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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 40 petitioners, requesting that the Senate call on the Government to initiate a Royal Commission into sexual assault and the abuse of children.

Senator Bartlett, from 128 petitioners, requesting that the Senate take action to end the live animal export trade and develop a chilled and frozen carcass trade using humane slaughtering practices.

Senator George Campbell, from 182 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*.

3 NOTICES

Senator Evans: To move on the next day of sitting—That there be laid on the table by the Minister for Revenue and Assistant Treasurer, no later than 5 pm on Tuesday, 14 October 2003, all documents held by the Australian Government Actuary relating to its calculations of the Incurred But Not Reported (IBNR) levy following the collapse of the medical defence organisation United Medical Protection, including the formulae used to calculate the estimated unfunded liabilities for IBNR claims. (*general business notice of motion no. 634*)

Senator Allison: To move on the next day of sitting—That there be laid on the table by the Minister for Immigration and Multicultural and Indigenous Affairs, no later than 3 pm on Thursday, 16 October 2003:

- (a) the default notice issued to Australasian Correctional Management under the Government's general agreement contract to manage detention centres; and
- (b) the report prepared for the Department of Immigration and Multicultural and Indigenous Affairs by Knowledge Enterprises in 2001 on management of detention centres. (*general business notice of motion no. 635*)

Senator O'Brien: To move on the next day of sitting—That the draft Aviation Transport Security Regulations 2003 provided to the Rural and Regional Affairs and Transport Legislation Committee under cover of letter dated 19 September 2003 be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 27 November 2003.

Senator Brown: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to enable consumers to know the country of origin, the extent of genetic manipulation and the chemical residues in food, and for related purposes. **Truth in Food Labelling Bill 2003**. (*general business notice of motion no. 636*)

Senator Brown: To move on the next day of sitting—That Amendment 46 of the National Capital Plan (Gungahlin Drive Extension – Black Mountain Nature Reserve), made under section 19 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, be disallowed.

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

- (a) condemns the effective axing of the Special Broadcasting Service (SBS) *Insight* program, one of only a handful of investigative reporting programs on Australian television; and
- (b) calls on SBS management to immediately reverse its decision. (*general business notice of motion no. 637*)

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 9 Taxation Laws Amendment Bill (No. 8) 2003.
- Civil Aviation Amendment Bill 2003.
- No. 10 Statistics Legislation Amendment Bill 2003.

Question put and passed.

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

- (a) general business order of the day no. 30 (Kyoto Protocol (Ratification) Bill 2002); and
- (b) consideration of government documents.

Question put and passed.

5 POSTPONEMENTS

Items of business were postponed as follows:

- 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 14 October 2003.

6 ORDER OF BUSINESS—REARRANGEMENT

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 business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the provisions of the Aviation Transport Security Bill 2003 and a related bill, be postponed till a later hour.

Question put and passed.

7 CONSTITUTION—SECTION 57—DISCUSSION PAPER—ADVANCE COPIES

Senator Allison amended her notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 633—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 until three and a half hours later.

Statements by leave: Senators Mackay and Allison, by leave, made statements relating to the motion.

Question put and negatived.

8 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Finance and Public Administration References Committee (Senator Forshaw) amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 629—That the Finance and Public Administration References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 October 2003, from 11 am to 12.30 pm.

Question put and passed.

9 SCIENCE AND TECHNOLOGY—RIO TINTO TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 627—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.

Question put and passed.

10 TAXATION—ALTERNATIVE FUELS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 619—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 restore certainty to the sector by designing a tax system which:
 - (i) recognises the environmental benefits of LPG, and
 - (ii) gives incentive to consumers to adopt LPG as a transport fuel.

Question put and passed.

11 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 630—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.

Question put and passed.

12 ANIMAL WELFARE—LIVE ANIMAL EXPORT

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 625—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.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)
Bartlett
Brown

Cherry
Greig

Murray
Nettle

Ridgeway
Stott Despoja

NOES, 50

Senators—

Abetz	Cook	Hutchins	Moore
Alston	Crossin	Johnston	O'Brien
Barnett	Denman	Kemp	Patterson
Boswell	Eggleston	Kirk	Payne
Brandis	Evans	Lightfoot	Scullion
Buckland	Faulkner	Ludwig	Sherry
Calvert	Ferguson	Lundy	Stephens
Campbell, George	Ferris (Teller)	Macdonald, Sandy	Tchen
Campbell, Ian	Forshaw	Mackay	Tierney
Carr	Harradine	Marshall	Webber
Chapman	Harris	Mason	Wong
Colbeck	Hogg	McGauran	
Collins	Humphries	McLucas	

Question negatived.

13 DEFENCE—ANTI-PERSONNEL LANDMINES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 602—That the Senate—

(a) notes that:

- (i) like anti-personnel landmines, anti-vehicle mines kill and maim long after conflicts have ended,
- (ii) like anti-personnel landmines, anti-vehicle mines are indiscriminate and kill both civilians and military personnel in violation of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1) of 8 June 1977,
- (iii) anti-vehicle mines can increase the cost and slow the delivery of humanitarian aid,
- (iv) there is no publicly available evidence that the Australian Defence Forces have gained any direct military advantage from the use of anti-vehicle mines since the Korean War,
- (v) the only Australian soldier killed in the 2001 to 2002 deployment to Afghanistan, SAS Sergeant Andrew Russell, was the victim of an anti-vehicle mine, and
- (vi) of the four Australian peace-keepers killed since 1966 by weapons, two have been killed by landmines while driving in vehicles; and

(b) calls on the Federal Government to:

- (i) recognise anti-vehicle mines that can be set off by contact with a person as anti-personnel landmines, and therefore banned under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction (Mine Ban Treaty),
- (ii) support a ban on anti-vehicle mines with anti-handling devices, which can be set off if a mine is disturbed, and
- (iii) work with like-minded countries towards a global ban on the production, stockpiling, transfer and use of anti-vehicle mines.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 42

Senators—

Boswell	Crossin	Johnston	O'Brien
Brandis	Denman	Kemp	Payne
Buckland	Eggleston	Kirk	Scullion
Calvert	Evans	Ludwig	Sherry
Campbell, George	Faulkner	Lundy	Stephens
Campbell, Ian	Ferguson	Mackay	Tchen
Carr	Ferris (Teller)	Marshall	Tierney
Chapman	Forshaw	Mason	Webber
Colbeck	Hogg	McGauran	Wong
Collins	Humphries	McLucas	
Cook	Hutchins	Moore	

Question negatived.

14 TRADE—FREE TRADE AGREEMENT—GENETICALLY-MODIFIED FOOD—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 631—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.

Question put and passed.

15 TRADE—FREE TRADE AGREEMENT—AGRICULTURAL SUBSIDIES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 609—That the Senate—

- (a) notes:
 - (i) the collapse of the World Trade Organization talks in Cancun, Mexico,
 - (ii) that agricultural subsidies are a crucial issue for Australian farmers, and
 - (iii) that agricultural subsidies can only be discussed in multilateral trade negotiations; and

- (b) calls on the Government to publicly explain to Australian farmers that agricultural subsidies in the United States of America (US) cannot be on the table in the US-Australia free trade agreement.

Question put and passed.

16 TRADE—FREE TRADE AGREEMENT—FOREIGN TELEVISION PROGRAMMING

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 610—That the Senate—

(a) notes:

- (i) that Australia is one of the most open markets for foreign television programming, 68.7 per cent of new airtime hours being of foreign origin,
- (ii) that United States of America (US) films take 83 per cent of annual Australian box office takings, and
- (iii) the experience of New Zealand which now has one of the lowest percentages of local content, at 24 per cent, as a result of excessive liberalisation of its cultural industries; and

(b) calls on the Government to:

- (i) ensure the narrow definition of e-commerce found in the Australia-Singapore Free Trade Agreement (FTA) is the definition used in the Australia-United States FTA to ensure that digital cultural products are excluded from the FTA, and
- (ii) protect and strengthen existing support mechanisms for Australian cultural industries by:
 - (A) removing the regulations which place restrictions on the number of foreign cast and crew per production from any FTA negotiations, and
 - (B) removing local content quota regulations, and the Government's ability to increase the quota in the future, from any FTA negotiations.

Question put and passed.

17 POSTPONEMENT

Senator Mackay, by leave and at the request of Senator Hutchins, moved—That general business notice of motion no. 601 standing in the name of Senator Hutchins for today, relating to compensation for Hepatitis C sufferers, be postponed till 13 October 2003.

Question put and passed.

18 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 628—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.

Question put and passed.

**19 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—PROGRESS
TOWARDS NATIONAL RECONCILIATION**

Senator Crossin, at the request of Chair of the Legal and Constitutional References Committee (Senator Bolkus), tabled the following report and documents:

Legal and Constitutional References Committee—Reconciliation: Off track—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee, additional information and submissions [86].

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

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

Debate ensued.

Question put and passed.

20 CIVIL AVIATION AMENDMENT BILL 2003

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

Message no. 417, dated 8 October 2003—A Bill for an Act to amend the *Civil Aviation Act 1988*, and for related purposes.

The Minister for Finance and Administration (Senator Minchin) 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 Minchin moved—That this bill be now read a second time.

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

On the motion of Senator Crossin the debate was adjourned.

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

21 MARITIME TRANSPORT SECURITY BILL 2003

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

Message no. 418, dated 8 October 2003—A Bill for an Act to safeguard against unlawful interference with maritime transport, and for related purposes.

The Minister for Finance and Administration (Senator Minchin) 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 Minchin 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.

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

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

Message no. 420, dated 8 October 2003—Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003, agreeing to amendments nos 7 and 12 made by the Senate and disagreeing to amendments nos 1 to 6 and 8 to 11.

On the motion of the Minister for Finance and Administration (Senator Minchin) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

23 SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003

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

Message no. 421, dated 8 October 2003—Superannuation (Surcharge Rate Reduction) Amendment Bill 2003, agreeing to amendments nos 1 to 26 and 28 to 32 made by the Senate and disagreeing to amendment no. 27.

On the motion of the Minister for Finance and Administration (Senator Minchin) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

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

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 419, dated 8 October 2003—Superannuation (Government Co-contribution for Low Income Earners) Bill 2003.

On the motion of the Minister for Finance and Administration (Senator Minchin) the bill was read a third time.

25 MIGRATION AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Sherry, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Migration Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 224 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

26 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That government business order of the day no. 1 (Constitution—Section 57—Ministerial statement and document) be postponed till a later hour.

Question put and passed.

27 ADDRESS BY PRESIDENT OF THE UNITED STATES OF AMERICA—JOINT MEETING

Order of the day read for the consideration of message no. 415 from the House of Representatives relating to an address by the President of the United States of America to the Houses of the Parliament (*see entry no. 39, 8 October 2003*).

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Defence (Senator Hill) and pursuant to notice, moved government business notice of motion no. 1—

- (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.

Debate ensued.

Senator Brown moved the following amendment:

Omit paragraph (c), substitute:

- (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting with the following additional provisions:
 - (i) a representative of the Australian Greens shall make welcoming remarks immediately after the Leader of the Opposition, and
 - (ii) following the address by the President of the United States, Senators and Members may make speeches of not more than 5 minutes each and ask questions of the President of the United States and the Prime Minister.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 2

Senators—

Brown	Nettle (Teller)
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NOES, 44

Senators—

Allison	Crossin	Hutchins	Murray
Brandis	Denman	Johnston	O'Brien
Buckland	Ellison	Kirk	Payne
Calvert	Evans	Ludwig	Ridgeway
Campbell, George	Ferguson	Lundy	Scullion
Carr	Ferris (Teller)	Mackay	Stephens
Chapman	Forshaw	Marshall	Stott Despoja
Cherry	Greig	Mason	Tchen
Colbeck	Harradine	McGauran	Tierney
Collins	Hogg	McLucas	Webber
Cook	Humphries	Moore	Wong

Question negatived.

Senator Allison moved the following amendment:

Omit paragraph (c), substitute:

(c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting, except that the place of meeting shall be the Great Hall.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 8

Senators—

Allison (Teller)	Cherry	Murray	Ridgeway
Brown	Greig	Nettle	Stott Despoja

NOES, 37

Senators—

Boswell	Denman	Kirk	Payne
Brandis	Ellison	Ludwig	Scullion
Buckland	Evans	Lundy	Sherry
Campbell, George	Ferguson	Mackay	Stephens
Carr	Ferris (Teller)	Marshall	Tchen
Chapman	Forshaw	Mason	Tierney
Colbeck	Harradine	McGauran	Webber
Collins	Hogg	McLucas	
Cook	Hutchins	Moore	
Crossin	Johnston	O'Brien	

Question negatived.

Senator Allison moved the following amendment:

At the end of the motion, add:

(3) That on Thursday, 23 October 2003, the routine of business of the Senate shall be as follows:

- (a) before the suspension of the Senate for the address, government business only; and
- (b) following the address:
 - (i) Government business only,
 - (ii) At 2 pm, questions,
 - (iii) Motions to take note of answers,
 - (iv) Any proposal pursuant to standing order 75,
 - (v) Government business,
 - (vi) At 7.20 pm, adjournment proposed, and
 - (vii) Adjournment.

Debate ensued.

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

Main question put and passed. Senators Brown and Nettle, by leave, recorded their votes for the noes.

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

Order of the day read for the consideration of message no. 416 from the House of Representatives relating to an address by the President of the People's Republic of China to the Houses of the Parliament (*see entry no. 40, 8 October 2003*).

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), at the request of the Minister for Defence (Senator Hill) and pursuant to notice, moved government business notice of motion no. 2—

- (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.

Senator Allison moved the following amendment:

Omit paragraph (c), substitute:

- (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting, except that the place of meeting shall be the Great Hall.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Allison (Teller)
Brown
Cherry

Greig
Harradine

Murray
Nettle

Ridgeway
Stott Despoja

NOES, 35

Senators—

Barnett	Crossin	Kirk	Payne
Brandis	Denman	Lightfoot (Teller)	Scullion
Buckland	Eggleston	Ludwig	Sherry
Campbell, George	Evans	Lundy	Stephens
Carr	Forshaw	Macdonald, Ian	Tchen
Chapman	Hogg	Mackay	Tierney
Collins	Humphries	Marshall	Webber
Conroy	Hutchins	McLucas	Wong
Cook	Johnston	Moore	

Question negatived.

Senator Allison moved the following amendment:

At the end of the motion, add:

- (3) That on Friday, 24 October 2003, the time of meeting shall be 9.30 am and the routine of business shall be as follows:
 - (a) before the suspension of the Senate for the address, government business only; and
 - (b) following the address:
 - (i) Government business only,
 - (ii) At 2 pm, questions,
 - (iii) Motions to take note of answers,
 - (iv) Any proposal pursuant to standing order 75,
 - (v) Government business,
 - (vi) At 3.45 pm, adjournment proposed, and
 - (vii) Adjournment.

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

Senator Brown moved the following amendment:

Omit paragraph (c), substitute:

- (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting with the following additional provisions:
 - (i) a representative of the Australian Greens shall make welcoming remarks immediately after the Leader of the Opposition, and
 - (ii) following the address by the President of the People's Republic of China, Senators and Members may make speeches of not more than 5 minutes each and ask questions of the President of the People's Republic of China and the Prime Minister.

Question—That the amendment be agreed to—put.

The Senate proceeded to divide.

Leave was granted for the votes on the amendment and the main question to be taken immediately after consideration of a motion relating to the anniversary of the Bali bombing.

After 12.45 pm—

29 TAXATION LAWS AMENDMENT BILL (NO. 8) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

30 CIVIL AVIATION AMENDMENT BILL 2003

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

31 STATISTICS LEGISLATION AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

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

—————

At 2 pm—

32 QUESTIONS

Questions without notice were answered.

33 FAMILY AND COMMUNITY SERVICES—CENTRELINK—COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) and the Minister for the Arts and Sport (Senator Kemp) to questions without notice asked by senators today relating to Centrelink and Telstra's outsourcing of information technology.

Debate ensued.

Question put and passed.

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

Leave was granted for the votes on the amendment moved by Senator Brown and the main question relating to an address by the President of the People's Republic of China to the Houses of the Parliament to be taken immediately (*see entry no. 28*).

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 2

Senators—

Brown	Nettle (Teller)
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NOES, 49

Senators—

Allison	Cook	Hutchins	O'Brien
Barnett	Crossin	Johnston	Payne
Bartlett	Denman	Kemp	Ridgeway
Boswell	Eggleston	Kirk	Scullion
Brandis	Ferguson	Ludwig	Stephens
Buckland	Ferris (Teller)	Lundy	Stott Despoja
Campbell, George	Forshaw	Macdonald, Sandy	Tchen
Carr	Greig	Mackay	Tierney
Chapman	Harradine	Marshall	Webber
Cherry	Heffernan	McGauran	Wong
Colbeck	Hill	McLucas	
Collins	Hogg	Moore	
Conroy	Humphries	Murray	

Question negatived.

Main question put and passed. Senators Brown, Nettle and Harradine, by leave, recorded their votes for the noes.

35 GENERAL BUSINESS—CONSIDERATION

The Minister for Defence (Senator Hill), by leave, moved—That consideration of general business, other than consideration of orders of the day relating to government documents, not be proceeded with today.

Question put and passed.

36 FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—ANNIVERSARY

The Minister for Defence (Senator Hill), by leave, moved—That the Senate—

- (1) Marks the first anniversary of the Bali tragedy by honouring those who lost their lives or were injured in the horrific terrorist attacks of 12 October 2002.

- (2) Offers its continuing support and compassion to all those who have been hurt by this terrible event, especially the bereaved and the injured.
- (3) Sends its heartfelt sympathy to the people and Government of Indonesia and the other nations whose citizens were killed or injured in the attacks.
- (4) Conveys its deep appreciation to those who volunteered to assist in the terrible aftermath of the attacks.
- (5) Expresses its gratitude to the Indonesian Government and authorities for their cooperation and support in bringing those who perpetrated this horrendous crime to justice.
- (6) Reiterates its condemnation of those who employ terror and indiscriminate violence against innocent people.
- (7) Reaffirms Australia's commitment to continue the fight against terrorism in our region and in the rest of the world.

The motion was supported and all senators present stood in silence—

Question passed.

**37 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—MATERIEL ACQUISITION AND MANAGEMENT IN
DEFENCE**

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

Foreign Affairs, Defence and Trade References Committee—Report—Materiel acquisition and management in Defence—Government response, dated October 2003.

**38 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—VISIT TO AUSTRALIAN FORCES DEPLOYED IN THE
INTERNATIONAL COALITION AGAINST TERRORISM**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Visit to Australian forces deployed in the international coalition against terrorism: Parliament's brief on the war on terrorism—Government response, dated October 2003.

39 HEALTH—SMOKING—DOCUMENT

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

Health—Smoking—Letter to the President of the Senate from the Chief Minister of the Australian Capital Territory (Mr Stanhope) responding to the resolution of the Senate of 11 September 2003, dated 29 September 2003.

**40 HEALTH—IMMUNISATION—ORDER FOR PRODUCTION OF DOCUMENTS—
DOCUMENTS**

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 8 October 2003 for the production of documents relating to immunisation and, pursuant to that order, tabled the following documents:

Health—Immunisation—Copies of—

Attendance Item Restructure Working Group—Report, dated July 2003.

Australian Immunisation Handbook, 8th edition—Approved by NHMRC on 18 September 2003.

41 HEALTH—NATIONAL DRUG RESEARCH STRATEGY—ORDER FOR PRODUCTION OF DOCUMENT—STATEMENT BY LEAVE

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 8 October 2003 for the production of a document concerning the National Drug Research Strategy (*see entry no. 28, 8 October 2003*).

42 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—AVIATION TRANSPORT SECURITY BILL 2003 AND AVIATION TRANSPORT SECURITY (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2003

Pursuant to order, Senator Eggleston, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—Provisions of the Aviation Transport Security Bill 2003 and the Aviation Transport Security (Consequential Amendments and Transitional Provisions) Bill 2003—Report, dated October 2003, *Hansard* record of proceedings, additional information and submissions [7].

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

43 DOCUMENTS

The following documents were tabled by the Clerk:

Natural Resources Management (Financial Assistance) Act—Agreement to deliver the Natural Heritage Trust Extension between the Commonwealth of Australia and New South Wales, dated 14 August 2003.

Remuneration Tribunal—Report—Members of Parliament resettlement grant: Response to Government request to inquire into a redundancy-type benefit for new senators and members, dated 12 August 2003.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 41 to 50 of 2003.

44 CONSTITUTION—SECTION 57—MINISTERIAL STATEMENT—DOCUMENT—CONSIDERATION

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—That the Senate take note of the statement and document.

Debate resumed.

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

Constitution—Section 57—Copies of—

Greater democracy for the House of Representatives—Australian Greens discussion paper, dated October 2003.

Howard's undemocratic way—Australian Greens critique of Howard's Senate reform plans, dated October 2003.

At 6 pm: Debate was interrupted while Senator Nettle was speaking.

45 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Australian Bureau of Statistics—Report for 2002-03. Motion of Senator Crossin to take note of document called on. On the motion of Senator Ludwig debate was adjourned till Thursday at general business.

United Nations—Convention on the Rights of the Child—Australia's combined second and third reports, March 2003. Motion of Senator Ludwig to take note of document debated and agreed to.

Australian Postal Corporation (Australia Post)—Report for 2002-03. Motion of Senator Mackay to take note of document agreed to.

Department of Transport and Regional Services—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

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 of Senator Wong to take note of document debated and agreed to.

General business orders of the day nos 1 to 4 and 10 relating to government documents were called on but no motion was moved.

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

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

Finance and Public Administration References Committee—Report—Recruitment and training in the Australian Public Service. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.

Foreign Affairs, Defence and Trade Legislation Committee—Report—Aspects of the *Veterans' Entitlements Act 1986* and the Military Compensation Scheme. Motion of the chair of the committee (Senator Sandy Macdonald) to take note of report agreed to.

47 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

Orders of the day relating to reports of the Auditor-General were called on but no motion was moved.

48 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.53 pm till Monday, 13 October 2003 at 12.30 pm.

49 **ATTENDANCE**

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

HARRY EVANS
Clerk of the Senate