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**Contents**

1	Meeting of Senate .....	2579
2	Parliament House—Security Arrangements—Statement by President.....	2579
3	Petitions .....	2579
4	Notice .....	2579
5	Order of Business—Rearrangement.....	2579
6	Postponements.....	2580
7	Legal and Constitutional References Committee—Reference .....	2580
8	Immigration—SIEV X.....	2580
9	Education—Workplace Relations—Higher Education Institutions .....	2581
10	Rural and Regional Affairs and Transport Legislation Committee— Reference.....	2582
11	Notice of Motion Withdrawn.....	2582
12	Foreign Affairs—Human Rights—Mr David Hicks and Mr Mamdouh Habib .....	2582
13	Parliamentary Zone—Capital Works Proposal—Approval .....	2583
14	Women—World Rural Women’s Day .....	2583
15	Historical Events—Sydney Opera House—Order for Production of Documents.....	2584
16	Foreign Affairs—China—Human Rights .....	2584
17	Questions.....	2585
18	Addresses by President of the United States of America and President of the People’s Republic of China—Joint Meetings—Statement by President.....	2585
19	Parliament House—Security Arrangements—Statement by President.....	2585
20	Question on Notice—Answer and Explanation .....	2586
21	Notice .....	2586
22	Trade—Free Trade Agreement—Genetically-modified Food—Order for Production of Documents—Consideration.....	2586
23	Question on Notice—Answer.....	2586
24	Family and Community Services—Child Care Support—Answer to Question.....	2587
25	Taxation—Mass-marketed Tax Effective Schemes—Answer to Question .....	2587

26	Environment—Sepon Mine—Order for Production of Documents.....	2587
27	Environment—Lake Cowal.....	2587
28	Employment, Workplace Relations and Education References Committee— Reference.....	2588
29	Postponement.....	2589
30	Foreign Affairs—China—Human Rights.....	2589
31	Hours of Meeting and Routine of Business—Proposed Variation.....	2590
32	Regulations and Ordinances—Standing Committee—111th Report.....	2590
33	Environment, Communications, Information Technology and the Arts References Committee—Report—Libraries in the Online Environment.....	2591
34	Finance and Public Administration References Committee—Report—Staff Employed under the <i>Members of Parliament (Staff) Act 1984</i> .....	2591
35	Immigration—Management of Detention Centres—Order for Production of Documents—Document.....	2591
36	Finance and Public Administration References Committee—Report—Staff Employed under the <i>Members of Parliament (Staff) Act 1984</i> —Personal Explanation.....	2591
37	Hours of Meeting and Routine of Business—Proposed Variation—Proposed Suspension of Standing Orders.....	2592
38	Documents.....	2592
39	Discussion of Matter of Public Importance—Family and Community Services—Poverty.....	2592
40	Committees—Changes in Membership.....	2592
41	Electoral Matters—Joint Standing Committee—Government Response— Integrity of the Electoral Roll: Review of ANAO Report No. 42 of 2001-02.....	2593
42	Electoral Matters—Joint Standing Committee—Government Response— The 2001 Federal Election.....	2593
43	Foreign Affairs, Defence and Trade—Joint Standing Committee— Government Response—New Zealand Parliamentary Committee Exchange Program.....	2593
44	Economics Legislation Committee—Report—Energy Grants (Cleaner Fuels) Scheme Bill 2003 and Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003.....	2593
45	Publications—Standing Committee—12th Report.....	2593
46	Treaties—Joint Standing Committee—55th Report.....	2595
47	Senators' Interests—Standing Committee—Document—Declarations of Senators' Interests and Gifts to the Senate and the Parliament.....	2595
48	Committee Reports and Government Responses—Orders of the Day— Consideration.....	2595
49	Adjournment.....	2596
50	Attendance.....	2596

**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 PARLIAMENT HOUSE—SECURITY ARRANGEMENTS—STATEMENT BY PRESIDENT**

The President made a statement relating to the security arrangements for Parliament House during the visits by the President of the United States and the President of the People's Republic of China on 23 October and 24 October 2003.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

**3 PETITIONS**

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 560 petitioners, requesting that the Senate take action to immediately ban the live export of Australian livestock.

Senator Bartlett, from 295 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 Bartlett, from 7 801 petitioners, requesting that the Senate take action to grant permanent residence to refugees on temporary protection visas who have been law abiding and authorise the release into the community of asylum seekers.

Senator Brown, from 60 petitioners, requesting that the Senate establish an inquiry into all aspects of live animal exports from Australia.

**4 NOTICE**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Civil Aviation Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 232 and made under the *Civil Aviation Act 1988*, be disallowed.

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

**5 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Finance and Administration (Senator Minchin) moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 657 standing in the name of Senator Conroy, relating to the draft Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003; and

(b) consideration of government documents.

Question put and passed.

Senator Eggleston, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and a related bill, be postponed till a later hour.

Question put and passed.

**6 POSTPONEMENTS**

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That general business notice of motion no. 658 standing in his name for today, relating to the hours of meeting and routine of business for 23 October and 24 October 2003, be postponed till a later hour.

Question put and passed.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That business of the Senate notice of motion no. 2 standing in the name of Senator Murray for today, relating to the reference of matters to the Employment, Workplace Relations and Education References Committee, be postponed till a later hour.

Question put and passed.

Items of business were postponed as follows:

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 27 October 2003.

General business notice of motion no. 664 standing in the name of Senator Harris for today, relating to the *MV Cormo Express*, postponed till 27 October 2003.

**7 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE**

Senator Bolkus, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.

Question put and passed.

**8 IMMIGRATION—SIEV X**

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. 650—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.
- Question put and passed.

#### 9 EDUCATION—WORKPLACE RELATIONS—HIGHER EDUCATION INSTITUTIONS

Senator Nettle, also on behalf of Senators Crossin and Stott Despoja, 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. 660—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 most 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 proposed 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;
- (g) notes that 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
- (h) calls on the Government to:
  - (i) scrap the proposed higher education workplace relations requirements,
  - (ii) provide this funding to universities on the basis of quality and improved educational outcomes, and
  - (iii) allow universities to bargain constructively with unions and their members.

*Statements by leave:* Senators Harradine and Nettle, by leave, made statements relating to the motion.

Question put and passed.

**10 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
REFERENCE**

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

*Leave refused:* Senator Brown sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

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

Question put and passed.

**11 NOTICE OF MOTION WITHDRAWN**

Senator Crossin, also on behalf of Senator Stott Despoja, withdrew general business notice of motion no. 661 standing in their names for today, relating to university funding.

**12 FOREIGN AFFAIRS—HUMAN RIGHTS—MR DAVID HICKS AND MR MAMDOUH HABIB**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 662—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; 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.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison (Teller)  
Brown

Greig  
Murray

Nettle  
Ridgeway

Stott Despoja

## NOES, 42

Senators—

Abetz	Collins	Johnston	Santoro
Barnett	Cook	Kirk	Scullion
Bishop	Crossin	Ludwig	Stephens
Boswell	Denman	Marshall	Tchen
Brandis	Eggleston (Teller)	Mason	Tierney
Buckland	Evans	McGauran	Troeth
Campbell, George	Ferris	McLucas	Watson
Campbell, Ian	Forshaw	Minchin	Webber
Carr	Hogg	Moore	Wong
Chapman	Humphries	O'Brien	
Colbeck	Hutchins	Payne	

Question negatived.

### 13 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), at the request of the Special Minister of State (Senator Abetz) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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.

Question put and passed.

### 14 WOMEN—WORLD RURAL WOMEN'S DAY

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), at the request of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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.

Question put and passed.

**15 HISTORICAL EVENTS—SYDNEY OPERA HOUSE—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. 663—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.

Question put and passed.

**16 FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 641—That the Senate—

- (a) notes that:
  - (i) the People's Republic of China has forbidden Falun Gong practitioners practising their beliefs and has systematically attempted to eradicate Falun Gong by persecuting its practitioners,
  - (ii) the persecution of Falun Gong practitioners within China includes torture and murder, and that women are targeted with various forms of sexual violence, including rape, sexual assault and forced abortion, and
  - (iii) the People's Republic of China has taken measures to conceal these atrocities, such as the immediate cremation of victims, the blocking of autopsies, and the false labelling of deaths as from suicide or natural causes;
- (b) calls on the People's Republic of China to immediately cease its persecution of Falun Gong practitioners, release all Falun Gong practitioners who are currently in detention, and allow Falun Gong practitioners to pursue their personal beliefs;
- (c) welcomes the re-establishment of dialogue between the People's Republic of China and representatives of the Dalai Lama in September 2002 and its progress since that time;
- (d) encourages the People's Republic of China to increase the level of contact with the Dalai Lama and to proceed with a substantive dialogue on the political status of Tibet;
- (e) expresses its deep concern at reports that Tibetan monk Nyima Drapka, who had been imprisoned by the People's Republic of China since 2002, recently died after being brutally beaten for refusing to recant his separatist beliefs;
- (f) calls on the People's Republic of China to:
  - (i) immediately release all prisoners being held in relation to non-violent protest activities, such as calling for an independent Tibet,
  - (ii) make public the whereabouts of Tenzin Delek Rinpoche and others detained and imprisoned in relation to his case, the charges against them, any evidence supporting the charges, and their medical conditions, and
  - (iii) repeal all laws and regulations which permit it to interfere in religious affairs and which infringe the right to freedom of religion;
- (g) urges the People's Republic of China to agree to an immediate visit, without conditions, by the United Nations Special Rapporteur on Religion, who has not visited China since 1994;



- (h) notes that the People's Republic of China continues to restrict the right to freedom of association for workers; and
- (i) calls on the People's Republic of China to repeal all laws and regulations which prohibit workers from organising collectively, and to ratify International Labour Organisation Conventions 87 and 98, which protect the freedom of association and the right to bargain collectively.

Question put and negatived. All Australian Democrats senators, and Senators Brown, Nettle and Harradine, by leave, recorded their votes for the ayes.

*Statements by leave:* The Minister for Local Government, Territories and Roads (Senator Ian Campbell), and Senators Harradine and Stott Despoja, by leave, made statements relating to the motion (*and see entry no. 30*).

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*At 10.30 am—*

*Suspension of sitting:* Pursuant to order, the sitting of the Senate was suspended till 2 pm to enable senators to attend a National Remembrance Service honouring the victims of the terrorist attacks in Bali.

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*At 2 pm—*

#### 17 QUESTIONS

Questions without notice were answered.

#### 18 ADDRESSES BY PRESIDENT OF THE UNITED STATES OF AMERICA AND PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA—JOINT MEETINGS—STATEMENT BY PRESIDENT

The President made a statement relating to the arrangements for the joint meetings of the Houses of the Parliament during the visits by the President of the United States and the President of the People's Republic of China on 23 October and 24 October 2003.

#### 19 PARLIAMENT HOUSE—SECURITY ARRANGEMENTS—STATEMENT BY PRESIDENT

The President made a statement in response to matters raised earlier today relating to the security arrangements for Parliament House during the visits by the President of the United States and the President of the People's Republic of China on 23 October and 24 October 2003 (*see entry no. 2*).

*Leave refused:* Senator Brown sought leave to make a statement.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him making that statement.

Debate ensued.

Question put and negatived.

**20 QUESTION ON NOTICE—ANSWER AND EXPLANATION**

Senator Collins, pursuant to standing order 74, asked the Minister for Justice and Customs (Senator Ellison) for an explanation of an answer not being provided to question on notice no. 1637 (notice given 17 July 2003) relating to the vessel now identified as SIEV X.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) provided an answer.

*Leave refused:* Senator Collins sought leave to move a motion to take note of the answer.

An objection was raised and leave was not granted.

**21 NOTICE**

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

- (1) That the draft regulations relating to the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003, the Superannuation Industry (Supervision) Amendment Regulations 2003 (draft), the Income Tax Amendment Regulations 2003 (draft) and the Retirement Savings Accounts Amendment Regulations 2003 (draft) be referred to the Economics Legislation Committee for inquiry and report concurrently with the committee's inquiry on the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003.
- (2) That the time for presentation of the committee's report on the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003 and associated regulations be extended to the first sitting day in February 2004.

**22 TRADE—FREE TRADE AGREEMENT—GENETICALLY-MODIFIED FOOD—ORDER FOR PRODUCTION OF DOCUMENTS—CONSIDERATION**

*Leave refused:* Senator Nettle sought leave to move a motion to take note of documents tabled on 15 October 2003, 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 the United States (*see entry no. 35, 15 October 2003*).

An objection was raised and leave was not granted.

*Statement by leave:* The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, made a statement relating to the matter.

Senator Nettle, by leave, moved—That the Senate take note of the documents.

Question put and passed.

**23 QUESTION ON NOTICE—ANSWER**

Senator Collins, by leave, moved—That the Senate take note of the answer provided by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to question on notice no. 1637 relating to the vessel now identified as SIEV X (*see entry no. 20*).

Question put and passed.

**24 FAMILY AND COMMUNITY SERVICES—CHILD CARE SUPPORT—ANSWER TO QUESTION**

Senator Collins moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Collins today relating to funding for child care.

Debate ensued.

Question put and passed.

**25 TAXATION—MASS-MARKETED TAX EFFECTIVE SCHEMES—ANSWER TO QUESTION**

Senator Murphy moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Murphy today relating to mass-marketed tax effective schemes.

Question put and passed.

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Leave was granted to conclude consideration of formal business prior to the consideration of any proposal submitted under standing order 75.

**26 ENVIRONMENT—SEPON MINE—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. 666—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.

Question put and passed.

**27 ENVIRONMENT—LAKE COWAL**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 665—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*.

Question put and negatived.

**28 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES  
COMMITTEE—REFERENCE**

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

- (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 or any version thereof that the Government might subsequently introduce into Parliament;
  - (b) whether the draft bill or any subsequent 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 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.

Question put and passed.

#### 29 POSTPONEMENT

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That general business notice of motion no. 659 standing in his name for today, relating to the days of meeting for 2003, be postponed till the next day of sitting.

Question put and passed.

#### 30 FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS

*Statement by leave:* The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a statement relating to the consideration of general business notice of motion no. 641, standing in the name of Senator Stott Despoja for today (*see entry no. 16*).

*Leave refused:* Senator Stott Despoja sought leave for the Senate to reconsider general business notice of motion no. 641, relating to the People's Republic of China and Falun Gong practitioners.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Stott Despoja, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bartlett moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to the reconsideration of general business notice of motion no. 641.

Debate ensued.

Question put and negatived.

**31 HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION**

The Leader of the Australian Democrats (Senator Bartlett), by leave, amended general business notice of motion no. 658 to read as follows:

That—

- (1) On Thursday, 23 October 2003:
  - (a) the sitting of the Senate shall resume at 2 pm, and continue till 7.20 pm;
  - (b) the routine of business shall be:
    - (i) notices of motion, and
    - (ii) government business only;
  - (c) divisions may take place after 6 pm; and
  - (d) the Senate shall adjourn at 7.20 pm without the question being put.
- (2) On Friday, 24 October 2003:
  - (a) the sitting of the Senate shall resume at noon, and continue till 4.25 pm;
  - (b) the routine of business shall be:
    - (i) notices of motion, and
    - (ii) government business only; and
  - (c) the question for the adjournment of the Senate shall be proposed at 3.45 pm.

*Motion determined as not formal:* Senator Bartlett requested that general business notice of motion no. 658 standing in his name for today be taken as formal.

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

*Proposed suspension of standing orders:* Senator Bartlett, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 658.

*At 4.30 pm:* Debate was interrupted while Senator Bartlett was speaking.

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The Deputy President (Senator Hogg) reminded the Senate that under standing order 57, general business should be called on at this time, but business of the Senate orders of the day for the presentation of committee reports took precedence over general business.

**32 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—111TH REPORT**

Pursuant to order, Senator McGauran, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), tabled the following report and documents:

Regulations and Ordinances—Standing Committee—111th report—Provisions of the Legislative Instruments Bill 2003 and Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003, dated October 2003, *Hansard* record of proceedings and submissions [7].

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

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

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

**33 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REPORT—LIBRARIES IN THE ONLINE ENVIRONMENT**

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—Libraries in the online environment—Report, dated October 2003, *Hansard* record of proceedings [15 vols], documents presented to the committee and submissions [155].

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.

**34 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—STAFF EMPLOYED UNDER THE MEMBERS OF PARLIAMENT (STAFF) ACT 1984**

Pursuant to order, the Chair of the Finance and Public Administration References Committee (Senator Forshaw) tabled the following report and documents:

Finance and Public Administration References Committee—Staff employed under the *Members of Parliament (Staff) Act 1984*—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee, additional information and submissions [19].

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

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

Debate ensued.

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

**35 IMMIGRATION—MANAGEMENT OF DETENTION CENTRES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

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 the management of detention centres and, pursuant to that order, tabled the following document:

Immigration—Management of detention centres—Copy of letter to First Assistant Secretary, Border Control and Compliance, Department of Immigration and Multicultural Affairs from Managing Director and Principal Consultants, Knowledge Enterprises (Australia) Pty Ltd, dated 23 February 2001 and attachments.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

**36 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—STAFF EMPLOYED UNDER THE MEMBERS OF PARLIAMENT (STAFF) ACT 1984—PERSONAL EXPLANATION**

Senator Carr, by leave, made a personal explanation relating to comments concerning the reputation of Commonwealth officers made by Senator Brandis during consideration of the report earlier today (*see entry no. 34*).

**37 HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION—  
PROPOSED SUSPENSION OF STANDING ORDERS**

The Leader of the Australian Democrats (Senator Bartlett), pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 658.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator Murphy was speaking.

**38 DOCUMENTS**

The following documents were tabled by the Clerk:

Customs Act—Defence and Strategic Goods List Amendment 2003.

Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2003 (No. 1).

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Senator Ludwig sought leave for the Senate to consider a proposal pursuant to standing order 75 submitted by Senator Hutchins till not later than 7 pm today.

*Statements by leave:* The Leader of the Australian Democrats (Senator Bartlett) and the Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, made statements relating to the matter.

Leave was granted.

**39 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FAMILY AND COMMUNITY SERVICES—POVERTY**

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

The Government's failure to alleviate the plight of the 2.4 million Australians who live in poverty, and the increasing divide between rich and poor.

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

*At 7 pm:* Discussion concluded.

**40 COMMITTEES—CHANGES IN MEMBERSHIP**

The Acting Deputy President (Senator Hutchins) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Employment, Workplace Relations and Education References Committee—**

Appointed—Substitute members: Senators Collins and Cook to replace Senators Carr and Crossin for the committee's inquiry into the exposure draft of the Building and Construction Industry Improvement Bill 2003

**Legal and Constitutional Legislation and References Committees—**

Appointed—Participating member: Senator Bishop.

Question put and passed.



**41 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—INTEGRITY OF THE ELECTORAL ROLL: REVIEW OF ANAO REPORT NO. 42 OF 2001-02**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled the following document:

Electoral Matters—Joint Standing Committee—Integrity of the electoral roll: Review of ANAO Report no. 42 of 2001-02—Government response, dated October 2003.

**42 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—THE 2001 FEDERAL ELECTION**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled the following document:

Electoral Matters—Joint Standing Committee—The 2001 federal election: Inquiry into the conduct of the 2001 federal election and matters related thereto—Government response, dated October 2003.

**43 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—NEW ZEALAND PARLIAMENTARY COMMITTEE EXCHANGE PROGRAM**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—2003 New Zealand parliamentary committee exchange program—Government response, dated October 2003.

**44 ECONOMICS LEGISLATION COMMITTEE—REPORT—ENERGY GRANTS (CLEANER FUELS) SCHEME BILL 2003 AND ENERGY GRANTS (CLEANER FUELS) SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2003**

Pursuant to order, Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and the Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003—Report, dated October 2003, *Hansard* record of proceedings, additional information and submissions [14].

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

**45 PUBLICATIONS—STANDING COMMITTEE—12TH REPORT**

Senator Ferris, at the request of the Chair of the Standing Committee on Publications (Senator Colbeck), tabled the following report:

PUBLICATIONS COMMITTEE

12TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 17 September 2003, recommends that the following be printed:

Aboriginal Hostels Limited—Report for 2002-03.

Aboriginal Land Commissioner—Report for 2002-03.

- Aboriginals Benefit Account—Report for 2002-03.
- Aged Care Act 1997*—Report for 2002-03 on the operation of the Act.
- Albury-Wodonga Development Corporation—Report for 2002-03.
- Australia Council—Report for 2002-03.
- Australian Bureau of Statistics—Report for 2002-03.
- Australian Electoral Commission—Report for 2002-03.
- Australian Film Commission—Report for 2002-03.
- Australian Film, Television and Radio School—Report for 2002-03.
- Australian Fisheries Management Authority—Report for 2002-03.
- Australian Greenhouse Office—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—National overview and Commonwealth, State and  
Territory reports.  
Volume 3—Key performance measures for the Australian vocational  
education and training system.  
Report for 2002-03.
- Australian Postal Corporation (Australia Post)—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.
- Bureau of Meteorology—Report for 2002-03.
- Centrelink—Report for 2002-03.
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—  
Report for 2002-03.
- Crimes Act 1914*—Controlled operations—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).
- Department of Industry, Tourism and Resources—Report for 2002-03.
- Department of the Prime Minister and Cabinet—Report for 2002-03.
- Department of Transport and Regional Services—Report for 2002-03.
- Export Finance and Insurance Corporation (EFIC)—Report for 2002-03.
- Indigenous Land Corporation—Report for 2002-03.
- International Air Services Commission—Report for 2002-03.
- Medibank Private—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 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 Residue Survey—Report for 2002-03, incorporating the report for  
2002-03 on the National Residue Survey Results.

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—Report 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.

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

Social Security Appeals Tribunal—Report for 2002-03.

Torres Strait Regional Authority—Report for 2002-03.

Senator Richard Colbeck

Chairman

16 October 2003.

Senator Ferris, by leave, moved—That the report be adopted.

Question put and passed.

#### 46 TREATIES—JOINT STANDING COMMITTEE—55TH REPORT

Senator Crossin, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—55th report—Treaties tabled on 9 September 2003, dated October 2003, *Hansard* record of proceedings [2 vols] and minutes of proceedings.

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

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

#### 47 SENATORS' INTERESTS—STANDING COMMITTEE—DOCUMENT—DECLARATIONS OF SENATORS' INTERESTS AND GIFTS TO THE SENATE AND THE PARLIAMENT

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the following document:

Senators' Interests—Standing Committee—Document—Declarations of senators' interests and gifts to the Senate and the Parliament: Resolutions, explanatory notes and related information, dated October 2003.

#### 48 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:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence annual report 2001-02. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of Foreign Affairs and Trade portfolio annual report 2001-2002. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Statement—Immigration detention centres and the treatment of detainees. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of statement agreed to.

ASIO, ASIS and DSD—Joint Statutory Committee—Report—Private review of agency security arrangements. Motion of Senator Sandy Macdonald to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Not a town centre: The proposal for pay parking in the Parliamentary Zone. Motion of the chair of the committee (Senator Lightfoot) to take note of report called on. On the motion of Senator Crossin debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines. Motion of the chair of the committee (Senator Cherry) to take note of report debated. Debate adjourned till the next day of sitting, Senator Crossin in continuation.

Employment, Workplace Relations and Education References Committee—Report—Order for production of documents on university finances. Motion of Senator Carr to take note of report called on. On the motion of Senator Crossin debate was adjourned till the next day of sitting.

#### 49 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 8.03 pm till Thursday, 23 October 2003 at 11.15 am.

#### 50 **ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate