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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginals Benefit Account—Report for 2002-03.

Australian Bureau of Statistics—Report for 2002-03.

Australian Electoral Commission—Report for 2002-03.

Australian Postal Corporation (Australia Post)—Report for 2002-03.

Crimes Act 1914—Authorisations for acquisition and use of assumed identities for 2002-03—National Crime Authority [1 July to 31 December 2002] and Australian Crimes Commission [1 January to 30 June 2003].

Department of Transport and Regional Services—Report for 2002-03.

Final budget outcome 2002-03—Report by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), September 2003.

International Air Services Commission—Report for 2002-03.

National Office for the Information Economy—Report for 2002-03.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2002-03.

Services Trust Funds—Reports for 2002-03 of the Australian Military Forces Relief Trust Fund, the Royal Australian Navy Relief Trust Fund and the Royal Australian Air Force Welfare Trust Fund.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Kazakstan on Economic and Commercial Cooperation, done at Almaty on 7 May 1997.

Multilateral—Text, together with national interest analysis and annexures—International Labour Organization Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour done at Geneva on 17 June 1999.

United Nations—Convention on the Rights of the Child—Australia's combined second and third reports, March 2003.

3 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.

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 Greig moved the following amendments together by leave:

Clause 2, page 2, (table item 2, 2nd column), omit “1 July 2003”, substitute “The day on which this Act receives the Royal Assent”.

Schedule 1, item 16, page 12 (lines 6 to 11), omit subsection 3C(5).

Debate ensued.

Document: The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Crimes (Overseas) Amendment Bill 2003—Copy of letter from the Attorney-General (Mr Ruddock) to the Chairman, Standing Committee for the Scrutiny of Bills (Senator Crossin), dated 7 October 2003.

Debate continued.

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

Senator Greig moved the following amendments together by leave:

Schedule 1, item 16, page 7 (line 23), omit “This”, substitute “Subject to subsection (6A), this”.

Schedule 1, item 16, page 8 (line 2), omit “This”, substitute “Subject to subsection (6A), this”.

Schedule 1, item 16, page 8 (line 17), omit “This”, substitute “Subject to subsection (6A), this”.

Schedule 1, item 16, page 8 (after line 33), after subsection 3A(6), insert:

- (6A) This Act does not apply to the person in relation to the act at a particular time after the act occurs if:
- (a) the person is, at that time, subject to criminal proceedings in the courts of the foreign country in respect of the act; and
 - (b) the person would continue to be subject to criminal proceedings in the courts of the foreign country in respect of the act even if the person were to be prosecuted under the laws of the Commonwealth in relation to that act and acquitted or convicted.

Debate ensued.

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

Bill further debated and agreed to.

Bill to be reported without amendment.

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

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

4 TAXATION LAWS AMENDMENT BILL (NO. 7) 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.

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, debated.

Question—That the bill be agreed to—divided in respect of Schedule 3, items 1, 3 to 56, 58 to 60, 62, 64 to 71 and 73 to 77.

Schedule 3, items 1, 3 to 56, 58 to 60, 62, 64 to 71 and 73 to 77 debated.

Question—That Schedule 3, items 1, 3 to 56, 58 to 60, 62, 64 to 71 and 73 to 77 stand as printed—put and negatived.

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

Schedule 3, item 57, page 20 (lines 2 to 7), omit subsection 30-249A(1), substitute:

- (1) This section applies if you make an election for a gift of property made to a fund, authority or institution covered by section 30-55.

Schedule 3, item 57, page 20 (lines 17 to 22), omit subsection 30-249B(1), substitute:

- (1) This section applies if you make an election for a gift of property made to a fund, authority or institution covered by item 6 of the table in section 30-15.

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That—

- (a) government business order of the day no. 3 (Taxation Laws Amendment Bill (No. 8) 2003) be postponed till the next day of sitting; and
- (b) intervening business be postponed till after consideration of government business order of the day no. 5 (Australian Protective Service Amendment Bill 2003).

Question put and passed.

6 AUSTRALIAN PROTECTIVE SERVICE 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.

Senator Ludwig moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to:

- (a) establish a complaints mechanism for the Australian Protective Service comparable to that established by the *Complaints (Australian Federal Police) Act 1981*;
- (b) provide Australian Protective Service officers with appropriate training to exercise the powers under the proposed legislation;
- (c) upgrade security at regional airports; and
- (d) ensure that the risk management culture at privatised airports results in security services that are the best and not simply the cheapest”.

Debate ensued.

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

Main question, as amended, 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 Ludwig the following amendment was debated and agreed to:

Schedule 1, item 1, page 4 (after line 6), at the end of section 18A, add:

- (4) Without limitation, it is a reasonable excuse for the purposes of subsection (2) for a person to establish that he or she was participating in an industrial dispute, in a genuine demonstration or protest or an organised assembly.

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

Schedule 1, item 1, page 4 (after line 6), at the end of section 18A, add:

- (5) Information obtained pursuant to a request under subsection (1) cannot be used in criminal proceedings against the person who provided the information.

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

Schedule 1, item 1, page 3 (line 12), after “applies”, insert “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

Schedule 1, item 1, page 4 (line 27), after “applies”, insert “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

Schedule 1, item 1, page 8 (line 8), after “applies”, insert “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

Schedule 1, item 1, page 9 (line 22), after “applies”, insert “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

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

Schedule 1, item 1, page 5 (lines 14 to 16), omit paragraph 18B(3)(c), substitute:

- (c) otherwise—any other person who is of the same sex as the person who is requested by the protective service officer and who freely consents to conduct the search.

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

Schedule 1, item 1, page 5 (after line 16), after subsection 18B(3), insert:

- (3A) If the protective service officer makes a request of an officer of Customs pursuant to paragraph (3)(b), or of another person pursuant to paragraph (3)(c), to conduct the search, the protective service officer must explain to the officer of Customs or other person:
 - (a) if the officer of Customs or other person has been requested to conduct an ordinary search, the meaning of an ordinary search pursuant to subsection (8);
 - (b) if the officer of Customs or other person has been requested to conduct a frisk search, the meaning of a frisk search pursuant to subsection (8);
 - (c) that, when conducting the search, the officer of Customs or other person must not use more force, or subject a person to greater indignity, than is reasonable and necessary in order to conduct the search.

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

Schedule 1, item 1, page 5 (after line 24), after subclause 18B(5), insert:

- (5A) A person must not be detained under this section for longer than is reasonably necessary for a search to be conducted in accordance with this section.

Explanatory memorandum: The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Ellison moved the following amendment:

Schedule 1, item 1, page 6 (after line 15), after the definition of *ordinary search*, insert:

vehicle includes any means of transport (and, without limitation, includes a vessel and an aircraft).

At 12.45 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Bolkus) reported progress.

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion, by leave, of Senator McGauran the sitting of the Senate was suspended till 2 pm.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 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.

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

Question put and passed.

10 FAMILY AND COMMUNITY SERVICES—CHILDCARE—CENTRELINK—FUNDING—ANSWERS TO QUESTIONS

Senator Collins moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) to questions without notice asked by Senator Collins today relating to childcare and to funding for Centrelink.

Debate ensued.

Question put and passed.

11 HEALTH—MEDICARE—BULK BILLING—ANSWER TO QUESTION

Senator Allison 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 Allison today relating to Medicare and the decline in the rate of bulk billing.

Question put and passed.

12 PETITIONS

The following 7 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 6 petitioners, requesting that the Senate call upon the Minister for Health and Ageing to revise the Rural, Remote and Metropolitan Areas classification of Nimbin.

The President, from 6 petitioners, requesting that the Senate oppose proposed changes to Medicare.

The President, from 71 petitioners, requesting that the Senate take action to reverse funding cuts to the Australian Broadcasting Corporation to allow for the restoration of the educational programming budget and the reinstatement of *Behind the News*.

Senator Bartlett, from 15 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

Senator George Campbell, from 290 petitioners, requesting that the Senate oppose any legislation that proposes certain changes to higher education.

Senator Collins, from 620 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

Senator Ludwig, from 510 petitioners, requesting that the Senate take action to restore bulk billing by general practitioners.

13 HEALTH—MEDICARE—BULK BILLING—PERSONAL EXPLANATION

Senator Ludwig, by leave, made a personal explanation relating to comments by the Minister for Health and Ageing (Mr Abbott) made in the House of Representatives on 7 October 2003 and by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) in the Senate today concerning a petition relating to Medicare and the decline in the rate of bulk billing.

14 NOTICES

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on labour market skills requirements be extended to 30 October 2003. (*general business notice of motion no. 628*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 October 2003, from 11 am to 12.30 pm, to take evidence for the committee's inquiry into staff employed under the *Members of Parliament (Staff) Act 1984*. (*general business notice of motion no. 629*)

The Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney): To move on the next day of sitting—That the time for the presentation of the following reports of the Employment, Workplace Relations and Education Legislation Committee be extended to 30 October 2003:

- (a) Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003 and the provisions of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003; and
- (b) Workplace Relations Amendment (Improved Remedies for Unprotected Action) Bill 2002. (*general business notice of motion no. 630*)

Senator Nettle: 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 and the Minister representing the Minister for Trade, no later than 4 pm on 15 October 2003, all documents relating to the proposed Australia-United States free trade agreement and the regulation of labelling of genetically-modified foods in Australia and/or the United States, including but not limited to correspondence generated since 1 November 2002 between:

- (a) the Australian and United States Governments;
- (b) Commonwealth departments;
- (c) Commonwealth and state and territory governments;
- (d) Commonwealth government ministers; and
- (e) Commonwealth and state and territory ministers. (*general business notice of motion no. 631*)

Senator Harradine: To move 3 sitting days after today—That the Senate—

- (a) notes that the Council of Australian Governments (COAG) is not directly accountable to the Australian people, yet determines many important policies that affect all Australians;
- (b) reaffirms the primacy of Australian parliaments over consultative and coordinating bodies like COAG and rejects any attempts to impose COAG's will on Australian parliaments; and
- (c) calls on the Australian Government and the state and territory governments through COAG to provide greater transparency and accountability to the Australian people by:
 - (i) amending freedom of information legislation to cover COAG,
 - (ii) establishing a detailed and dedicated COAG website,
 - (iii) providing on the website transcripts of all meetings,
 - (iv) providing on the website agendas and notices of meetings, and
 - (v) providing on the website copies of papers considered at meetings. (*general business notice of motion no. 632*)

15 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 12 OF 2003

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 12 OF 2003

1. The committee met on Tuesday, 7 October 2003.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Maritime Transport Security Bill 2003 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report on 27 October 2003;
 - (b) the *provisions* of the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Migration Agents Registration Application Charge Amendment Bill 2003 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report on 25 November 2003;
 - (c) the *provisions* of the Spam Bill 2003 and the Spam (Consequential Amendments) Bill 2003 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report on 27 October 2003; and
 - (d) the following bills *not* be referred to committees:
 - Aboriginal Land Grant (Jervis Bay Territory) Amendment Bill 2003
 - Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003
 - Farm Household Support Amendment Bill 2003

Higher Education Support Bill 2003
Higher Education Support (Transitional Provisions and
Consequential Amendments) Bill 2003
Higher Education Support Amendment (Abolition of Compulsory
Up-front Student Union Fees) Bill 2003
Petroleum (Submerged Lands) Amendment Bill 2003
Offshore Petroleum (Safety Levies) Bill 2003
Telecommunications Interception and Other Legislation Amendment
Bill 2003.

The committee recommends accordingly.

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

Bill deferred from meeting of 12 August 2003

Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003.

Bill deferred from meeting of 19 August 2003

National Animal Welfare Bill 2003.

Bill deferred from meeting of 7 October 2003

Financial Management and Accountability (Anti-Restrictive Software Practices) Amendment Bill 2003.

Jeannie Ferris
Chair
8 October 2003.

Senator Ferris moved—That the report be adopted.

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 9 October 2003.

Question put and passed.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
LEAVE TO MEET DURING SITTING**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway), by leave, moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiry into forestry plantations.

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 the Leader of the Australian Democrats (Senator Bartlett) for 9 October 2003, relating to the disallowance of clause 4(3) of the Housing Assistance (Form of Agreement) Determination 2003, postponed till 14 October 2003.

General business notice of motion no. 542 standing in the name of Senator Mackay for today, relating to the cancellation of the ABC program *Behind the News*, postponed till 2 December 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 9 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 9 October 2003.

General business notice of motion no. 609 standing in the name of Senator Nettle for today, relating to the World Trade Organization meeting and free trade agreements, postponed till 9 October 2003.

General business notice of motion no. 610 standing in the name of Senator Nettle for today, relating to the free trade agreement between Australia and the United States, postponed till 9 October 2003.

General business notice of motion no. 619 standing in the name of Senator Allison for today, relating to the imposition of an excise on alternative fuels, postponed till 9 October 2003.

General business notice of motion no. 624 standing in the name of Senator Stott Despoja for today, relating to human rights in Colombia, postponed till 9 October 2003.

General business notice of motion no. 625 standing in the name of Senator Brown for today, relating to live animal export and the *Cormo Express*, postponed till 9 October 2003.

General business notice of motion no. 627 standing in the name of Senator Brown for today, proposing an order for the production of documents by the Minister representing the Minister for Science, postponed till 9 October 2003.

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

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 622—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.

Question put and passed.

**20 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
EXTENSION OF TIME TO REPORT**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 613—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.

Question put and passed.

**21 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING—
VARIATION**

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 614—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.

Question put and passed.

22 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 615—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.

Question put and passed.

**23 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING
COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 623—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.

Question put and passed.

24 NOTICE

Senator Allison, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate notes, with concern, that the statement by the Prime Minister (Mr Howard) on so-called 'Senate reform' was provided to the media at midday on Wednesday, 8 October 2003, but that advance copies had not been provided to senators through the usual channels three and a half hours later. (*general business notice of motion no. 633*)

25 NUCLEAR WEAPONS CONFERENCE

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 621—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.

Question put and passed.

26 SOCIAL ISSUES—GAMBLING

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 620—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.

Question put and passed.

27 HEALTH—BIPOLAR DISORDER

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 618—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.

Question put and passed.

28 HEALTH—NATIONAL DRUG RESEARCH STRATEGY—ORDER FOR PRODUCTION OF DOCUMENT

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 617—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.

Question put and passed.

29 HEALTH—IMMUNISATION—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 616— 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.

Question put and passed.

30 DEFENCE—EXPLOSIVE REMNANTS OF WAR

Senator Allison, at the request of the Leader of the Australian Democrats (Senator Bartlett) and Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 607—That the Senate—

- (a) notes:
 - (i) its previous motion calling on the Australian Government to support a moratorium on the production, transfer and use of cluster munitions and to guarantee that Australian forces will not use, or be involved in the use of, these cruel and indiscriminate weapons,
 - (ii) that the effect of such explosive remnants of war on communities is similar to that of anti-personnel landmines, in that they kill and injure indiscriminately and have significant negative impacts on social and economic reconstruction post-conflict,
 - (iii) that the recent conflict in Iraq has highlighted the negative impacts of explosive remnants of war, especially those that result from the use of cluster munitions with high failure rates, with UNICEF reporting on 17 July 2003 that more than 1 000 Iraqi children had been injured by explosive remnants of war, and
 - (iv) that Landmine Action, in its report, *Explosive remnants of war: A global survey*, found that at least 82 countries are affected by explosive remnants of war and that casualties were reported in 59 countries between January 2001 and June 2002; and
- (b) calls on the Australian Government, in the current negotiations on a Protocol to the 'Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects', to support the Protocol including the following provisions to cover explosive remnants of war:
 - (i) that the parties to any conflict promptly clean up, or arrange for clearance of, all unexploded ordnance, bearing full responsibility for the munitions that they have generated where that can be determined,
 - (ii) include in agreements to terminate hostilities, peace negotiations and other relevant military technical agreements, provisions allocating responsibility, standards and procedures for signing off land as cleared of unexploded ordnance,

- (iii) parties to the conflict are to inform demining and/or unexploded ordnance clearance agencies of where munitions strikes have occurred and to provide technical data on all munitions used, to enable the unexploded munitions to be rendered safe or destroyed,
- (iv) parties to the conflict are to provide appropriate information, including pictures and warnings to civilians, about the dangers of unexploded ordnance, both during and after the conflict,
- (v) a prohibition on the use of weapons with large amounts of submunitions in or near concentrations of civilians,
- (vi) that all munitions have high quality fuses and detonation systems to ensure explosion on impact or self-destruction within seconds of impact, or that render munitions safe if they fail to detonate,
- (vii) a moratorium on the manufacture, transfer and use of munitions with submunitions until such munitions can be demonstrated to have failure rates that are no higher than other munitions that do not cause large amounts of unexploded ordnance (which typically generate less than 1 per cent live duds), and
- (viii) the compilation of a list of banned submunitions that have already been demonstrated to generate large humanitarian problems in places where they have been used and based on experience in the field, this list to include the BLU 26 (US), RBL 755 (UK), BLU 97 (US), Multiple Launch Rocket System M77 submunition (US), BL755 (UK), Mk 118 ‘Rockeye’ (US), M42 and M46 Dual Purpose Improved Conventional Munition (DPICM) submunitions (US) and the Mk 6/7 ‘Rockeye’ (US).

Question put and passed.

31 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ANIMAL WELFARE—LIVE SHEEP EXPORT

The Deputy President (Senator Hogg) informed the Senate that Senator O’Brien had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Government’s mismanagement of the MV *Cormo Express* crisis, which has brought Australia’s export reputation and animal welfare standing into disrepute.

The proposal was supported by four senators.

Discussion ensued.

Declaration of interest: Senator Stephens declared an interest in relation to the matter under discussion.

Discussion concluded.

32 SCRUTINY OF BILLS—STANDING COMMITTEE—11TH REPORT AND ALERT DIGEST NO. 12 OF 2003

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

11th report of 2003, dated 8 October 2003.

Alert Digest No. 12 of 2003, dated 8 October 2003.

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

33 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—396TH REPORT

Senator Murray, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—396th report—Review of Auditor-General's reports 2002-2003: First, second and third quarters, dated September 2003.

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

Question put and passed.

34 ENVIRONMENT—CARBON DIOXIDE EMISSIONS—DOCUMENTS

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

Environment—Carbon dioxide emissions—Letters to the President of the Senate from—

Minister for the Environment [NSW] (Mr Debus) responding to the resolution of the Senate of 24 June 2003, dated 30 September 2003.

Treasurer (Mr Costello) responding to the resolution of the Senate of 24 June 2003, dated 2 October 2003.

35 ESTIMATES OF PROPOSED EXPENDITURE FOR 2003-04—PORTFOLIO BUDGET STATEMENTS—PORTFOLIO AND EXECUTIVE DEPARTMENTS—DOCUMENT

The Minister for the Arts and Sport (Senator Kemp) tabled the following document:

Estimates of proposed expenditure for 2003-04—Portfolio budget statements—Portfolio and executive departments—Agriculture, Fisheries and Forestry portfolio—Corrigendum.

36 DOCUMENTS

The following documents were tabled by the Clerk:

Albury-Wodonga Development Act—Determination under section 5A, dated 1 October 2003—Approved form of winding-up agreement.

Higher Education Funding Act—Determination under section 15—Determination No. T18-2003.

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

Radiocommunications Act—Radiocommunications Licence Conditions (Broadcasting Licence) Amendment Determination 2003 (No. 1).

Safety, Rehabilitation and Compensation Act—Declaration under subparagraph 4(1)(c)(iii) of a body corporate to which this Act applies, dated 23 September 2003.

**37 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION
AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003**

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

Message no. 412, dated 7 October 2003—A Bill for an Act to make amendments relating to the social security law, family assistance law and law about veterans' entitlements and child support, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp 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.

**38 MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT
BILL 2003
MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY
MEASURES) BILL 2003**

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

Message no. 413, dated 8 October 2003—A Bill for an Act to amend the *Migration Agents Registration Application Charge Act 1997*, and for related purposes.

Message no. 414, dated 8 October 2003—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills 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.

**39 ADDRESS BY PRESIDENT OF THE UNITED STATES OF AMERICA—PROPOSED JOINT
MEETING**

The following message from the House of Representatives was reported:

Message No. 415

Mr President

The House of Representatives transmits to the Senate the following resolution which was agreed to by the House of Representatives this day, and requests the concurrence of the Senate therein:

That:

- (1) the House invites the Honourable George W. Bush, President of the United States of America, to attend and address the House, on Thursday, 23 October 2003, at a time to be notified by the Speaker;
- (2) the House invites the Senate to meet with the House in this Chamber for this purpose;
- (3) at the meeting of the two Houses for this purpose:
 - (a) the Speaker shall preside at the meeting;
 - (b) the only proceedings shall be welcoming remarks by the Prime Minister and the Leader of the Opposition and an address by the President of the United States of America, after which the Speaker shall forthwith adjourn the House and declare the meeting concluded; and
 - (c) the procedures of the House shall apply to the meeting so far as they are applicable;
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

Neil Andrew
Speaker
House of Representatives
8 October 2003.

On the motion of the Minister for Defence (Senator Hill) consideration of the message was made an order of the day for the next day of sitting.

Notice of motion: Senator Hill, by leave, gave a notice of motion as follows: To move on the next day of sitting—

- (1) That the Senate:
 - (a) invites the President of the United States of America, the Honourable George W Bush, to address the Senate, on Thursday, 23 October 2003, at a time to be fixed by the President of the Senate and notified to all senators;
 - (b) accepts the invitation of the House of Representatives to meet with the House for that purpose; and
 - (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting.
- (2) That this resolution be communicated to the House of Representatives by message.

40 ADDRESS BY PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA—PROPOSED JOINT MEETING

The following message from the House of Representatives was reported:

Message no. 416

Mr President

The House of Representatives transmits to the Senate the following resolution which was agreed to by the House of Representatives this day, and requests the concurrence of the Senate therein:

That:

- (1) the House invites His Excellency Hu Jintao, President of the People's Republic of China, to attend and address the House, on Friday, 24 October 2003, at a time to be notified by the Speaker;
- (2) the House invites the Senate to meet with the House in this Chamber for this purpose;
- (3) at the meeting of the two Houses for this purpose:
 - (a) the Speaker shall preside at the meeting;
 - (b) the only proceedings shall be welcoming remarks by the Prime Minister and the Leader of the Opposition and an address by the President of the People's Republic of China (which may be translated for the meeting by a person or persons accompanying the President) after which the Speaker shall forthwith adjourn the House and declare the meeting concluded; and
 - (c) the procedures of the House shall apply to the meeting so far as they are applicable;
- (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

Neil Andrew
Speaker
House of Representatives
8 October 2003.

On the motion of the Minister for Defence (Senator Hill) consideration of the message was made an order of the day for the next day of sitting.

Notice of motion: Senator Hill, by leave, gave a notice of motion as follows: To move on the next day of sitting—

- (1) That the Senate:
 - (a) invites His Excellency Hu Jintao, President of the People's Republic of China, to address the Senate, on Friday, 24 October 2003, at a time to be fixed by the President of the Senate and notified to all senators;
 - (b) accepts the invitation of the House of Representatives to meet with the House for that purpose; and
 - (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting.
- (2) That this resolution be communicated to the House of Representatives by message.

41 CONSTITUTION—SECTION 57—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Defence (Senator Hill), by leave, made a statement relating to the Australian Constitution and tabled the following document:

Constitution—Section 57—Resolving deadlocks: A discussion paper on section 57 of the Australian Constitution.

Senator Hill, by leave, moved—That the Senate take note of the statement and document.

Debate ensued.

Document: The Leader of the Opposition in the Senate (Senator Faulkner), by leave, tabled the following document:

Constitution—Section 57—Constitutional reform and the resolution of parliamentary deadlock—Australian Labor Party discussion paper by the Leader of the Opposition (Mr Crean) and the Shadow Attorney-General (Mr McClelland), dated October 2003.

Debate continued.

At 6.50 pm: Debate was interrupted while the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) was speaking.

42 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Australian Bureau of Statistics—Report for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Australian Electoral Commission—Report for 2002-03. Motion to take note of document moved by Senator Crossin and agreed to.

United Nations—Convention on the Rights of the Child—Australia's combined second and third reports, March 2003. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

Australian Postal Corporation (Australia Post)—Report for 2002-03. Motion to take note of document moved by Senator Mackay and debated. On the motion of Senator Tierney debate was adjourned till Thursday at general business.

Department of Transport and Regional Services—Report for 2002-03. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Treaties—*Multilateral*—Text, together with national interest analysis and annexures—International Labour Organization Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour done at Geneva on 17 June 1999. Motion to take note of document moved by Senator Wong. Debate adjourned till Thursday at general business, Senator Wong in continuation.

43 ADJOURNMENT

The Acting Deputy President (Senator Kirk) 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 7.58 pm till Thursday, 9 October 2003 at 9.30 am.

44 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate