

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 113

WEDNESDAY, 29 OCTOBER 2003

Contents

1	Meeting of Senate	2635
2	Government Documents	2635
3	Parliament House—Bogong Moths—Death of Birdlife—Statement by President	2635
4	Consideration of Legislation.....	2636
5	Telstra (Transition to Full Private Ownership) Bill 2003	2636
6	Matters of Public Interest.....	2636
7	Questions	2636
8	Trade—Free Trade Agreement—Answers to Questions.....	2636
9	Animal Welfare—Live Animal Export—Answer to Question	2637
10	Petitions	2637
11	Notices.....	2637
12	Selection of Bills—Standing Committee—Report No. 14 of 2003	2639
13	Economics References Committee—Leave to Meet During Sitting.....	2640
14	Postponements.....	2640
15	Ministerial Discretion in Migration Matters—Select Committee—Extension of Time to Report.....	2640
16	Environment, Communications, Information Technology and the Arts Legislation Committee—Extension of Time to Report	2640
17	Agency Advertising and Public Information Projects—Order for Production of Documents	2641
18	Senate—Days of Meeting—Proposed Variation	2641
19	House—Standing Committee—Proposed Reference	2642
20	Privileges—Standing Committee—Proposed References.....	2642
21	Science and Technology—Assisted Reproductive Technology—Order for Production of Documents—Statement by Leave	2642
22	Education—Higher Education—Regional Impact Statement—Order for Production of Documents—Statement by Leave	2642
23	Scrutiny of Bills—Standing Committee—Alert Digest No. 13 of 2003	2642

24	Rural and Regional Affairs and Transport Legislation Committee— Report—Management of the Quarantine Risks Associated with the Possible Return to Australia of Sheep Aboard the MV <i>Cormo Express</i>	2643
25	Economics Legislation Committee—Report—Late Payment of Commercial Debts (Interest) Bill 2003	2643
26	Environment, Communications, Information Technology and the Arts Legislation Committee—Report—Spam Bill 2003 and Spam (Consequential Amendments) Bill 2003	2643
27	Foreign Affairs—Bali—Terrorist Attacks—Anniversary—Document	2643
28	Documents	2643
29	Committees—Changes in Membership	2644
30	Notice of Motion Withdrawn	2644
31	Housing Assistance (Form of Agreement) Determination—Motion for Disallowance	2644
32	Governor-General’s Messages—Assent to Laws	2644
33	Privileges—Standing Committee—References	2645
34	Telstra (Transition to Full Private Ownership) Bill 2003	2647
35	Government Documents—Consideration	2647
36	Adjournment	2647
37	Attendance	2647

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:

- Anindilyakwa Land Council—Report for 2002-03.
- Australian Broadcasting Authority—Report for 2002-03.
- Australian Communications Authority—Report for 2002-03.
- Australian Institute of Criminology and the Criminology Research Council—Reports for 2002-03.
- Australian National Maritime Museum—Report for 2002-03.
- Australian Office of Financial Management—Report for 2002-03.
- Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2002-03.
- Australian Radiation Protection and Nuclear Safety Agency—Report for 2002-03.
- Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2002-03.
- Bundanon Trust—Report for 2002-03.
- ComLand Limited—Report for 2002-03.
- Defence Force Retirement and Death Benefits Authority—Report for 2002-03.
- Department of the Treasury—Report for 2002-03.
- Food Standards Australia New Zealand—Report for 2002-03.
- Grape and Wine Research and Development Corporation—Report for 2002-03.
- Health Insurance Commission—Equity and diversity program—Report for 2002-03.
- Military Superannuation and Benefits Board of Trustees—Report for 2002-03.
- National Competition Council—Report for 2002-03.
- National Library of Australia—Report for 2002-03.
- National Museum of Australia—Report for 2002-03.
- NetAlert Limited—Report for 2002-03.
- Northern Land Council—Report for 2002-03.
- Special Broadcasting Service Corporation (SBS)—Report for 2002-03.
- Tiwi Land Council—Report for 2002-03.

3 PARLIAMENT HOUSE—BOGONG MOTHS—DEATH OF BIRDLIFE—STATEMENT BY PRESIDENT

The President made a statement relating to the control of bogong moths and the death of birdlife in the Parliamentary precincts.

Senator Lees, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Energy Grants (Cleaner Fuels) Scheme Bill 2003 and Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003

Farm Household Support Amendment Bill 2003

Maritime Transport Security Bill 2003

Spam Bill 2003 and Spam (Consequential Amendments) Bill 2003

Telecommunications Interception and Other Legislation Amendment Bill 2003.

Question put and passed.

5 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—That this bill be now read a second time.

Debate resumed.

Declaration of interest: Senator Sandy Macdonald declared an interest in relation to the bill.

Debate continued.

At 12.45 pm: Debate was interrupted while Senator Webber was speaking.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

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

Education—Year 11 school poll—National survey of year 11 students.

8 TRADE—FREE TRADE AGREEMENT—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked by Senator Conroy today relating to the negotiation of free trade agreements.

Debate ensued.

Question put and passed.

9 ANIMAL WELFARE—LIVE ANIMAL EXPORT—ANSWER TO QUESTION

The Leader of the Australian Democrats (Senator Bartlett) moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) to a question without notice asked by Senator Bartlett today relating to animal welfare and live animal export.

Question put and passed.

10 PETITIONS

The following 2 petitions, lodged with the Clerk by Senator Stott Despoja, were received:

From 45 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

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.

11 NOTICES

Notices of motion:

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on labour market skills requirements be extended to 6 November 2003. (*general business notice of motion no. 679*)

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

- (a) notes that 2003 is the 70th anniversary of the enforced famine in the Ukraine, which was caused by the deliberate actions of Stalin's communist government of the Union of Soviet Socialist Republics;
- (b) recalls that an estimated 7 million Ukrainians starved to death as a result of Stalinist policies in 1932-33 alone, and that millions more lost their lives in the purge which ensued for the remainder of the decade;
- (c) notes that this constitutes one of the most heinous acts of genocide in history;
- (d) honours the memory of those who lost their lives;
- (e) joins Ukrainian people throughout the world, and particularly Ukrainian Australians, in commemorating these tragic events; and
- (f) resolves to seek to ensure that current and future generations are made aware of the monstrous evil that led to the famine. (*general business notice of motion no. 680*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Maritime Transport Security Bill 2003 be extended to 25 November 2003. (*general business notice of motion no. 681*)

Senator Heffernan: To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 30 October 2003, from 4 pm, to take evidence for the committee's inquiry into rural water resource usage. (*general business notice of motion no. 682*)

Senator Carr: To move on the next day of sitting—That the Senate and Senate committees shall not entertain any claim to withhold information from the Senate or a committee on the grounds that it is commercial-in-confidence, unless the claim is made by a minister and is accompanied by a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of the information. (*general business notice of motion no. 683*)

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

- (1) The following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 12 May 2004:
 - (a) the effectiveness of the Australian military justice system in providing impartial, rigorous and fair outcomes, and mechanisms to improve the transparency and public accountability of military justice procedures; and
 - (b) the handling by the Australian Defence Force (ADF) of:
 - (i) inquiries into the reasons for peacetime deaths in the ADF (whether occurring by suicide or accident), including the quality of investigations, the process for their instigation, and implementation of findings,
 - (ii) allegations that ADF personnel, cadets, trainees, civilian employees or former personnel have been mistreated,
 - (iii) inquiries into whether administrative action or disciplinary action should be taken against any member of the ADF, and
 - (iv) allegations of drug abuse by ADF members.
- (2) Without limiting the scope of its inquiry, the committee shall consider the process and handling of the following investigations by the ADF into:
 - (a) the death of Private Jeremy Williams;
 - (b) the reasons for the fatal fire on the HMAS *Westralia*;
 - (c) the death of Air Cadet Eleanore Tibble;
 - (d) allegations about misconduct by members of the Special Air Service in East Timor; and
 - (e) the disappearance at sea of Acting Leading Seaman Gurr in 2002.
- (3) The committee shall also examine the impact of government initiatives to improve the military justice system, including the Inspector General of the ADF and the proposed office of Director of Military Prosecutions.

Senators Brown and Lundy: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and for related purposes. ***Kyoto Protocol Ratification Bill 2003 [No. 2]***. (*general business notice of motion no. 684*)

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

- (a) notes that the Prime Minister (Mr Howard) has released a discussion paper on constitutional reform;
- (b) opposes amendments to the Australian Constitution that would have the effect of eliminating the requirements to dissolve both Houses of the Parliament and call an election prior to holding a joint sitting of both Houses to consider bills twice rejected by the Senate;
- (c) affirms that the Senate plays a valuable role in scrutinising legislation and holding government to account;

- (d) rejects the contention in the Prime Minister's discussion paper that 'In practice, the minority has assumed a permanent and absolute veto over the majority';
- (e) reminds the Government that only a majority of democratically-elected senators is able to reject legislation;
- (f) recognises that the Senate is a more representative chamber than the House of Representatives by virtue of its members being elected using the proportional representation system; and
- (g) calls on the Prime Minister to hold a referendum on the introduction of proportional representation for the House of Representatives at the time of the next general election. (*general business notice of motion no. 685*)

Notices of motion withdrawn:

Senator Allison, pursuant to notice of intention given on 28 October 2003, withdrew business of the Senate notice of motion no. 3 standing in her name for today, for the disallowance of the Civil Aviation Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 201 and made under the *Civil Aviation Act 1988*.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 28 October 2003, withdrew business of the Senate notice of motion no. 1 standing in his name for 10 sitting days after today, for the disallowance of the Civil Aviation Amendment Regulations 2003 (No. 6), as contained in Statutory Rules 2003 No. 232 and made under the *Civil Aviation Act 1988*.

Intention to withdraw: The Leader of the Australian Democrats (Senator Bartlett), pursuant to standing order 78, gave notice of his intention, at a later hour today, to withdraw business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the Fisheries Management Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 112 and made under the *Fisheries Management Act 1991*.

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 14 OF 2003

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 14 OF 2003

1. The committee met on Tuesday, 28 October 2003.
2. The committee resolved to recommend—That—
 - (a) the Truth in Food Labelling Bill 2003 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report on a date to be determined after consulting the committee; and
 - (b) the Social Security Amendment (Further Simplification) 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.

Bill deferred from meeting of 28 October 2003
Intelligence Services Amendment Bill 2003.

Jeannie Ferris
Chair
29 October 2003.

Senator Ferris moved—That the report be adopted.

Question put and passed.

13 ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Economics References Committee (Senator Stephens), by leave, moved general business notice of motion no. 669—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 30 October 2003, from 3.30 pm to 5.30 pm, to take evidence for the committee's inquiry into whether the *Trade Practices Act 1974* adequately protects small business.

Question put and passed.

14 POSTPONEMENTS

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 24 November 2003.

General business notice of motion no. 677 standing in the name of Senator Brown for today, relating to mining proposals for Christmas Island, postponed till 30 October 2003.

**15 MINISTERIAL DISCRETION IN MIGRATION MATTERS—SELECT COMMITTEE—
EXTENSION OF TIME TO REPORT**

The Chair of the Select Committee on Ministerial Discretion in Migration Matters (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 674—That the time for the presentation of the report of the Select Committee on Ministerial Discretion in Migration Matters be extended to the last day in February 2004.

Question put and passed.

**16 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 675—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and a related bill be extended to 26 November 2003.

Question put and passed.

17 AGENCY ADVERTISING AND PUBLIC INFORMATION PROJECTS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Murray, also on behalf of the Leader of the Opposition in the Senate (Senator Faulkner), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 673—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, a statement in accordance with the succeeding provisions of this order.
- (2) A statement be tabled in respect of each advertising or public information project undertaken by each agency where the cost of the project is estimated or contracted to be \$100 000 or more.
- (3) A statement be tabled within 5 sitting days of the Senate after the project is approved. If the Senate is not sitting when a statement is ready for presentation, the statement be presented to the President under standing order 166.
- (4) A statement indicate:
 - (a) the purpose and nature of the project;
 - (b) the intended recipients of the information to be communicated by the project;
 - (c) who authorised the project;
 - (d) the manner in which the project is to be carried out;
 - (e) who is to carry out the project;
 - (f) whether the project is to be carried out under a contract;
 - (g) whether such contract was let by tender;
 - (h) the estimated or contracted cost of the project;
 - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
 - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the nonconformity.
- (5) In this order, “**Audit and JCPAA guidelines**” means the guidelines set out in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: community education and information programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for Government Advertising*, respectively.

Question put and passed.

18 SENATE—DAYS OF MEETING—PROPOSED VARIATION

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. 659—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.

Question put and negatived.

19 HOUSE—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—That the following matters be referred to the House Committee for inquiry and report by 2 December 2003:

- (a) the disappearance of many birds from the parliamentary grounds;
- (b) the poisoning of bogong moths and whether this had an impact on the disappearance of the birds; and
- (c) why this poisoning was conducted, and whether there were special contributing circumstances such as the visit by foreign dignitaries.

Question put and negatived.

20 PRIVILEGES—STANDING COMMITTEE—PROPOSED REFERENCES

Senator Brown, by leave, amended business of the Senate notices of motion nos 4 and 5 as follows:

Omit “by 3 December 2003”.

Motions determined as not formal: Senator Brown requested that business of the Senate notices of motion nos 4 and 5 standing in his name for today, relating to the reference of matters to the Standing Committee of Privileges, taken together by leave, be taken as formal.

An objection was raised and the motions were not proceeded with as formal motions.

21 SCIENCE AND TECHNOLOGY—ASSISTED REPRODUCTIVE TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Defence (Senator Hill), by leave, made a statement relating to the order of the Senate of 28 October 2003 for the production of documents prepared for the Council of Australian Governments concerning assisted reproductive technology (*see entry no. 9, 28 October 2003*).

Senator Harradine, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

22 EDUCATION—HIGHER EDUCATION—REGIONAL IMPACT STATEMENT—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 28 October 2003 for the production of documents concerning the regional impact statement prepared by the Department of Education Science and Training relating to the higher education policy package (*see entry no. 10, 28 October 2003*).

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

Debate ensued.

Question put and passed.

23 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 13 OF 2003

Senator Mackay, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin), tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 13 of 2003, dated 29 October 2003.

- 24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—MANAGEMENT OF THE QUARANTINE RISKS ASSOCIATED WITH THE POSSIBLE RETURN TO AUSTRALIA OF SHEEP ABOARD THE MV CORMO EXPRESS**
Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report:
Rural and Regional Affairs and Transport Legislation Committee—Management of the quarantine risks associated with the possible return to Australia of sheep aboard the *MV Cormo Express*—Report, dated October 2003.
Report ordered to be printed on the motion of Senator McGauran.
- 25 ECONOMICS LEGISLATION COMMITTEE—REPORT—LATE PAYMENT OF COMMERCIAL DEBTS (INTEREST) BILL 2003**
Pursuant to order, Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:
Economics Legislation Committee—Late Payment of Commercial Debts (Interest) Bill 2003—Report, dated October 2003, *Hansard* record of proceedings, documents presented to the committee and submissions [4].
Report ordered to be printed on the motion of Senator McGauran.
- 26 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—SPAM BILL 2003 AND SPAM (CONSEQUENTIAL AMENDMENTS) BILL 2003**
Pursuant to order, Senator McGauran, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following report and documents:
Environment, Communications, Information Technology and the Arts Legislation Committee—Provisions of the Spam Bill 2003 and the Spam (Consequential Amendments) Bill 2003—Report, dated October 2003, *Hansard* record of proceedings and submissions [19].
Report ordered to be printed on the motion of Senator McGauran.
- 27 FOREIGN AFFAIRS—BALI—TERRORIST ATTACKS—ANNIVERSARY—DOCUMENT**
The Acting Deputy President (Senator Brandis) tabled the following document:
Foreign affairs—Bali—Terrorist attacks—Anniversary—Letter to the President of the Senate from the Charge d’Affaires a.i. (Trini G Sualang), Embassy of the Republic of Indonesia responding to the resolution of the Senate of 9 October 2003, dated 19 October 2003.
- 28 DOCUMENTS**
The following documents were tabled by the Clerk:
Air Navigation Act—Regulations—Statutory Rules 2003 No. 269.
Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Beef Export to the United States of America — Quota Year 2004) Order 2003.
Crimes Act—Regulations—Statutory Rules 2003 No. 265.
Extradition Act—Regulations—Statutory Rules 2003 No. 266.
Health Insurance Act—Regulations—Statutory Rules 2003 No. 268.

International Air Services Commission Act—Regulations—Statutory Rules 2003 No. 270.

National Health Act—Determination under Schedule 1—PHS 19/2003.

Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2003 No. 267.

29 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Family and Community Services (Senator Patterson), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education References Committee—

Appointed—Substitute member: Senator Johnston to replace Senator Barnett for the committee's inquiry into the exposure draft of the Building and Construction Industry Improvement Bill 2003

Legal and Constitutional References Committee—

Appointed—Participating member: Senator Buckland.

Question put and passed.

30 NOTICE OF MOTION WITHDRAWN

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of intention given earlier today (*see entry no. 11*), withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the Fisheries Management Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 112 and made under the *Fisheries Management Act 1991*.

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

Fisheries Management Amendment Regulations 2003 (No. 3)—Letter to the Leader of the Australian Democrats (Senator Bartlett) from the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), dated 28 October 2003.

31 HOUSING ASSISTANCE (FORM OF AGREEMENT) DETERMINATION—MOTION FOR DISALLOWANCE

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice, moved business of the Senate notice of motion no. 2—That clause 4(3) of the Housing Assistance (Form of Agreement) Determination 2003, made under section 5 of the *Housing Assistance Act 1996*, be disallowed.

Debate ensued.

Question put and negatived.

32 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

21 October 2003—Message No. 41—

Civil Aviation Amendment Act 2003 (Act No. 105, 2003)

Statistics Legislation Amendment Act 2003 (Act No. 106, 2003)

Taxation Laws Amendment Act (No. 8) 2003 (Act No. 107, 2003).

24 October 2003—Message No. 42—*Communications Legislation Amendment Act (No. 3) 2003* (Act No. 108, 2003).

33 PRIVILEGES—STANDING COMMITTEE—REFERENCES

Senator Brown, pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 4—That the following matters be referred to the Committee of Privileges for inquiry and report:

In relation to the joint meeting of the Senate and the House of Representatives to receive an address by the President of the United States of America on 23 October 2003:

- (a) whether there was any inappropriate presence or activity by agents of the Government of the United States;
- (b) whether foreign media or other personnel were permitted to record the proceedings, in circumstances in which Australian media were forbidden to do so, and whether this was appropriate;
- (c) whether there was any improper interference with Senator Nettle by any officer of the Parliamentary Service;
- (d) whether there was any other improper interference with Senator Brown or Senator Nettle; and
- (e) whether there are any implications for the powers, privileges and immunities of the Senate arising from these matters, and whether the Senate should take or recommend any action in consequence.

No. 5—That the following matters be referred to the Committee of Privileges for inquiry and report:

In relation to the joint meeting of the Senate and the House of Representatives to receive an address by the President of the People's Republic of China on 24 October 2003:

- (a) whether there was any inappropriate presence or activity by agents of the Chinese Government;
- (b) whether agents of the Chinese Government exercised or attempted to exercise any inappropriate influence over any part of the proceedings, including:
 - (i) any suggested cancellation of, or any delay in, the proceedings,
 - (ii) the removal or redirection of senators' or members' guests from the public gallery,
 - (iii) the exclusion of Senator Brown and Senator Nettle from the proceedings and the method by which that exclusion was achieved, and
 - (iv) any message or instruction to persons attending the proceedings in relation to any dress, display of insignia or symbolism;
- (c) whether senators were appropriately informed of any of these matters or of any other matters relating to the proceedings; and
- (d) whether there are any implications for the powers, privileges and immunities of the Senate arising from these matters, and whether the Senate should take or recommend any action in consequence.

Debate ensued.

The Minister for Defence (Senator Hill) moved the following amendment:

Motion no. 4, omit paragraph (a).

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 37

Senators—

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

Question negatived.

The question for the motions was divided—

Question—That motion no. 4 moved by Senator Brown be agreed to—put and passed.

Question—That motion no. 5 moved by Senator Brown be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Allison	Collins	Hutchins	Murphy
Bartlett	Conroy	Kirk	Murray
Bishop	Denman	Lees	Nettle
Bolkus	Evans	Ludwig	O'Brien
Brown	Faulkner	Lundy	Ray
Buckland (Teller)	Forshaw	Mackay	Sherry
Campbell, George	Greig	Marshall	Stephens
Carr	Harris	McLucas	Webber
Cherry	Hogg	Moore	Wong

NOES, 30

Senators—

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

Question agreed to.

34 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator O'Brien was speaking.

35 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Radiation Protection and Nuclear Safety Agency—Report for 2002-03. Motion to take note of document moved by Senator Wong and agreed to.

Military Superannuation and Benefits Board of Trustees—Report for 2002-03. Motion to take note of document moved by Senator Sandy Macdonald and agreed to.

36 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.40 pm till Thursday, 30 October 2003 at 9.30 am.

37 ATTENDANCE

Present, all senators except Senators Cook*, Knowles*, Ridgeway* and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate