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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 DOCUMENTS

The following government documents were tabled:

- Aboriginal Hostels Limited—Report for the period 24 June 2002 to 28 June 2003.
- Aboriginal Land Commissioner—Report for 2002-03.
- Australia Council—Report for 2002-03.
- Australia-Indonesia Institute—Report for 2002-03.
- Australian Film Commission—Report for 2002-03.
- Australian Film, Television and Radio School—Report for 2002-03.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2002-03.
- Australian National Training Authority—
 - Australian vocational education and training system—Report for 2002—
Volumes 1 and 2.
 - Volume 3.Report for 2002-03.
- Australian Research Council—Report for 2002-03.
- Australian Safeguards and Non-Proliferation Office—Report for 2002-03.
- Australian Tourist Commission—Report for 2002-03.
- Australian Trade Commission (AUSTRADE)—Report for 2002-03.
- Civil Aviation Safety Authority—Corporate plan 2003-04 to 2005-06.
- Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities for 2002-03—
 - Australian Customs Service.
 - Australian Federal Police.
- Department of Industry, Tourism and Resources—Report for 2002-03.
- Department of the Prime Minister and Cabinet—Report for 2002-03.
- Export Finance and Insurance Corporation (EFIC)—Report for 2002-03.
- Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2003.
- Indigenous Land Corporation—Report for 2002-03.
- National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2002-03.
- National Gallery of Australia—Report for 2002-03.
- National Residue Survey—Report for 2002-03, incorporating the report for 2002-03 on the National Residue Survey Results.
- Reserve Bank of Australia—Equity and diversity—Report for 2002-03.
- Social Security Appeals Tribunal—Report for 2002-03.
- Torres Strait Regional Authority—Report for 2002-03.

3 CONSIDERATION OF LEGISLATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), 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:

Petroleum (Submerged Lands) Amendment Bill 2003

Offshore Petroleum (Safety Levies) Bill 2003.

Debate ensued.

Question put and passed.

4 HOURS OF MEETING—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 2—That, on Thursday, 16 October 2003, the sitting of the Senate shall be suspended from 10.30 am to 2 pm, to enable senators to attend a National Remembrance Service honouring the victims of the terrorist attacks in Bali.

Question put and passed.

5 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 3—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department for the installation of four accessible pram ramps at the junction of the Parade Ground and Federation Mall.

Question put and passed.

6 FAMILY ASSISTANCE LEGISLATION AMENDMENT (EXTENSION OF TIME LIMITS) BILL 2003

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

In the committee

Consideration resumed of the bill, as amended—and of the amendments moved by Senator Greig:

Schedule 1, page 4 (after line 6), after item 3, insert:

3B At the end of paragraph 77(1)(f)

Add “including the fair instalment repayment options provided for in section 91; and

(fa) that the person must be offered a choice of the methods of recovery specified in section 82”.

Schedule 1, page 4 (after line 6), after item 3, insert:

3G At the end of section 91

Add:

- (6) In this section, where an overpayment has been made and the overpayment was not caused by deliberate fraud or omission by or on behalf of the person receiving the payment, then the arrangement entered into under subsection (1) or (1A) must not (unless the debtor agrees) require repayment:
- (a) at a rate greater than half the rate at which it was received; and
 - (b) over a period of time less than twice as long as the period during which the overpayments were received.

Debate resumed.

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

Senator Greig moved the following amendments together by leave:

Schedule 1, page 4 (after line 6), after item 3, insert:

3C After subsection 77(1)

Insert:

- (1A) Where a person does not notify the Secretary of a choice in accordance with paragraph (1)(fa) within 10 working days of receipt of notification of the right to make a choice of repayment method, the Secretary may determine the method of repayment.

Schedule 1, page 4 (after line 6), after item 3, insert:

3D Subsection 82(1)

Before “recoverable”, insert “, subject to the Secretary first offering the person the options outlined in paragraph 77(1)(f),”.

Debate ensued.

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

Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003—Extract from *Debt recovery manual*—4.4.2 Withholding arrangements.

Debate continued.

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

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

Schedule 1, page 4 (after line 6), after item 3, insert:

3E Subsection 87(1)

After “may”, insert “with the prior written consent of the person”.

Schedule 1, page 4 (after line 6), after item 3, insert:

3F At the end of section 87

Add:

- (5) Where a person has accrued a debt as a result of deliberate misrepresentation or omission, the Secretary may, without the consent of the person, direct the Commissioner of Taxation to apply the whole or part of the person’s income tax refund to the debt.

Bill, as amended, agreed to, subject to requests.
Bill to be reported with amendments and requests.

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

9 SUPERANNUATION—PARLIAMENTARY ENTITLEMENTS—ANSWER TO QUESTION

Senator Cherry moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Cherry today relating to the superannuation entitlements of parliamentarians.

Question put and passed.

10 DEATH OF FORMER DEPUTY PRIME MINISTER THE HONOURABLE DR JAMES (JIM) FORD CAIRNS

The President informed the Senate of the death, on 12 October 2003, of the Honourable Dr James (Jim) Ford Cairns, Deputy Prime Minister during the Whitlam ministry, a member of the House of Representatives for the divisions of Yarra and Lalor from 1955 to 1977, and, at various times in that period, Minister for Overseas Trade, Minister for Secondary Industry and Minister for Environment.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 12 October 2003, of the Honourable Dr James Ford Cairns, former federal minister and member for Yarra and Lalor, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

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

Question passed.

11 FINANCE—CALCULATION OF THE IBNR LEVY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, made a statement relating to the order of the Senate of 13 October 2003 for the production of documents concerning documents held by the Australian Government Actuary relating to its calculations of the Incurred But Not Reported (IBNR) levy (*see entry no. 11, 13 October 2003*).

Statements by leave: Senator Sherry and the Leader of the Australian Democrats (Senator Bartlett), by leave, made statements relating to the matter.

12 PETITION

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

From 2 petitioners, requesting that the Senate take action to limit the scope of the Australia-United States free trade agreement negotiations and ensure that independent research is published and all trade agreements are debated and decided by parliament, not just Cabinet.

13 NOTICES

Notices of motion:

Senator Bolkus: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 1 September 2004:

- (a) the extent of the Australian diaspora;
- (b) the variety of factors driving more Australians to live overseas;
- (c) the costs, benefits and opportunities presented by the phenomenon;
- (d) the needs and concerns of overseas Australians;
- (e) the measures taken by other comparable countries to respond to the needs of their expatriates; and
- (f) ways in which Australia could better use its expatriates to promote our economic, social and cultural interests.

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the Late Payment of Commercial Debts (Interest) Bill 2003 be extended to 29 October 2003. (*general business notice of motion no. 649*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 16 October 2003—That the Senate—

- (a) notes that:
 - (i) on 19 October 2001, a boat known as the SIEV X, bound for Australia and carrying 421 passengers and crew, sank with the tragic loss of 353 lives, including 146 children,
 - (ii) a number of those who lost their lives had close family members in Australia who are on temporary protection visas, which prevents them from fully rebuilding their lives, and
 - (iii) the Commonwealth Government has not responded to the report of the Select Committee on a Certain Maritime Incident, which included an examination of the SIEV X sinking;

- (b) asks the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to grant those refugees in Australia, whether they are awaiting a decision of their review or are on temporary protection visas, who suffered a personal loss through the sinking of SIEV X, permanent visas on humanitarian grounds;
- (c) calls on the Commonwealth Government to immediately establish a comprehensive, independent judicial inquiry into all aspects of the People Smuggling Disruption Program operated by the Commonwealth Government and agencies from 2000 to date, including suspected illegal entry vessels, and in particular the boat known as SIEV X; and
- (d) expresses its regret and sympathy at the tragic loss of so many innocent lives. (*general business notice of motion no. 650*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 27 October 2003, from 7.30 pm, to take evidence for the committee's inquiry into the provisions of the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Migration Agents Registration Application Charge Amendment Bill 2003. (*general business notice of motion no. 651*)

The Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—That the Senate—

- (a) expresses concern about the growing risks posed by the proliferation of nuclear weapons, the potential for further proliferation, plans for the research, development, testing and deployment of new types of nuclear weapons by the nuclear weapons states, and the broadening role being given to nuclear weapons in security strategies;
- (b) notes the New Agenda Coalition resolution introduced in the 58th United Nations (UN) General Assembly First Committee entitled 'Towards a nuclear-weapon-free world: the need for a new agenda' and:
 - (i) notes that this resolution is similar to resolution A/RES/57/59 which was adopted by the UN General Assembly in 2002 by a vote of 125 to 6 with 36 abstentions, and
 - (ii) commends the New Agenda Coalition for:
 - (A) setting out a series of practical and necessary steps to curb nuclear proliferation and achieve nuclear disarmament, based on the thirteen disarmament steps agreed by all state parties to the Non-Proliferation Treaty (NPT) in 2000, and
 - (B) making changes to the draft resolution at the current session of the UN General Assembly in order to meet the concerns of states such as Australia, which abstained on the vote in 2002, in particular to highlight the dangers of nuclear proliferation and to call on all states, including North Korea, Israel, Pakistan, Iran and India to subscribe to the NPT and accept full-scope safeguards on their nuclear facilities;
- (c) also notes the New Agenda Coalition resolution introduced in the 58th UN General Assembly First Committee entitled 'Reduction of non-strategic nuclear weapons' and:
 - (i) notes that this resolution is similar to resolution A/RES/57/58 which was adopted by the UN General Assembly in 2002 by a vote of 120 to 3 with 42 abstentions, and

- (ii) commends the New Agenda Coalition for:
 - (A) drawing attention to the need to deal with this class of nuclear weapons, of which there are more than 4 000 in the stockpiles of the nuclear weapons states, and
 - (B) making changes to the draft resolution at the current session of the UN General Assembly in order to meet the concerns of states such as Australia, which abstained on the vote in 2002, in particular changes to address the particular concerns surrounding the tactical nuclear weapons possessed by Russia, and
- (iii) expresses concern about the threat posed by non-strategic weapons due to their portability, proximity to areas of conflict and probability of pre-delegation in case of military conflict, and thus about the risk of proliferation and of early, pre-emptive, unauthorised or accidental use; and
- (d) calls on the Government to support the New Agenda Coalition resolutions in the 58th UN General Assembly First Committee 'Towards a nuclear-weapon-free world: the need for a new agenda' (item A/C.1/58/L.73d) and 'Reduction of non-strategic nuclear weapons' (item A/C.1/58/L.73c) and consequential votes in the UN General Assembly. (*general business notice of motion no. 652*)

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

- (a) notes that:
 - (i) the annual 'Science Meets Parliament' event in Canberra is being held on 14 and 15 October 2003, and
 - (ii) this event provides a valuable opportunity for Members of Parliament to meet scientists from their electorates;
- (b) congratulates the Federation of Australian Scientific and Technological Societies for organising this event; and
- (c) urges all political parties to recognise the importance of science to this nation's future, economically, socially, culturally and environmentally, and to adopt policies which reflect this fact. (*general business notice of motion no. 653*)

Senator Murray: To move on the next day of sitting—

- (1) That the Senate notes the Government's release of the draft Building and Construction Industry Improvement Bill 2003, the recommendations and findings from the Cole Royal Commission into the building and construction industry in Australia, and other relevant and related matters pertinent to equity, effectiveness, efficiency and productivity in the building and construction industry.
- (2) That the following matters be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by the second sitting week of 2004:
 - (a) the provisions of the draft Building and Construction Industry Improvement Bill 2003;
 - (b) whether the draft bill is consistent with Australia's obligations under international labour law;
 - (c) the findings and recommendations of the Cole Royal Commission into the Building and Construction Commission, including an assessment of:
 - (i) whether the building and construction industry is so unique that it requires industry-specific legislation, processes and procedures,

- (ii) the adequacy of the Government's response to the Cole Royal Commission, particularly with respect to occupational health and safety and the National Industry Building Code of Practice, and
- (iii) other relevant and related matters, including measures that would address:
 - (A) the use of sham corporate structures to avoid legal obligations,
 - (B) underpayment or non-payment of workers' entitlements, including superannuation,
 - (C) security of payments issues, particularly for subcontractors,
 - (D) evasion or underpayment of workers' compensation premiums, and
 - (E) the evasion or underpayment of taxation;
- (d) regulatory needs in workplace relations in Australia, including:
 - (i) whether there is regulatory failure and is therefore a need for a new regulatory body, either industry-specific such as the proposed Australian Building and Construction Commissioner, or covering all industries,
 - (ii) whether the function of any regulator could be added as a division to the Australian Industrial Relations Commission (AIRC), or should be a separate independent regulator along the lines of the Australian Competition and Consumer Commission or Australian Securities and Investments Commission, and
 - (iii) whether workplace relations regulatory needs should be supported by additional AIRC conciliation and arbitration powers;
- (e) the potential consequences and influence of political donations from registered organisations, corporations and individuals within the building and construction industry;
- (f) mechanisms to address any organised or individual lawlessness or criminality in the building and construction industry, including any need for public disclosure (whistleblowing) provisions and enhanced criminal conspiracy provisions; and
- (g) employment-related matters in the building and construction industry, including:
 - (i) skill shortages and the adequacy of support for the apprenticeship system,
 - (ii) the relevance, if any, of differences between wages and conditions of awards, individual agreements and enterprise bargaining agreements and their impact on labour practices, bargaining and labour relations in the industry, and
 - (iii) the nature of independent contractors and labour hire in the industry and whether the definition of employee in workplace relations legislation is adequate to address reported illegal labour practices.

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

- (a) recognises the important role of the Commonwealth in funding and encouraging junior and school sport programs;
- (b) notes the importance of such programs for the citizens and children of western Sydney, especially those involved in the sport of rugby league;

- (c) congratulates the Penrith Panthers Rugby League team for their victory in the National Rugby League Grand Final held on Sunday, 5 October 2003, making the Panthers premiers for 2003;
- (d) recognises the role that Commonwealth support plays in the facilitation of the sport of rugby league;
- (e) notes the importance and significance of this victory for the people of western Sydney; and
- (f) congratulates those true believer Panthers fans who have, through difficult times, kept the faith and finally been rewarded with a premiership victory for their team. (*general business notice of motion no. 654*)

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

- (a) notes:
 - (i) the Government's failure to respond to the two Senate orders of 10 December and 11 December 2002 concerning the People Smuggling Disruption Program and the ineffectual pursuit by Australian justice authorities of the alleged people smuggler Abu Quassey,
 - (ii) that it is 2 years since 142 women, 65 men and 146 children perished after their boat, referred to as SIEV X, sank 100 kilometres south of Indonesia in international waters that were being closely monitored by Australian air and naval forces, but a list of the names of the dead still has not been released, and
 - (iii) that the Minister for Justice and Customs (Senator Ellison) has revealed that a list was provided to the Australian Federal Police from a confidential source, but that it is unlikely that a full list of those who boarded SIEV X or those who drowned will ever be available; and
- (b) calls for the Australian Federal Police list and the identity of its source to be released immediately. (*general business notice of motion no. 655*)

Senator Brown: To move on the next day of sitting—That the Senate condemns this Government for its inhumane decision not to allow the children, Haries (age 8) and Sarah (age 4), of Bali bombing victim Endang Sammaki into Australia to visit their father Ebrahim Sammaki at the Baxter detention centre. (*general business notice of motion no. 656*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 13 October 2003, withdrew notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for 8 sitting days after today for the disallowance of the Administrative Decisions (Judicial Review) Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 115 and made under the *Administrative Decisions (Judicial Review) Act 1977*.

Business of the Senate notice of motion no. 1 for 9 sitting days after today for the disallowance of the Medical Indemnity Subsidy Scheme 2003, made under subsection 43(1) of the *Medical Indemnity Act 2002*.

Business of the Senate notices of motion nos 1 and 3 to 6 for 10 sitting days after today for the disallowance of the following instruments:

Criminal Code Amendment Regulations 2003 (No. 9), as contained in Statutory Rules 2003 No. 184 and made under the *Criminal Code Act 1995*.

Electorate and Referendum Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 188 and made under the *Commonwealth Electoral Act 1918*.

Fishing Levy Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 134 and made under the *Fisheries Management Act 1991* and the *Fishing Levy Act 1991*.

Great Barrier Reef Marine Park Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 200 and made under the *Great Barrier Reef Marine Park Act 1975*.

Marriage Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 198 and made under the *Marriage Act 1961*.

14 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 today, relating to the disallowance of clause 4(3) of the Housing Assistance (Form of Agreement) Determination 2003, postponed till 15 October 2003.

General business notice of motion no. 626 standing in the name of Senator Brown for today, relating to Australia's Chief Scientist, Dr Robin Batterham, postponed till 15 October 2003.

General business notice of motion no. 632 standing in the name of Senator Harradine for today, relating to the Council of Australian Governments, postponed till 25 November 2003.

General business notice of motion no. 640 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to nuclear disarmament, postponed till 15 October 2003.

General business notice of motion no. 641 standing in the name of Senator Stott Despoja for today, relating to the People's Republic of China and Falun Gong practitioners, postponed till 15 October 2003.

General business notice of motion no. 642 standing in the name of Senator Stott Despoja for today, relating to detainees at Guantanamo Bay, postponed till 15 October 2003.

General business notice of motion no. 646 standing in the name of Senator Allison for today, relating to a resolution concerning the ethanol industry, adopted at the National Party's Federal Conference, postponed till 15 October 2003.

15 ANIMAL WELFARE—LIVE SHEEP EXPORT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 638—That there be laid on the table, no later than 2 pm on Wednesday, 15 October 2003, the following documents concerning the voyage of the MV *Cormo Express*:

- (a) the import risk analysis report concerning the return of the sheep stranded aboard the vessel to Australia; and
- (b) the latest Master's report revealing mortality aboard the vessel.

Statements by leave: Senators Brown and O'Brien, by leave, made statements relating to the motion.

Question put and passed.

16 HISTORICAL EVENTS—B'NAI B'RITH 160TH ANNIVERSARY

Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 648—That the Senate—

(a) notes that:

- (i) Monday, 13 October 2003, is the 160th anniversary of the founding of B'nai B'rith,
- (ii) B'nai B'rith is the largest Jewish community service organisation in the world today, with branches in 51 countries including Australia, and holds non-government organisation consultative status at the United Nations (UN), UNESCO and the UN Commission on Human Rights,
- (iii) for 160 years B'nai B'rith has provided continuing support and assistance to both Jewish and non-Jewish people in Australia and throughout the world, particularly those in need or sick, the aged and people suffering persecution, and
- (iv) that B'nai B'rith continues to promote the ideals and principles of peace, philanthropy, support for science and the arts, relief from suffering and the advancement of humankind; and

(b) congratulates B'nai B'rith on its 160th anniversary.

Question put and passed.

17 NOBEL PEACE PRIZE—MS SHIRIN EBADI

Senator Allison, at the request of Senator Ridgeway and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 643—That the Senate—

- (a) congratulates the winner of the 2003 Nobel Peace Prize, Ms Shirin Ebadi, who is the first Muslim woman and the first Iranian, to receive the prize;
- (b) notes that Ms Ebadi, a lawyer, judge, lecturer, writer and activist is a dedicated fighter for the human rights of women, refugees and children and holds the view that human rights are compatible with Islam;
- (c) also notes that the Nobel Committee highlighted this approach to her religion as one element in their choice, saying Ms Ebadi promotes an interpretation of Islamic law that recognises the harmony between human rights, democracy and equality before the law;
- (d) acknowledges the work of Ms Ebadi and others fighting for human rights in Muslim countries who promote respect for human rights within Islam; and
- (e) also acknowledges the work done by the Australian Council for Islamic Education, the umbrella organisation for 20 Muslim colleges nationwide, in its landmark Muslim Schools' Charter, which condemns violence and hatred in the name of any religion, including Islam, and which promotes tolerance and understanding in the broader Australian community.

Question put and passed.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 639—That the time for the presentation of reports of the Foreign Affairs, Defence and Trade References Committee be extended as follows:

- (a) an examination of the Government's foreign and trade policy strategy—to the last sitting day in 2003; and
- (b) the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002—to the last sitting day in March 2004.

Question put and passed.

19 COMMUNICATIONS—SPECIAL BROADCASTING SERVICE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 637—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.

Question put and negatived.

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

20 FOREIGN AFFAIRS—COLOMBIA—HUMAN RIGHTS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 624—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 organizations;
- (d) expresses its concern for the safety of human rights defenders in Colombia following recent statements by members of the Colombian Government, who have in the past equated human rights organisations with agents of terrorism;
- (e) notes 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
- (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.

Question put and passed.

21 SOCIAL ISSUES—ANTI-POVERTY WEEK

Senator Nettle 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. 647—That the Senate—

- (a) notes that 12 October to 17 October 2003 marks Australia's first national Anti-Poverty Week;
- (b) affirms that poverty is an abuse of the right of all people to live with dignity;
- (c) condemns the Howard Government's attack on public services including housing, education and health, and its complacency about unemployment, under-employment and insecure employment;
- (d) supports the call by the heads of eight churches in Australia to the Prime Minister (Mr Howard), premiers and chief ministers to convene a national forum with the purpose of developing a national strategy to eliminate poverty in Australia;
- (e) urges all Australian governments to make poverty eradication a priority; and
- (f) recalling the goals of the 2000 Millennium Declaration, calls on the Commonwealth Government to increase its commitment to international poverty eradication by meeting the United Nations official development assistance target of 0.7 per cent of gross domestic product.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 37

Senators—

Bishop	Evans	McGauran	Tchen
Brandis	Ferris (Teller)	McLucas	Tierney
Buckland	Forshaw	Moore	Troeth
Campbell, George	Hogg	Murphy	Vanstone
Carr	Humphries	Patterson	Watson
Chapman	Hutchins	Payne	Webber
Colbeck	Kirk	Ray	Wong
Collins	Ludwig	Scullion	
Cook	Mackay	Sherry	
Denman	Marshall	Stephens	

Question negatived.

22 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McGauran, at the request of Senator Ferguson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 645—That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 October 2003, from 4.30 pm to 7.30 pm, in relation to its inquiry into the accuracy of intelligence prior to the war in Iraq.

Question put and passed.

23 URGENCY MOTION—ENVIRONMENT—ALTERNATIVE FUELS

The Acting Deputy President (Senator Hutchins) informed the Senate that the President had received a letter from Senator Allison advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Government to honour its promise of excise exemption for alternative fuels for at least 10 years, noting:

- (a) that the Government's 2003 Budget decision to impose a tax on alternative fuels such as liquefied petroleum gas, compressed natural gas, liquefied natural gas and biofuels from 2008 has already threatened the viability and development of the alternative fuels industry in Australia; and
- (b) the significant benefits derived from alternative fuels to public health, air quality, regional development and resource security.

The proposal was supported by 4 senators.

Senator Allison moved the motion.

Debate ensued.

Question put and passed.

24 JOINT HOUSE DEPARTMENT—REPORT FOR 2002-03

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

Joint House Department—Report for 2002-03.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 430/03.

Safety, Rehabilitation and Compensation Act—Notice under paragraph 16(6)(c)—Notice No. 18 of 2003.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/03.

26 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REPORT—ENVIRONMENTAL REGULATION OF THE RANGER, JABILUKA, BEVERLEY AND HONEYMOON URANIUM OPERATIONS

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) tabled the following report and documents:

Environment, Communications, Information Technology and the Arts References Committee—Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee, additional information and submissions [87].

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

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

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

**27 PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003
OFFSHORE PETROLEUM (SAFETY LEVIES) BILL 2003**

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

Message no. 424, dated 13 October 2003—A Bill for an Act to amend the *Petroleum (Submerged Lands) Act 1967*, and for other purposes.

Message no. 425, dated 13 October 2003—A Bill for an Act to impose safety investigation levy, safety case levy, and pipeline safety management plan levy, in relation to offshore petroleum facilities.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison 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.

28 FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2003

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

Message no. 426, dated 13 October 2003—A Bill for an Act to amend the *Farm Household Support Act 1992*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison 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.

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

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

Message no. 427, dated 13 October 2003—Superannuation (Government Co-contribution for Low Income Earners) Bill 2003, agreeing to amendments nos 1 to 4, 8 to 11 and 13 to 15 made by the Senate and disagreeing to amendments nos 5 to 7 and 12.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

30 SCIENCE AND TECHNOLOGY—RIO TINTO TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the order of the Senate of 9 October 2003 for the production of documents concerning Rio Tinto Technology and the report “Beyond Kyoto: Innovation and Adaptation” (*see entry no. 9, 9 October 2003*).

Leave was granted for the consideration of government documents to be called on before 6.50 pm.

31 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Institute of Aboriginal and Torres Strait Islander Studies—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.

Aboriginal Land Commissioner—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.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2003. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Indigenous Land Corporation—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.

Aboriginal Hostels Limited—Report for the period 24 June 2002 to 28 June 2003. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Torres Strait Regional Authority—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.

Department of the Prime Minister and Cabinet—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 National Training Authority—Report for 2002-03. Motion to take note of document moved by Senator George Campbell. Debate adjourned till Thursday at general business, Senator George Campbell in continuation.

Australian National Training Authority—Australian vocational education and training system—Report for 2002—Volume 1 and 2. Motion to take note of document moved by Senator George Campbell. Debate adjourned till Thursday at general business, Senator George Campbell in continuation.

Australian National Training Authority—Australian vocational education and training system—Report for 2002—Volume 3. Motion to take note of document moved by Senator George Campbell. Debate adjourned till Thursday at general business, Senator George Campbell in continuation.

Australian Research Council—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.

Social Security Appeals Tribunal—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.

Australia-Indonesia Institute—Report for 2002-03. Motion to take note of document moved by Senator Sandy Macdonald. Debate adjourned till Thursday at general business, Senator Sandy Macdonald in continuation.

National Gallery of Australia—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.

32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.16 pm till Wednesday, 15 October 2003 at 9.30 am.

33 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate