

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 107

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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:

Aged Care Standards and Accreditation Agency Limited—Report for 2002-03.

Albury-Wodonga Development Corporation—Report for 2002-03.

Australian Fisheries Management Authority—Report for 2002-03.

Australian Greenhouse Office—Report for 2002-03.

Bureau of Meteorology—Report for 2002-03.

Centrelink—Report for 2002-03.

Commissioner for Complaints [Aged care]—Report for 2002-03.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2002-03.

Department of Foreign Affairs and Trade—Reports for 2002-03—

Volume 1—Foreign Affairs and Trade.

Volume 2—Australian Agency for International Development (AusAID).

National Industrial Chemicals Notification and Assessment Scheme—Report for 2002-03 on the operation of the *Industrial Chemicals (Notification and Assessment) Act 1989*.

National Occupational Health and Safety Commission—Report for 2002-03.

National Witness Protection Program—Report for 2002-03 on the operation of the *Witness Protection Act 1994*.

Public Service Commissioner—Report for 2002-03, incorporating the report of the Merit Protection Commissioner.

Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Reports for 2002-03, including reports pursuant to the *Defence Service Homes Act 1918* and the *War Graves Act 1980*.

Safety, Rehabilitation and Compensation Commission—Report for 2002-03.

3 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Communications Legislation Amendment Bill (No. 3) 2003).

Question put and passed.

4 COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 3) 2003

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Allison moved the following amendment:

Schedule 1, item 10, page 5 (after line 24), at the end of the item, add:

- (29) A determination made for the purposes of subsection (27) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Petroleum (Submerged Lands) Amendment Bill 2003 and a related bill).

Question put and passed.

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

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003—

Bill taken as a whole by leave.

Senator Brown moved the following amendment:

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

1A After subsection 33(1)

Insert:

- (1A) It is a specific condition of a permit that seismic testing or other activities using sound to determine offshore petroleum or other mineral deposits are not permitted unless demonstrated to the Commonwealth Minister to not have a negative impact on ecosystems or living species.

Debate ensued.

Senator Brown, by leave, amended the amendment as follows:

Before “negative”, insert “significant”.

Debate continued.

Senator Allison moved the following amendments to Senator Brown’s proposed amendment together by leave:

After “deposits”, insert “that have, or are likely to have, a significant impact on ecosystems or living organisms”.

Omit all words after “unless”, substitute:

- : (a) there are no prudent and feasible alternatives to the testing or other activities; and
- (b) all reasonable measures have been taken to minimise the impacts of the testing or other activities on ecosystems and living organisms.

Debate ensued.

Senator O’Brien moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported that the committee had considered the bills, made progress and asked leave to sit again.

Ordered, on the motion of the Minister for Finance and Administration (Senator Minchin), that the committee have leave to sit again at a later hour.

7 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Finance and Administration (Senator Minchin) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Trade Practices Amendment (Personal Injuries and Death) Bill 2003).

Question put and passed.

8 **TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003**

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

Debate resumed.

At 12.45 pm: Debate was interrupted.

9 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the sitting of the Senate was suspended till 2 pm.

—————
At 2 pm—

10 QUESTIONS

Questions without notice were answered.

11 ANIMAL WELFARE—LIVE SHEEP EXPORT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), by leave, made a statement relating to the order of the Senate of 14 October 2003 for the production of documents concerning the voyage of the MV *Cormo Express* and, pursuant to that order, tabled the following document:

Animal welfare—Live sheep export—MV *Cormo Express*—Copy of the Master's report revealing mortality aboard the vessel, dated 13 October 2003.

Senator O'Brien, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

12 MINISTERS—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of answers given by ministers to questions without notice asked by opposition senators today.

Debate ensued.

Question put and passed.

13 IMMIGRATION—VISAS—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to a question without notice asked by Senator Crossin today relating to the Sammaki family and their applications for visas.

Question put and passed.

14 PETITIONS

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

The President, from 1 052 petitioners, requesting that the Senate oppose all government policy initiatives that will undermine the integrity, universality and ongoing viability of the fishing industry in Queensland while ensuring that there is proper consultation in relation to issues such as zoning plans for the Great Barrier Reef.

Senator Bartlett, from 60 petitioners, requesting that the Senate ensure the powers and responsibilities of the Senate are protected in the interests of ensuring good governance on behalf of the Australian people.

Senator Bartlett, from 43 petitioners, requesting that the Senate call for a judicial inquiry into the role of the Australian Defence Force and the Australian Federal Police in the sinking of a boat now identified as “Suspected Illegal Entry Vessel X” and the people-smuggling disruption program in Indonesia.

Senator Bartlett, from 20 petitioners, requesting that the Senate call on the Government to initiate a Royal Commission into sexual assault and the abuse of children.

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

Senator Stott Despoja, from 40 petitioners, requesting that the Senate take action to ensure the principle of equitable access to universities remains fundamental to higher education policy and that any bill to further increase fees is rejected.

15 NOTICES

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

- (a) notes that the Government’s draft Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 will fail to create a robust regulatory framework which firstly, ensures that boards are accountable and secondly, ensures that shareholders are empowered;
- (b) condemns the Government for its failure to crack down on corporate greed; and
- (c) expresses its concern that the self-regulatory approach of the Howard Government has failed to produce outcomes that benefit the shareholder, the employee or the retiree. (*general business notice of motion no. 657*)

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth): To move on the next day of sitting—That the Senate—

- (a) recognises the annual World Rural Women’s Day held on 15 October 2003; and
- (b) notes that:
 - (i) the idea to hold a World Rural Women’s Day arose at a United Nations Conference for Women in Beijing in 1995, and that it has been held every year since 1996 to raise the profile of rural women, credit their crucial – yet largely unrecognised – roles and promote action in support,
 - (ii) the major role rural women play in food and fibre production, food security and the development of worldwide rural economies is often overlooked: rural women – mainly farmers – represent more than a quarter of the total world population (at least 1.6 billion); women produce on average more than half of all the food that is grown; alarmingly women own only 2 per cent of the land, and receive only one per cent of all agricultural credit, and
 - (iii) consistent with the values of World Rural Women’s Day, the Australian Government is committed to creating developmental opportunities for rural women in this country, and with two industry leadership initiatives designed to foster the development of rural women – Industry Partnerships Corporate Governance for Rural Women and Rural Industries Research and Development Corporation’s Rural Women’s Award – recognises and supports the contribution women make to rural Australia.

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

- (1) That, on Thursday, 23 October 2003, the Senate meet at 9.30 am.
- (2) The routine of business on that day shall be as follows:
 - (a) from 9.30 am to 10.30 am, government business only;
 - (b) from noon, government business only; and
 - (c) at 7.20 pm, adjournment proposed.
- (3) That, on Friday, 24 October 2003, the Senate meet at 11 am.
- (4) The routine of business on that day shall be as follows:
 - (a) from 11 am to 3.45 pm, government business only; and
 - (b) at 3.45 pm, adjournment proposed. (*general business notice of motion no. 658*)

The Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—That the order of the Senate relating to the days of meeting of the Senate for 2003 be varied by adding an additional sitting week as follows:

Monday, 17 November to Thursday, 20 November 2003. (*general business notice of motion no. 659*)

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

- (a) notes that strike action called by the National Tertiary Education Union, Community and Public Service Union, and other unions has closed universities nationwide;
- (b) recognises that this action comes as a direct result of the Government's invasive and aggressive industrial relations agenda, clumsily forced on the sector as part of the Backing Australia's Future package;
- (c) notes that this agenda will have an impact not only on the working conditions of general staff and academics but also on the broader quality of higher education in Australia;
- (d) endorses the action of the unions involved in this action;
- (e) supports the right of these unions to collectively bargain on behalf of their members;
- (f) respects the ongoing right of these unions to take protected action when necessary; and
- (g) calls on the Government to scrap the proposed higher education workplace relations requirements and allow universities to bargain constructively with unions and their members. (*general business notice of motion no. 660*)

Senator O'Brien: To move on the next day of sitting—That the management of the quarantine risks associated with the return of the sheep stranded aboard the MV *Cormo Express* and related matters be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the last sitting day in November 2003.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Child Disability Assessment Amendment Determination 2003, made under section 38D of the *Social Security Act 1991*, be disallowed.

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

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Inclusion of Species in the List of Threatened Species, made under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999* and gazetted on 6 August 2003, be disallowed.

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

Senators Crossin and Stott Despoja: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) university staff around Australia will take national industrial action on 16 October 2003 in protest against the Howard Government's unfair university changes, including hardline and untenable industrial relations conditions that have been placed on \$404 million of desperately needed university funding,
 - (ii) seven unions covering university staff across Australia will be supporting the strike, and
 - (iii) vice-chancellors across the country have expressed their lack of support and concern in relation to the Government's requirement to link funding to industrial requirements; and
- (b) calls on the Federal Government to provide this funding to universities on the basis of quality and improved educational outcomes. (*general business notice of motion no. 661*)

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

- (a) recalls that:
 - (i) on 10 December 2002, the Senate called on the Australian Government as a matter of urgency to take whatever steps were required to return to Australia Mr David Hicks and Mr Mamdouh Habib, incarcerated at Camp X-Ray in Guantanamo Bay, Cuba, to determine whether they should be freed or face trial, and
 - (ii) on 14 August 2003, the Senate called on the Australian Government to take immediate steps to secure the release from Camp X-Ray and return Mr Hicks and Mr Habib to Australia;
- (b) notes that the Australian Government has failed to respond to these calls and that Mr Hicks and Mr Habib remain incarcerated in Camp X-Ray; and
- (c) calls on the Prime Minister (Mr Howard) to use the visit to Australia of United States President George W Bush in the week beginning 19 October 2003 to request the return to Australia of Mr Hicks and Mr Habib so that they can face trial or be freed. (*general business notice of motion no. 662*)

Senator Brown: To move on the next day of sitting—Recognising that the Sydney Opera House is having its 30th birthday, that there be laid on the table by the Minister representing the Minister for the Environment and Heritage, no later than 3 pm on 27 October 2003, any assessment made since 1996 in preparation for, or consideration of, a world heritage nomination for the Sydney Opera House. (*general business notice of motion no. 663*)

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

- (a) considers that the MV *Cormo Express* must not proceed directly from a foreign port to any Australian mainland port, as this would compromise Australian quarantine regulations;

- (b) notes that the MV *Cormo Express* must undergo a process of quarantine including cleaning, disinfecting and checking of the ship and its cargo;
- (c) considers that prior to the MV *Cormo Express* entering the Australian territorial waters of the Cocos Islands, the Government must take regard of the following:
 - (i) the MV *Cormo Express* may be carrying unwanted organisms in its ballast and drinking waters,
 - (ii) at least 125 tonnes of sheep excrement will have accumulated during the voyage back from Kuwait and will need to be disposed of,
 - (iii) this excrement contains highly concentrated levels of nitrates and phosphates that have been shown to be highly toxic to coral organisms, even in minute quantities,
 - (iv) Cocos Island is a coral atoll and the lagoon and surrounding oceans are extremely rich in coral,
 - (v) burying the excrement on the island may not be feasible for logistical and environmental reasons as screwworm fly larvae may be present in the excrement,
 - (vi) the introduction of screwworm fly to the island or the Australian mainland would be devastating to Australian agriculture,
 - (vii) due to the size and draft of the MV *Cormo Express*, it would be unable to anchor within the lagoon,
 - (viii) the depth of the surrounding water and the rate at which the depth increases would make it virtually impossible for the vessel to stand off and anchor within the port limits of Port Refuge, and
 - (ix) if the sheep were to be unloaded at Cocos, the availability of water and food stock would have to be addressed; and
- (d) considers that, because of these factors, the Government must recognise that the Cocos islands are an unsuitable alternative destination for the sheep on the MV *Cormo Express*. (*general business notice of motion no. 664*)

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

- (a) notes that Lake Cowal is:
 - (i) listed on the Australian Register of the National Estate and Environment Australia's Directory of Important Wetlands, and is a National Trust landscape conservation area, and
 - (ii) home to 170 species of waterbirds as well as many migratory bird species that are protected under the China-Australia Migratory Birds Agreement and the Japan-Australia Migratory Birds Agreement;
- (b) calls on the Government to:
 - (i) recognise that the Lake Cowal/Wilbertroy wetland contains values worthy of its listing under the Ramsar Convention on Wetlands of International Importance, and
 - (ii) work with the New South Wales State Government to achieve Ramsar listing of the site; and
- (c) calls on the Minister for the Environment and Heritage (Dr Kemp), if Ramsar listing is achieved, to reconsider the decision that the proposed construction and rehabilitation of an open pit goldmine and associated infrastructure at Lake Cowal does not require ministerial approval under the *Environment Protection and Biodiversity Conservation Act 1999*. (*general business notice of motion no. 665*)

Senator Nettle: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade (Senator Hill), no later than 30 October 2003, documents detailing the results of the independent environmental and social audit of the Sepon Mine project in Laos, conducted by Graham A Brown and Associates and provided to the Export Finance Insurance Corporation, the providers of political risk insurance for this project. (*general business notice of motion no. 666*)

16 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2003

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 13 OF 2003

1. The committee met on Tuesday, 14 October 2003.
2. The committee resolved to recommend—That the Financial Management and Accountability (Anti-Restrictive Software Practices) Amendment Bill 2003 *not* be referred to a committee.

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.

Jeannie Ferris

Chair

15 October 2003.

Senator Ferris moved—That the report be adopted.

Question put and passed.

17 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 16 October 2003, relating to the disallowance of the Fisheries Management Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 112, postponed till 29 October 2003.

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of clause 4(3) of the Housing Assistance (Form of Agreement) Determination 2003, postponed till 29 October 2003.

Business of the Senate notice of motion no. 2 standing in the name of Senator Bolkus for today, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 16 October 2003.

Business of the Senate notice of motion no. 3 standing in the name of Senator Murray for today, relating to the reference of matters to the Employment, Workplace Relations and Education References Committee, postponed till 16 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 16 October 2003.

General business notice of motion no. 652 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to nuclear weapons, postponed till 16 October 2003.

18 SCIENCE AND TECHNOLOGY—CHIEF SCIENTIST

Senator Brown amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 626—That the Senate—

- (a) notes:
- (i) that Australia's Chief Scientist Dr Robin Batterham is also the chief technologist for mining giant Rio Tinto, and
 - (ii) that Dr Batterham continues to advise the Government on matters relating to Australia's greenhouse policy;
- (b) calls on the Government to conduct an independent review of the advice Dr Batterham has given on geo-sequestration; and
- (c) requests the Minister for Science (Mr Peter McGauran) to make the job of Chief Scientist full-time and conditional on its officeholder having no pecuniary interest which involves real or apparent conflict with any of the duties involved.

Statements by leave: Senator Carr, the Minister for the Arts and Sport (Senator Kemp) and Senator Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 34

Senators—

Allison	Collins	Kirk	O'Brien
Bartlett	Crossin	Ludwig	Ray
Bishop	Denman	Lundy	Ridgeway
Bolkus	Evans	Mackay (Teller)	Stephens
Brown	Greig	Marshall	Stott Despoja
Buckland	Harradine	McLucas	Webber
Campbell, George	Harris	Moore	Wong
Carr	Hogg	Murray	
Cherry	Hutchins	Nettle	

NOES, 30

Senators—

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

Question agreed to.

19 FOREIGN AFFAIRS—HUMAN RIGHTS—DETAINEES

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 642—That the Senate—

- (a) recognises that global terrorism is a threat to the international rule of law and the fundamental human rights of all peoples;
- (b) notes that the United States (US) Government continues to detain more than 600 detainees at Guantanamo Bay and, in particular, that:
 - (i) none of the detainees has been charged with any criminal offence,
 - (ii) reports indicate that the detainees include children as young as 13 years of age,
 - (iii) by classifying the detainees as ‘unlawful combatants’, the US has stripped them of the rights and protections that would have otherwise been available to them as prisoners of war under the Geneva Conventions,
 - (iv) by holding the detainees at Guantanamo Bay, the US has prevented them from challenging the legality of their detention under US law, and
 - (v) it is proposed to try the detainees before military tribunals, which lack independence, do not adhere to the usual rules of evidence, severely limit the right to appeal and are subject to Presidential direction;
- (c) notes that the US refuses to recognise the jurisdiction of the International Criminal Court (ICC), which was established to put an end to impunity for the very worst crimes against humanity and, in particular, that the US:
 - (i) maintains its refusal to ratify the Rome Statute,
 - (ii) has adopted a national security strategy which seeks to ensure that its military efforts ‘are not impaired by the potential for investigations, inquiry, or prosecution by the International Criminal Court’,
 - (iii) has enacted the American Servicemembers’ Protection Act of 2001, which prohibits US cooperation and intelligence sharing with the ICC, restricts US participation in United Nations’ peacekeeping forces, and authorises the use of military force in order to retrieve US personnel being held by or on behalf of the ICC,
 - (iv) has entered into agreements with a number of states under Article 98 of the Rome Statute to prevent the prosecution of American citizens for crimes against humanity,
 - (v) has suspended \$47.6 million in military aid and \$613 000 in military education programs to 35 of the world’s poorest countries, which refused to enter into Article 98 agreements with it, and

- (vi) is currently pursuing additional Article 98 agreements with other nations, including Australia; and
- (d) expresses concern at the US disregard in these instances for fundamental human rights and the principles and institutions of international law, which we must seek to defend in the fight against terrorism.

Question put and passed.

20 FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS

Motion determined as not formal: Senator Stott Despoja requested that general business notice of motion no. 641 standing in her name for today, relating to the People's Republic of China and Falun Gong practitioners, be taken as formal.

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

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

21 NUCLEAR TESTS—50TH ANNIVERSARY

Senator Wong, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 644—That the Senate—

- (a) notes that:
 - (i) 15 October 2003 marks the 50th anniversary of the first atomic test conducted by the British Government in northern South Australia,
 - (ii) on this day, 'Totem 1', a 10 kilotonne atomic bomb, was detonated at Emu Junction, some 240 kilometres west of Coober Pedy,
 - (iii) the Anangu community received no forewarning of the test, and
 - (iv) the 1984 Royal Commission report concluded that Totem 1 was detonated in wind conditions that would produce unacceptable levels of fallout, and that the decision to detonate failed to take into account the existence of people at Wallatinna and Welbourn Hill;
- (b) expresses its concern for those Indigenous peoples whose lands and health over generations have been detrimentally affected by this and subsequent atomic tests conducted in northern South Australia;
- (c) congratulates the Kupa Piti Kungka Tjuta – the Senior Aboriginal Women of Coober Pedy – for their ongoing efforts to highlight the experience of their peoples affected by these tests;
- (d) condemns the Government for its failure to properly dispose of radioactive waste from atomic tests conducted in the Maralinga precinct; and
- (e) expresses its continued opposition to the siting of a low-level radioactive waste repository in South Australia.

Question put and passed.

22 SCIENCE AND TECHNOLOGY—SCIENCE MEETS PARLIAMENT

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 653—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.

Question put and passed.

23 A CERTAIN MARITIME INCIDENT—SELECT COMMITTEE—REPORT—FINDINGS

Senator Brown amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 655—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, and that the Government has still failed to establish where the vessel sank or release a list of names of the dead, 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 on the Government to produce the list and any information it possesses as to its veracity.

Question put and passed.

24 IMMIGRATION—SAMMAKI FAMILY

Senator Brown amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 656—That the Senate condemns this Government for its inhumane decision not to allow the children, Sabda (age 8) and Sara (age 4), of Bali bombing victim Endang Sammaki into Australia to visit their father Ebrahim Sammaki at the Baxter detention centre.

Question put and passed.

25 POSTPONEMENT

Senator Stott Despoja, by leave, moved—That general business notice of motion no. 641 standing in her name for today, relating to the People's Republic of China and Falun Gong practitioners, be postponed till the next day of sitting.

Question put and passed.

26 COMPREHENSIVE NUCLEAR TEST BAN TREATY

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 640—That the Senate—

- (a) notes that:
 - (i) the United States (US) Government has 10 600 nuclear warheads, of which nearly 8 000 are considered operational,
 - (ii) the Chinese Government has approximately 400 nuclear warheads, and
 - (iii) the US and Chinese Governments both signed the Comprehensive Nuclear Test Ban Treaty on 24 September 1996 but neither nation has ratified the Treaty; and
- (b) calls on the Government to urge the leaders of the US and China to ratify the Comprehensive Nuclear Test Ban Treaty as soon as possible.

Question put and passed.

27 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Economics Legislation Committee (Senator Brandis), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 649—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.

Question put and passed.

28 SPORT—SPORT PROGRAMS AND RUGBY LEAGUE

Senator Mackay, at the request of Senator Hutchins and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 654—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.

Question put and passed.

29 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 651—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.

Question put and passed.

30 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC GROWTH

The Acting Deputy President (Senator Cherry) informed the Senate that Senator George Campbell had proposed that the following matter of public importance be submitted to the Senate for discussion:

Economic growth in Australia is being driven by the massive explosion in consumer debt, which has led to the following:

- (a) increasing Australian households' vulnerability to interest rate changes;
- (b) reducing the productive potential of Australia's manufacturing sector;
- (c) jeopardising Australia's long-term rate of economic growth; and
- (d) a massive increase in levels of foreign debt, increasing our current account deficit, increasing Australia's vulnerability to international monetary changes and reducing our economic sovereignty, and

the Government has failed to implement policies to generate sustainable economic growth.

The proposal was supported by four senators and the matter was discussed.

31 SCRUTINY OF BILLS—STANDING COMMITTEE—12TH REPORT OF 2003

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

Scrutiny of Bills—Standing Committee—12th report of 2003, dated 15 October 2003.

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

32 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—11TH REPORT OF 2003

Senator Colbeck, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—11th report of 2003—RAAF Base Richmond reinvestment project, Richmond, NSW, dated October 2003.

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

Question put and passed.

33 TRADE—WORLD TRADE ORGANIZATION MINISTERIAL COUNCIL—DOCUMENT

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

Trade—World Trade Organization Ministerial Council—Letter to the President of the Senate from the Chief of Staff to the Minister for Trade (Mr Williams) relating to the resolution of the Senate of 16 September 2003, dated 14 October 2003.

Senator O'Brien, by leave, moved—That the Senate take note of the document.

Question put and passed.

34 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENT

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

Parliament Act—Parliamentary Zone—Capital works—Proposal, together with supporting documentation, relating to the forecourt scoria restoration, Parliament House.

Notice of motion: The Special Minister of State (Senator Abetz), by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Joint House Department to restore the forecourt scoria at Parliament House.

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

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 9 October 2003 for the production of 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 and, pursuant to that order, tabled the following documents:

Trade—Free trade agreement—Genetically-modified food—Copies of correspondence between the Department of Health and Ageing and private individuals [6].

36 TAXATION LAWS AMENDMENT BILL (NO. 7) 2003

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

Message no. 428, dated 14 October 2003—Taxation Laws Amendment Bill (No. 7) 2003.

On the motion of the Special Minister of State (Senator Abetz) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

37 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REFERENCE

A message from the House of Representatives was reported acquainting the Senate with a resolution of that House:

Message no. 429, dated 15 October 2003, referring the Intelligence Services Amendment Bill 2003 to the Parliamentary Joint Committee on ASIO, ASIS and DSD for consideration and an advisory report.

38 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—ORDER FOR PRODUCTION OF DOCUMENTS ON UNIVERSITY FINANCES

Pursuant to order, Senator Carr, at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell), tabled the following report and documents:

Employment, Workplace Relations and Education References Committee—Order for production of documents on university finances—Report, dated October 2003, additional information and submissions [7].

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

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

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

39 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the order of consideration of government business orders of the day for the remainder of today be as follows:

- No. 1 Superannuation (Surcharge Rate Reduction) Amendment Bill 2003, consideration in committee of the whole of message no. 421 from the House of Representatives.
- No. 2 Superannuation (Government Co-contribution for Low Income Earners) Bill 2003, consideration in committee of the whole of message no. 427 from the House of Representatives.
- No. 3 Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Bill 2003, consideration in committee of the whole of message no. 420 from the House of Representatives.
- No. 5 Petroleum (Submerged Lands) Amendment Bill 2003 and a related bill.
- No. 7 Family and Community Services (Closure of Student Financial Supplement Scheme) Bill 2003 and a related bill.

Question put and passed.

40 SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003

Order of the day read for the consideration of message no. 421 from the House of Representatives in committee of the whole (*see entry no. 23, 9 October 2003*).

In the committee

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

(27) Opp (1) [Sheet 3103]

Schedule 1, page 11 (after line 37), at the end of Part 2, add:

Superannuation Industry (Supervision) Act 1993

31A Subsection 10(1)

Insert:

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

31B Subsection 10(1) (definition of *dependant*)

Repeal the definition, substitute:

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

31C Subsection 10(1) (definition of *spouse*)

Repeal the definition, substitute:

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

31D At the end of subsection 52(2)

Add:

- ; (i) not to discriminate, in relation to a beneficiary, on the basis of race, colour, sex, sexual preference, transgender status, marital status, family responsibilities, religion, political opinion or social origin.

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the committee does not insist on its amendment no. 27 to which the House of Representatives has disagreed.

Debate ensued.

At 6.50 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Sandy Macdonald) reported progress.

41 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2002-03. Motion to take note of document moved by Senator Carr and agreed to.

National Occupational Health and Safety Commission—Report for 2002-03. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

42 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.30 pm till Thursday, 16 October 2003 at 9.30 am.

43 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate