting of the Ministerial Council on Gambling has finally been called for November 2003 and urges that this meeting progresses stalled initiatives on problem gambling. (*general business notice of motion no. 620*)

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

- (a) notes that:
- (i) the ‘Depleted Uranium—Uranium Weapons: The Trojan Horses of Nuclear War’ conference is being held in Hamburg, Germany, from 16 to 19 October 2003,
 - (ii) this conference will unite scientific experts with their independent studies and the peace, veterans and anti-nuclear movements, and
 - (iii) speakers include Dr Helen Caldicott, Professor Durakovic and Dr Doug Rokke; and
- (b) urges the Government to send a representative to the conference and, failing that, meet with Australian non-government organisation representatives attending the conference on their return, and consider any recommendations coming from the conference. (*general business notice of motion no. 621*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on staff employed under the *Members of Parliament (Staff) Act 1984* be extended to 16 October 2003. (*general business notice of motion no. 622*)

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2003, from 6 pm to 7 pm, to take evidence for the committee’s inquiry into the role of the National Capital Authority. (*general business notice of motion no. 623*)

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

- (a) notes:
- (i) the extensive history of violence directed towards human rights defenders in Colombia, and
 - (ii) that Article 3 of the Geneva Conventions prohibits violence against civilians in the context of armed conflict that occurs within the borders of a sovereign state and is not of an international character;
- (b) recognises the importance of human rights work and views with regret any implication that human rights is connected with terrorism;
- (c) welcomes:
- (i) the Colombian Ministry of Defense Directive 09 of 8 July 2003, obliging the State Security Forces to protect the work of human rights organisations, and
 - (ii) the Presidential Directive 07 of 9 September 1999, requiring all government officials to refrain from questioning the legitimacy of human rights organisations or making statements that discredit, persecute, or incite persecution of such organisations;
- (d) expresses its concern for the safety of human rights defenders in Colombia following recent statements by President Álvaro Uribe Velez, who, in a speech on 8 September 2003, described human rights organisations as ‘politickers at the service of terrorism’ and ‘terrorist agents and cowards who hide their political ideas behind human rights’;
- (e) notes:

- (i) the important role performed by international human rights organisations in Colombia and the positive contribution made by international observers, including the United Nations Human Rights Commission, the Inter-American Commission on Human Rights, Peace Brigades International, Amnesty International and Human Rights Watch, and
 - (ii) with concern the continuing allegations of collusion between the Colombian military and paramilitary groups and that impunity continues to be a serious problem within Colombia; and
- (f) expresses its hope that the Colombian Government will take steps to make clear its commitment to human rights, and to reduce the harassment suffered by human rights defenders and organisations in Colombia. (*general business notice of motion no. 624*)

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

- (a) notes the continuing horror of the *Cormo Express* passage to the Middle East which has resulted in the death of at least 8 per cent of its cargo of 53 000 sheep; and
- (b) calls on the Government to immediately suspend the live sheep and cattle trade from Australia. (*general business notice of motion no. 625*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on 13 October 2003—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:

Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003
 Farm Household Support Amendment Bill 2003
 Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Migration Agents Registration Application Charge Amendment Bill 2003
 Maritime Transport Security Bill 2003
 Petroleum (Submerged Lands) Amendment Bill 2003 and the Offshore Petroleum (Safety Levies) Bill 2003
 Spam Bill 2003 and the Spam (Consequential Amendments) Bill 2003
 Telecommunications Interception and Other Legislation Amendment Bill 2003.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [7] for introduction and passage of certain bills in the 2003 spring sittings.

Senator Brown: To move on 14 October 2003—That the Senate—

- (a) notes:
 - (i) that Australia's Chief Scientist Dr Robin Batterham is also the chief technologist for mining giant Rio Tinto, and
 - (ii) that Dr Batterham continues to advise the Government on matters relating to Australia's greenhouse policy;

- (b) calls on the Government to conduct an independent review of the advice Dr Batterham has given on greenhouse policy, including carbon trading and geo-sequestration, since 1999; and
- (c) requests the Minister for Science (Mr Peter McGauran) to make the job of Chief Scientist full-time and conditional on its officeholder having no pecuniary interest which involves real or apparent conflict with any of the duties involved. (*general business notice of motion no. 626*)

Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Science, no later than 5 pm on Monday, 13 October 2003, the following documents:

- (a) the undated work in progress working paper containing a preliminary example of modelling based on unpublished data provided to Rio Tinto Technology by Roam Consulting, as identified in the response to question on notice no. 1374 (*Senate Hansard*, 15 September 2003, p. 14466);
- (b) all working documents of the independent working group which operated in 2002 to produce a report for the Prime Minister's Science, Engineering and Innovation Council on 'Beyond Kyoto: Innovation and Adaptation', as identified in the response to question on notice no. 1374; and
- (c) correspondence and records of meetings between employees or representatives of Rio Tinto and the Minister for Science, his department or the Office of the Chief Scientist from 1 January 2002 to the present relating to:
 - (i) Dr David Cain's participation in the Working Group which produced 'Beyond Kyoto: Innovation and Adaptation', and
 - (ii) the provision by Rio Tinto of data, modelling or other information for use by the Working Group or the Chief Scientist. (*general business notice of motion no. 627*)

14 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave and at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), moved—That the time for the presentation of the report of the committee on the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and a related bill be extended to 30 October 2003.

Question put and passed.

15 LEAVE OF ABSENCE

Senator Mackay, by leave, moved—That leave of absence be granted to Senators Bishop and Ray, from 7 October to 9 October 2003, on account of parliamentary business overseas.

Question put and passed.

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

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the time for the presentation of the report of the committee on the provisions of the Aviation Transport Security Bill 2003 and a related bill be extended to 8 October 2003.

Question put and passed.

17 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and a related bill.

Question put and passed.

18 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Sherry for today, relating to the disallowance of the Migration Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 224, postponed till 8 October 2003.

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for 8 October 2003, relating to the disallowance of the Fisheries Management Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 112, postponed till 16 October 2003.

General business notice of motion no. 601 standing in the name of Senator Hutchins for today, relating to compensation for Hepatitis C sufferers, postponed till 8 October 2003.

General business notice of motion no. 602 standing in the name of Senator Nettle for today, relating to anti-vehicle mines, postponed till 8 October 2003.

General business notice of motion no. 607 standing in the names of the Leader of the Australian Democrats (Senator Bartlett) and Senator Stott Despoja for today, relating to the explosive remnants of war, postponed till 8 October 2003.

19 PRIME MINISTER—CENSURE

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 612 standing in his name for today, relating to Iraq's weapons of mass destruction and the censure of the Prime Minister, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Suspension of standing orders: Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 612.

Question put and passed.

Senator Brown moved—That general business notice of motion no. 612 may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Brown moved—That the Senate—

(a) notes:

- (i) the claims by the Prime Minister (Mr Howard) about Iraq's weapons of mass destruction program, in the lead up to the war with that country, have proven false, and

- (ii) that the Prime Minister failed to adequately inform the Australian public on intelligence agency warnings that a war with Iraq would increase the likelihood of terrorist activity; and
- (b) censures the Prime Minister for misleading the country in his determination to join the President of the United States of America, Mr GW Bush, in the war on Iraq.

Debate ensued.

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

Omit subparagraph (a)(i) and paragraph (b), substitute:

- (i) that no evidence has been produced to date by the Prime Minister to justify his claims that as at March 2003, Iraq possessed stockpiles of completed biological and chemical weapons that justified going to war, and
- (b) censures the Prime Minister for misleading the Australian Parliament and the Australian people in his justification for taking this country to war with Iraq.

Debate ensued.

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

Main question, as amended, put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

20 SUPERANNUATION—SELECT COMMITTEE—GOVERNMENT RESPONSE—TAXATION TREATMENT OF OVERSEAS SUPERANNUATION TRANSFERS

The President tabled the following document received on 30 September 2003:

Superannuation—Select Committee—Taxation treatment of overseas superannuation transfers—Government response.

21 GOVERNMENT DOCUMENTS

The President tabled the following documents received on the dates indicated:

Aged Care Act 1997—Report for 2002-03 on the operation of the Act. [*Received 26 September 2003*]

Council of Financial Regulators—Report for 2002. [*Received 25 September 2003*]

Medibank Private—

Report for 2002-03. [*Received 25 September 2003*]

Statement of corporate intent 2003-06. [*Received 25 September 2003*]

Payments System Board—Report for 2002-03. [*Received 2 October 2003*]

22 AUDITOR-GENERAL—AUDIT REPORT NO. 7 OF 2003-04—DOCUMENT

The President tabled the following document received on 24 September 2003:

Auditor-General—Audit report no. 7 of 2003-04—Business support process audit—Recordkeeping in large Commonwealth organisations.

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

Pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998, the President tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2003—Statements of compliance—

Communications, Information Technology and the Arts portfolio agencies [*Received 24 September 2003*]—

Australia Council.

Australian Broadcasting Authority.

Australian Broadcasting Corporation.

Australian Communications Authority.

Australian Film Commission.

Australian National Maritime Museum.

Australian Sports Commission.

Australian Sports Drug Agency.

National Archives of Australia.

National Gallery of Australia.

National Library of Australia.

National Museum of Australia.

Special Broadcasting Service.

Family and Community Services portfolio agencies [*Received 26 September 2003*]—

Centrelink.

Department of Family and Community Services, Child Support Agency and Australian Institute of Family Studies.

Social Security Appeals Tribunal [nil return].

24 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2002-03—DOCUMENT

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

Australian National Audit Office—Report for 2002-03.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 13 of 2003.

Broadcasting Services Act—Broadcasting Services (Events) Notice No. 1 of 1994 (Amendment No. 1 of 2003).

Civil Aviation Act—

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105, dated 28 August; and 3, 4 [3], 10 [14], 11, 15 [2], 16, 17, 18 [9] and 19 [6] September 2003.

106, dated 10 September 2003.

107, dated 10 [3] and 19 September 2003.

Regulations—Statutory Rules 2003 No. 240.

Class Rulings CR 2003/80-CR 2003/86.

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(e)—Variation in Commonwealth's rights as a member of Ceramic Fuel Cells Limited.

Customs Act—CEO Instruments of Approvals Nos 24 and 25 of 2003.

Defence Act—

Determinations under section 58H—Defence Force Remuneration Tribunal—Determinations Nos 15 and 16 of 2003.

Regulations—Statutory Rules 2003 Nos 245 and 246.

Defence Force (Home Loans Assistance) Act—

Declaration of Warlike Service (Operation Citadel), dated 16 September 2003.

Declaration of Warlike Service (Operation Falconer), dated 16 September 2003.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 19 September 2003 [2].

Environment Protection and Biodiversity Conservation Act—Notice of proposed accreditation of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003, dated 30 September 2003.

Extradition Act—Regulations—Statutory Rules 2003 No. 243.

Fisheries Management Act—

Northern Prawn Fishery Management Plan Amendment 2003 (No. NPF 04).

Southern and Eastern Scalefish and Shark Fishery Management Plan 2003.

Fuel Quality Standards Act—

Fuel Standard (Biodiesel) Determination 2003.

Fuel Quality Standards (Register of Prohibited Fuel Additives) Guidelines 2003.

Health Insurance Act—Health Insurance (Pathologist-determinable Services) Determination 2003.

Migration Act—Regulations—Statutory Rules 2003 No. 239.

Navigation Act—Marine Order—Order No. 3 of 2003.

Primary Industries (Customs) Charges Act—Primary Industries (Customs) Charges (Designated Body) Declaration 2003.

Privacy Act—Determination under paragraph 11B(1)(d)—Determination 2003 No. 3.

Product Rulings PR 2003/56 and PR 2003/57.

Radiocommunications Act—

2.1 GHz Band Frequency Band Plan Variation 2003 (No. 1).

Radiocommunications (Accreditation — Prescribed Certificates) Principles 2003.

Radiocommunications (Frequency Assignment Certificates) Determination 2003.

Remuneration Tribunal Act—Determination 2003/20: Remuneration and Allowances for Holders of Public Office and Members of Parliament.

Superannuation Guarantee Determination—

Notices of Withdrawal—

SGD 93/2, SGD 93/3, SGD 93/8, SGD 93/9, SGD 93/12 and SGD 93/13.

SGD 94/1, SGD 94/2 and SGD 94/5.

SGD 95/3.

SGD 2003/2-SGD 2003/7.

Taxation Determination—

TD 2002/4 (Addendum).

TD 2003/22 and TD 2003/23.

Taxation Rulings TR 2003/11 and TR 2003/12.

Telecommunications Act—Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 2 of 2003).

Terrorism Insurance Act—Regulations—Statutory Rules 2003 No. 244.

Veterans' Entitlements Act—Regulations—Statutory Rules 2003 No. 247.

**26 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—
APPOINTMENT OF MEMBER**

The Acting Deputy President (Senator Chapman) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Minister for Family and Community Services (Senator Patterson), by leave, moved—That Senator Conroy be appointed as a participating member of the Foreign Affairs, Defence and Trade Legislation Committee.

Question put and passed.

**27 MIGRATION LEGISLATION AMENDMENT (IDENTIFICATION AND AUTHENTICATION)
BILL 2003**

STATISTICS LEGISLATION AMENDMENT BILL 2003

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

Message no. 410, dated 18 September 2003—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Message no. 411, dated 18 September 2003—A Bill for an Act to amend the law relating to statistics, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Consideration of legislation: Senator Patterson moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

28 TAXATION LAWS AMENDMENT BILL (NO. 3) 2003

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 407, dated 17 September 2003—Taxation Laws Amendment Bill (No. 3) 2003.

29 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

23 September 2003—Message—

No. 31—*Health Legislation Amendment Act (No. 1) 2003* (Act No. 84, 2003)

No. 32—

Australian Heritage Council Act 2003 (Act No. 85, 2003)

Australian Heritage Council (Consequential and Transitional Provisions) Act 2003 (Act No. 86, 2003)

No. 33—

Higher Education Legislation Amendment Act 2003 (Act No. 87, 2003)

Environment and Heritage Legislation Amendment Act (No. 1) 2003 (Act No. 88, 2003)

No. 34—

Education Services for Overseas Students (Registration Charges) Amendment Act 2003 (Act No. 89, 2003)

Migration Amendment (Duration of Detention) Act 2003 (Act No. 90, 2003)

26 September 2003—Message No. 35—*Quarantine Amendment (Health) Act 2003* (Act No. 91, 2003).

30 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—PROPOSED GOVERNMENT AMENDMENTS TO THE AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003

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

Legal and Constitutional Legislation Committee—Proposed government amendments to the Australian Protective Service Amendment Bill 2003—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee and submissions [3].

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

31 SEX DISCRIMINATION AMENDMENT (PREGNANCY AND WORK) BILL 2002

Order of the day read for the further consideration of message no. 388 from the House of Representatives in committee of the whole (*see entry no. 21, 11 September 2003*).

In the committee

Consideration resumed of the message—and of the motion moved by the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Question put and passed. All Australian Democrats senators, by leave, recorded their votes for the noes.

Resolution to be reported.

The Acting Deputy President (Senator Chapman) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 388 from the House of Representatives relating to the Sex Discrimination Amendment (Pregnancy and Work) Bill 2002 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Patterson the report from the committee was adopted.

32 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Family and Community Services (Senator Patterson) moved—That intervening business be postponed till after consideration of the government business order of the day relating to Crimes (Overseas) Amendment Bill 2003 and government business order of the day no. 5 (Taxation Laws Amendment Bill (No. 7) 2003).

Question put and passed.

33 CRIMES (OVERSEAS) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted while the Minister for Justice and Customs (Senator Ellison) was speaking.

34 GOVERNMENT DOCUMENTS—CONSIDERATION

The government document tabled earlier today (*see entry no. 2*) was called on but no motion was moved.

35 ADJOURNMENT

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

The Senate adjourned at 6.51 pm till Wednesday, 8 October 2003 at 9.30 am.

36 ATTENDANCE

Present, all senators except Senators Bishop*, Ferguson, Knowles*, Ray* and Watson (* on leave).

HARRY EVANS
Clerk of the Senate