

2002-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 125

TUESDAY, 10 FEBRUARY 2004

Contents

1	Meeting of Senate	2953
2	Government Documents	2953
3	Vacancy in the Representation of Victoria.....	2953
4	President's Commission to Administer Oath or Affirmation	2954
5	Adjournment Debate on Tuesdays—Temporary Order.....	2954
6	Migration Legislation Amendment (Identification and Authentication) Bill 2003	2954
7	Questions	2955
8	Shadow Ministry—Statement by Leave.....	2955
9	Trade—Free Trade Agreement—Answers to Questions.....	2955
10	Science and Technology—Assisted Reproductive Technology—Order for Production of Documents—Statement by Leave	2955
11	Death of Former Members Jane Frances Gerick, Thomas Gordon Pearsall and Ernest William Harding	2956
12	Petitions	2956
13	Notices.....	2956
14	Postponements.....	2959
15	Leave of Absence.....	2960
16	Foreign Affairs, Defence and Trade References Committee—Proposed Reference.....	2960
17	Environment—Tasmania—Recherche Bay	2960
18	Commonwealth Ombudsman—Monitoring of Controlled Operations— Report for 2002-03—Document.....	2961
19	Corporations and Financial Services—Joint Statutory Committee— Reports—Level of Banking and Financial Services in Rural, Regional and Remote Areas of Australia; ATM Fee Structure	2961
20	Government Documents	2962
21	Auditor-General—Audit Reports Nos 18 to 27 of 2003-04—Documents.....	2963
22	Qualification of a Senator—Provision of Advice—Document	2963
23	Odgers' Australian Senate Practice—10th Edition (Supplement)— Document	2964
24	Business of the Senate—1 January to 31 December 2003—Document	2964

25	Questions on Notice—Summary—Document.....	2964
26	Departmental and Agency Contracts—Order for Production of Documents—Variation—Document.....	2964
27	Parliament—Council of Australian Governments—Document.....	2964
28	Employment—Unemployment Rate—Document.....	2964
29	Communications—Broadcasting—Proposed Merger—Document.....	2964
30	Social Issues—Gambling—Document.....	2965
31	Science and Technology—Genetically-engineered Crops—Labelling—Document.....	2965
32	Governor-General’s Messages—Assent to Laws.....	2965
33	Economics Legislation Committee—Additional Information—Budget Estimates 2003-04.....	2966
34	Finance and Public Administration Legislation Committee—Additional Information—Additional Estimates 2002-03—Budget Estimates 2003-04.....	2966
35	Documents.....	2966
36	Governor-General’s Proclamations—Commencement of Provisions of Acts...	2972
37	Committees—Appointment of Members.....	2972
38	Aviation Transport Security Bill 2003 Aviation Transport Security (Consequential Amendments and Transitional Provisions) Bill 2003 National Residue Survey Customs Levy Rate Correction (Lamb Exports) Bill 2003 National Residue Survey Excise Levy Rate Correction (Lamb Transactions) Bill 2003 Building and Construction Industry Improvement Bill 2003 Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003 Health Legislation Amendment (Medicare) Bill 2003 Primary Industries (Excise) Levies Amendment (Wine Grapes) Bill 2003 Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2003 Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2003.....	2973
39	Higher Education Support Bill 2003 Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003 Family Law Amendment Bill 2003 Financial Services Reform Amendment Bill 2003.....	2974
40	Trade Practices Legislation Amendment Bill 2003.....	2975
41	Migration Legislation Amendment (Identification and Authentication) Bill 2003.....	2975
42	Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003 [2004].....	2983
43	Government Documents—Consideration.....	2984
44	United Nations—Convention on the Elimination of All Forms of Discrimination Against Women—Document.....	2984
45	Adjournment.....	2984
46	Attendance.....	2985

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginal Land Commissioner—Reports and explanatory statements by the Minister for Immigration and Multicultural and Indigenous Affairs—

No. 66—Seven Emu Region land claim No. 186; Wollongorang Area II land claim No. 187; and part of Manangoora Region land claim No. 185.

No. 67—Lower Daly land claim No. 68.

Australia-China Council—Report for 2002-03.

Australian Communications Authority—Telecommunications performance—Report for 2002-03.

Australian Film Commission—Report for 2002-03—Erratum.

Australian Institute of Health and Welfare—Australia's welfare 2003—Sixth biennial report.

Australian Political Exchange Council—Report for 2002-03.

Australian Technology Group Limited—

Financial statements for 2002-03.

Statement of corporate intent 2003-04.

Commissioner of Taxation—Data-matching program—ATO's interaction with the program—Report for 2002-03.

Commonwealth Government of Australia—Consolidated financial statements for the year ended 30 June 2003.

Enterprise and Career Education Foundation Limited—Report for 2002-03.

General Practice Education and Training—Report for 2002-03.

International Labour Organisation—Submission report on ILO Instruments adopted in June 2002.

Native Title Act 1993—Native title representative bodies—Reports for 2002-03—

Cape York Land Council Aboriginal Corporation.

Central Land Council.

Kimberley Land Council.

North Queensland Land Council Aboriginal Corporation.

Queensland South Representative Body Aboriginal Corporation.

Official Establishments Trust—Report for 2002-03.

Superannuation Complaints Tribunal—Report for 2002-03.

3 VACANCY IN THE REPRESENTATION OF VICTORIA

The President announced the resignation, on 10 February 2004, of Senator Alston and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of Victoria that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Victoria—Copies of letters from—
 Senator Alston to the President of the Senate, dated 10 February 2004.
 President of the Senate to the Governor of Victoria (His Excellency Mr John
 Landy, AC, MBE), dated 10 February 2004.

4 PRESIDENT'S COMMISSION TO ADMINISTER OATH OR AFFIRMATION

The President announced that he had received from His Excellency the Governor-General a Commission, dated 12 January 2004, to administer to senators the oath or affirmation of allegiance and tabled the Commission.

5 ADJOURNMENT DEBATE ON TUESDAYS—TEMPORARY ORDER

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That the temporary order of 19 November 2002 relating to speaking times on the adjournment debate on Tuesdays be readopted and have effect till the conclusion of the last sitting day in 2004.

Question put and passed.

**6 MIGRATION LEGISLATION AMENDMENT (IDENTIFICATION AND AUTHENTICATION)
 BILL 2003**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

Senator Brown moved the following amendments together by leave:

Schedule 1, page 3 (after line 17), after item 4, insert:

4A Subsection 5(1) (definition of excised offshore place)

Repeal the definition.

Schedule 1, page 3 (after line 17), after item 4, insert:

4B Subsection 5(1) (definition of excision time)

Repeal the definition.

Schedule 1, page 4 (after line 8), after item 7, insert:

7A Subsection 5(1) (after paragraph (c) of the definition of migration zone)

Insert:

and (d) for the avoidance of doubt, includes adjacent areas;

Note: *adjacent area* is defined in the *Sea Installations Act 1987*.

Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Cook) reported progress.

7 QUESTIONS

Questions without notice were answered.

8 SHADOW MINISTRY—STATEMENT BY LEAVE

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, made a statement relating to the Opposition shadow ministry.

9 TRADE—FREE TRADE AGREEMENT—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to the free trade agreement between Australia and the United States of America.

Debate ensued.

Question put and passed.

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

Senator Harradine, 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*).

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

Suspension of standing orders: Senator Harradine, pursuant to contingent notice moved—That so much of the standing orders be suspended as would prevent Senator Harradine moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the order of the Senate for the production of documents concerning assisted reproductive technology.

Question put and passed.

Senator Harradine moved—That a motion relating to the order of the Senate for the production of documents concerning assisted reproductive technology may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Order for production of documents: Senator Harradine moved—That the Senate—

- (a) notes that the Leader of the Government in the Senate (Senator Hill) has failed to provide documents relating to embryo research and the Council of Australian Governments for more than 3 months; and
- (b) insists that Senator Hill provide the documents before the adjournment of the Senate on Thursday, 12 February 2004.

Debate ensued.

Question put and passed.

11 DEATH OF FORMER MEMBERS JANE FRANCES GERICK, THOMAS GORDON PEARSALL AND ERNEST WILLIAM HARDING

The Acting Deputy President (Senator Chapman) informed the Senate of the death of the following former members of the House of Representatives:

Jane Frances Gerick, on 25 December 2003, a member for the division of Canning from 1998 to 2001.

Thomas Gordon Pearsall, on 28 December 2003, a member for the division of Franklin from 1966 to 1969.

Ernest William Harding, on 3 February 2004, a member for the division of Herbert from 1961 to 1966.

12 PETITIONS

The following 7 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 16 petitioners, requesting that the Senate take action to limit the scope of the Australia-United States free trade agreement negotiations and ensure that independent research is published and all trade agreements are debated and decided by Parliament, not just Cabinet.

The President, from 149 petitioners, requesting that the Senate take action to safeguard the Canberra to Sydney rail service and restore cancelled services.

Senator Forshaw, from 917 petitioners, requesting that the Senate oppose proposed changes to Medicare.

Senator Knowles, from 38 petitioners, requesting that the Senate establish an inquiry into all aspects of live animal exports from Australia.

Senator Mackay, from 35 petitioners, requesting that the Senate reject the Government's plans to fully privatise Telstra.

Senator McLucas, from 90 petitioners, requesting that the Senate oppose proposed changes to Medicare and ensure bulk billing for all Australians.

Senator McLucas, from 13 petitioners, requesting that the Senate take action to restore bulk billing by general practitioners.

13 NOTICES

Notices of motion:

The Chair of the Economics References Committee (Senator Stephens): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on whether the *Trade Practices Act 1974* adequately protects small business be extended to 1 March 2004. (*general business notice of motion no. 750*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 February 2004, from 3.30 pm to 7 pm, to take evidence for the committee's inquiry into the provisions of the Superannuation Safety Amendment Bill 2003. (*general business notice of motion no. 751*)

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

- (1) A select committee, to be known as the Select Committee on the Free Trade Agreement between Australia and the United States of America, be appointed to inquire into that agreement and report within 3 months after the text of the agreement is made publicly available, or on such later date as determined by the committee.
- (2) The committee shall:
 - (a) examine the agreement;
 - (b) provide a democratic and transparent process to review the agreement in its totality to ensure it is in Australia's national interest; and
 - (c) examine the impact of the agreement on Australia's economic, trade, investment and social and environment policies, including, but not limited to, agriculture, health, education and the media.
- (3) The committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.
- (4) The committee may proceed to the despatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (5) The chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
- (6) The deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
- (7) The deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (8) The quorum of the committee be a majority of the members of the committee.
- (9) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
- (10) The committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (11) The committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (12) The quorum of a subcommittee be 2 members.
- (13) The committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

- (14) The committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 752*)

Senator Murray: To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters reconstitute its inquiry into funding and disclosure, which lapsed at the 2001 Federal Election, and inquire into and report as expeditiously as possible on any amendments to the Commonwealth Electoral Act necessary to improve disclosure of donations to political parties and candidates and the true source of those donations. (*general business notice of motion no. 753*)

Senator Stephens: To move on 22 March 2004—That the Senate—

- (a) notes:
- (i) the long history of anti-Semitism and its capacity to influence people to express hatred and carry out violence against Jewish people, and
 - (ii) the alarming rise in the incidence of violent anti-Semitic acts in many countries, resulting in injury and death of both Jewish and non-Jewish people, the desecration of Jewish cemeteries and memorials, and targeted assaults on individual members of the Jewish community; and
- (b) in recognition of these developments:
- (i) expresses its unequivocal condemnation of anti-Semitism, of violence directed against Jews and Jewish religious and cultural institutions, and all forms of racial and ethnic hatred, persecution and discrimination on ethnic or religious grounds, whenever and wherever it occurs,
 - (ii) resolves to condemn all manifestations of anti-Semitism in Australia as a threat to the freedoms that all citizens should enjoy equally in a democratic society and commits the Parliament to take all possible concrete actions at a national level to combat this threat to our peaceful and diverse nation, and
 - (iii) further resolves to encourage Australian ambassadors and other officials engaged in bilateral contacts with other countries to use their influence to oppose and counter anti-Semitic expressions and to promote all possible efforts at fostering tolerance and community harmony. (*general business notice of motion no. 754*)

Senator Allison: To move on the next day of sitting—That the Senate notes, and encourages the Government to act on, the statement adopted at the 19th Asian Parliamentarians Meeting on Population and Development in Ho Chi Minh City, Vietnam, during December 2003 that calls for strategies for governments and international organisations to:

- (a) develop an integrated strategy and action plans for solving the population and water issue;
- (b) stimulate awareness among the public that fresh water resources are very scarce and to make people understand the importance of integrated and efficient water resource management;
- (c) ensure a healthy water environment by addressing pollution, climate change affecting fresh water and other factors through relevant policies and appropriate legislative measures;
- (d) establish regional, sub-regional and inter-governmental organisations on international water management, recognising that international river basin areas need a coordination board of concerned countries for the efficient and equitable use of water; and

- (e) implement an education plan for primary school onwards on safe water use and the relationship between water and health. (*general business notice of motion no. 755*)

Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade, no later than 5 pm on Wednesday, 11 February 2004, the free trade agreement made between the governments of Australia and the United States of America in February 2004. (*general business notice of motion no. 756*)

Senator Nettle: To move on the next day of sitting—That new rule 77 in item [1] of Schedule 1 and new item 10990 in item [2] of Schedule 1 to the Health Insurance (General Medical Services Table) Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 318 and made under the *Health Insurance Act 1973*, be disallowed.

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to establish a judicial inquiry to report by 1 September 2004 on matters including:

- (a) the success or failure of Australia's intelligence agencies to correctly inform the Government on Iraq's threat to the world, including its weapons of mass destruction and relationship with terrorists, in the lead-up to the invasion of Iraq in 2003;
- (b) the agencies' assessment of intelligence from foreign agencies and governments, particularly those in the United States of America and the United Kingdom, and the motivation involved; and
- (c) whether the Australian Government, including the Prime Minister (Mr Howard), used that intelligence fairly or otherwise in public statements and debate and in deciding to despatch Australian Defence Force personnel to the war. (*general business notice of motion no. 757*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for 6 sitting days after today for the disallowance of the Migration Amendment Regulations 2003 (No. 7), as contained in Statutory Rules 2003 No. 239 and made under the *Migration Act 1958*.

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

14 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Tierney for today, relating to the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till the first sitting day in August 2004.

General business notice of motion no. 721 standing in the name of Senator Harris for today, relating to the establishment of a select committee on the Lindeberg Grievance, postponed till 12 February 2004.

15 LEAVE OF ABSENCE

Senator Crossin, by leave, moved—That leave of absence be granted to Senator Hutchins for the period 10 February to 12 February 2004 on account of family matters, and to Senator Moore for the period 10 February to 12 February 2004, on account of ill health.

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES 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. 2—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 16 July 2004:

All matters relating to Australia's involvement in preparations for the deployment of the United States of America's proposed missile defence program.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 38

Senators—

Barnett	Cook	Lightfoot	Sherry
Boswell	Coonan	Lundy	Stephens
Brandis	Crossin	Macdonald, Sandy	Tchen
Buckland	Denman	Marshall	Tierney
Calvert	Eggleston	Mason	Troeth
Campbell, George	Forshaw	McGauran (Teller)	Watson
Chapman	Harris	McLucas	Webber
Colbeck	Humphries	Patterson	Wong
Collins	Kirk	Ray	
Conroy	Knowles	Scullion	

Question negatived.

17 ENVIRONMENT—TASMANIA—RECHERCHE BAY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 749—That the Senate calls on the Howard Government and the Latham Opposition to protect the north-east peninsula of Recherche Bay in Tasmania from logging, to protect its cultural landscape, which was extensively traversed by scientists from the D'Entrecasteaux expeditions in 1792 and 1793 and is the site of their marvellous meetings with the local Aboriginal people.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 35

Senators—

Barnett	Coonan	Mackay	Sherry
Buckland	Crossin	Marshall	Stephens
Calvert	Denman	Mason	Tchen
Campbell, George	Forshaw	McGauran (Teller)	Tierney
Chapman	Hogg	McLucas	Troeth
Colbeck	Kirk	O'Brien	Watson
Collins	Knowles	Patterson	Webber
Conroy	Ludwig	Ray	Wong
Cook	Lundy	Scullion	

Question negatived.

**18 COMMONWEALTH OMBUDSMAN—MONITORING OF CONTROLLED OPERATIONS—
REPORT FOR 2002-03—DOCUMENT**

The President tabled the following document received on 22 January 2004:

Commonwealth Ombudsman—Monitoring of controlled operations—Report for 2002-03, prepared pursuant to Part 1AB, Division 2A of the *Crimes Act 1914*, on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police, dated January 2004.

**19 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORTS—LEVEL OF BANKING AND FINANCIAL SERVICES IN RURAL, REGIONAL
AND REMOTE AREAS OF AUSTRALIA; ATM FEE STRUCTURE**

The President tabled the following reports and documents received on 15 January 2004:

Corporations and Financial Services—Joint Statutory Committee—Inquiry into the level of banking and financial services in rural, regional and remote areas of Australia—

Reports, dated January 2004—

ATM fee structure.

Money matters in the bush.

Hansard record of proceedings, documents presented to the committee and submissions [133].

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

Senator Chapman, by leave, moved—That the Senate take note of the reports.

Debate ensued.

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

20 GOVERNMENT DOCUMENTS

The President tabled the following documents received on the dates indicated:

Airservices Australia—Corporate plan July 2003 to June 2008. [*Received 17 December 2003*]

Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2002-03. [*Received 5 January 2004*]

Australian Greenhouse Office—Energy use in the Australian Government's operations—Report for 2002-03. [*Received 24 December 2003*]

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress for 2002-03. [*Received 19 December 2003*]

Commonwealth Electoral Act 1918—2003 Redistribution into electoral divisions—South Australia—Report, together with composite maps [2] showing boundaries of the electoral divisions as determined by the augmented Electoral Commission and compact disc containing public suggestions to the Redistribution Committee and comments on public suggestions, public objections to the proposed redistribution and comments on public objections, and transcript of proceedings at the public inquiry held on 12 November 2003 plus the report of the Redistribution Commission. [*Received 16 January 2004*]

Department of Agriculture, Fisheries and Forestry—Report for 2002-03—Corrigendum. [*Received 7 January 2004*]

Department of the Treasury—Tax expenditures statement 2003, January 2004. [*Received 29 January 2004*]

Foreign Investment Review Board—Report for 2002-03. [*Received 27 January 2004*]

Freedom of Information Act 1982—Report for 2002-03 on the operation of the Act. [*Received 14 January 2004*]

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2003. [*Received 5 February 2004*]

Health Insurance Act 1973—Biennial review of the Medicare provider number legislation, December 2003. [*Received 24 December 2003*]

High Court of Australia—Report for 2002-03. [*Received 22 January 2004*]

Industry Research and Development Board—Report for 2002-03. [*Received 9 January 2004*]

Local Government (Financial Assistance) Act 1995—Report for 2002-03 on the operation of the Act. [*Received 24 December 2003*]

Mid-year economic and fiscal outlook—2003-04—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2003. [*Received 19 December 2003*]

National Health Amendment (Lifetime Health Cover) Act 1999—Review of lifetime health cover scheme, December 2003. [*Received 24 December 2003*]

Pooled Development Funds Registration Board—Report for 2002-03. [*Received 3 February 2004*]

Private Health Insurance Administration Council—Report for 2002-03 on the operations of the registered health benefits organisations. [*Received 11 December 2003*]

Renewable Energy (Electricity) Act 2000—Renewable opportunities: A review of the operation of the Act, September 2003. [Received 16 January 2004]

Research Involving Human Embryos Act 2002—NHMRC Licensing Committee—Report for the period 1 April to 30 September 2003. [Received 18 December 2003]

United Nations—Convention on the Elimination of All Forms of Discrimination Against Women—Women in Australia: Australia's combined fourth and fifth reports on implementing the Convention. [Received 22 December 2003]

21 AUDITOR-GENERAL—AUDIT REPORTS NOS 18 TO 27 OF 2003-04—DOCUMENTS

The President tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2003-04—

No. 18—Performance audit—The Australian Taxation Office's use of AUSTRAC data: Follow-up audit: Australian Taxation Office. [Received 10 December 2003]

No. 19—Business support process audit—Property management. [Received 17 December 2003]

No. 20—Performance audit—Aid to East Timor: Australian Agency for International Development. [Received 19 December 2003]

No. 21—Performance audit—Special Employee Entitlements Scheme for Ansett group employees (SEESA): Department of Employment and Workplace Relations; Department of Transport and Regional Services. [Received 22 December 2003]

No. 22—Financial statement audit—

Audits of the financial statements of Australian government entities for the period ended 30 June 2003: Summary of results. [Received 9 January 2004]
Corrigenda. [Received 19 January 2004]

No. 23—Performance audit—The Australian Taxation Office's management of aggressive tax planning: Australian Taxation Office. [Received 29 January 2004]

No. 24—Performance audit—Agency management of special accounts. [Received 30 January 2004]

No. 25—Performance audit—Intellectual property policies and practices in Commonwealth agencies. [Received 5 February 2004]

No. 26—Performance audit—Supporting managers—Financial management in the Health Insurance Commission: Health Insurance Commission. [Received 6 February 2004]

No. 27—Performance audit—Management of Internet portals at the Department of Family and Community Services. [Received 9 February 2004]

Senator Marshall, by leave, moved—That the Senate take note of report no. 22.

Question put and passed.

22 QUALIFICATION OF A SENATOR—PROVISION OF ADVICE—DOCUMENT

The President tabled the following document:

Qualification of a senator—Provision of advice—Advice from Mr Brian Shaw, QC relating to the qualification of Senator Scullion, dated 18 December 2003.

Senator Ray, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

23 ODGERS' AUSTRALIAN SENATE PRACTICE—10TH EDITION (SUPPLEMENT)—DOCUMENT

The President tabled the following document:

Odgers' Australian Senate Practice—10th edition (Centenary of Federation edition), 2001—Supplement—Updates to 31 December 2003.

24 BUSINESS OF THE SENATE—1 JANUARY TO 31 DECEMBER 2003—DOCUMENT

The President tabled the following document:

Business of the Senate—1 January to 31 December 2003.

Document ordered to be printed on the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone).

25 QUESTIONS ON NOTICE—SUMMARY—DOCUMENT

The President tabled the following document:

Questions on notice—Summary for the period 12 February 2002 to 31 December 2003.

26 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—VARIATION—DOCUMENT

The President tabled the following document:

Departmental and agency contracts—Order for production of documents—Variation—Letter to the President of the Senate from the Auditor-General (Mr Barrett) responding to the resolution of the Senate of 4 December 2003, dated 22 December 2003.

27 PARLIAMENT—COUNCIL OF AUSTRALIAN GOVERNMENTS—DOCUMENT

The President tabled the following document:

Parliament—Council of Australian Governments—Letter to the President of the Senate from the Chief Minister of the Australian Capital Territory (Mr Stanhope) responding to the resolution of the Senate of 25 November 2003, dated December 2003.

28 EMPLOYMENT—UNEMPLOYMENT RATE—DOCUMENT

The President tabled the following document:

Employment—Unemployment rate—Letter to the President of the Senate from the Minister for Employment and Workplace Relations (Mr Andrews) responding to the resolution of the Senate of 26 November 2003, dated 5 January 2004.

29 COMMUNICATIONS—BROADCASTING—PROPOSED MERGER—DOCUMENT

The President tabled the following document:

Communications—Broadcasting—Proposed merger—Letter to the President of the Senate from the Chairman (Professor David Flint), Australian Broadcasting Authority responding to the resolution of the Senate of 4 December 2003, dated 16 December 2003.

30 SOCIAL ISSUES—GAMBLING—DOCUMENT

The President tabled the following document:

Social issues—Gambling—Letter to the President of the Senate from the Prime Minister (Mr Howard) responding to the resolution of the Senate of 8 October 2003, dated 6 November 2003.

31 SCIENCE AND TECHNOLOGY—GENETICALLY-ENGINEERED CROPS—LABELLING—DOCUMENT

The President tabled the following document:

Science and technology—Genetically-engineered crops—Labelling—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Truss) responding to the resolution of the Senate of 27 November 2003, dated 9 January 2004.

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:

4 December 2003—Message No. 46—

Offshore Petroleum (Safety Levies) Act 2003 (Act No. 117, 2003)

Petroleum (Submerged Lands) Amendment Act 2003 (Act No. 118, 2003)

Customs Legislation Amendment Act (No. 1) 2003 (Act No. 119, 2003).

5 December 2003—Message—

No. 47—

Medical Indemnity (IBNR Indemnity) Contribution Amendment Act 2003 (Act No. 120, 2003)

Medical Indemnity Amendment Act 2003 (Act No. 121, 2003)

Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Act 2003 (Act No. 122, 2003)

International Tax Agreements Amendment Act 2003 (Act No. 123, 2003).

No. 48—

Ozone Protection (Licence Fees—Imports) Amendment Act 2003 (Act No. 124, 2003)

Ozone Protection (Licence Fees—Manufacture) Amendment Act 2003 (Act No. 125, 2003)

Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment Act 2003 (Act No. 126, 2003)

Fuel Quality Standards Amendment Act 2003 (Act No. 127, 2003).

8 December 2003—Message No. 49—*Australian Protective Service Amendment Act 2003* (Act No. 128, 2003).

12 December 2003—Message No. 50—

Spam Act 2003 (Act No. 129, 2003)

Spam (Consequential Amendments) Act 2003 (Act No. 130, 2003)

Maritime Transport Security Act 2003 (Act No. 131, 2003)

Non-Proliferation Legislation Amendment Act 2003 (Act No. 132, 2003).

17 December 2003—Message—

No. 51—

New Business Tax System (Taxation of Financial Arrangements) Act (No. 1) 2003 (Act No. 133, 2003)
Trade Practices Legislation Amendment Act 2003 (Act No. 134, 2003)
Defence Legislation Amendment Act 2003 (Act No. 135, 2003).

No. 52—

Customs Legislation Amendment Act (No. 2) 2003 (Act No. 136, 2003)
Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003 (Act No. 137, 2003)
Family Law Amendment Act 2003 (Act No. 138, 2003).

No. 53—

Legislative Instruments Act 2003 (Act No. 139, 2003)
Legislation Instruments (Transitional Provisions and Consequential Amendments) Act 2003 (Act No. 140, 2003)
Financial Services Reform Amendment Act 2003 (Act No. 141, 2003)
Taxation Laws Amendment Act (No. 5) 2003 (Act No. 142, 2003).

No. 54—

ASIO Legislation Amendment Act 2003 (Act No. 143, 2003)
Commonwealth Electoral Amendment (Members of Local Government Bodies) Act 2003 (Act No. 144, 2003)
States Grants (Primary and Secondary Education Assistance) Amendment Act 2003 (Act No. 145, 2003)
Aboriginal Land Grant (Jervis Bay Territory) Amendment Act 2003 (Act No. 146, 2003).

No. 55—

Designs Act 2003 (Act No. 147, 2003)
Designs (Consequential Amendments) Act 2003 (Act No. 148, 2003).

19 December 2003—Message No. 56—

Higher Education Support Act 2003 (Act No. 149, 2003)
Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 (Act No. 150, 2003).

33 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2003-04

Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) tabled additional information received by the committee (Budget estimates 2003-04—Treasury portfolio vols 1 and 2; Industry, Tourism and Resources portfolio vol. 1).

34 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03—BUDGET ESTIMATES 2003-04

Senator McGauran, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Additional estimates 2002-03—vol. 3; Budget estimates 2003-04—vols 1 and 2).

35 DOCUMENTS

The following documents were tabled by the Clerk:

Aboriginal and Torres Strait Islander Commission Act—
 Review of Electoral Systems, dated November 2003.
 Torres Strait Regional Authority Election Amendment Rules 2003 (No. 1).

- Aged Care Act—Determination under section 52-1—ACA Ch. 3 No. 37/2003-ACA Ch. 3 No. 39/2003.
- Air Navigation Act—Regulations—Statutory Rules 2003 No. 331.
- Airports Act—Regulations—Statutory Rules 2003 No. 302.
- Australian Communications Authority Act—Radiocommunications (Charges) Determination 2003.
- Australian Heritage Council Act—Regulations—Statutory Rules 2003 No. 353.
- Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Beef Export to the United States of America – Quota Year 2004) Amendment Order 2003 (No. 1).
- Australian Prudential Regulation Authority Act—Instrument under section 51—Instrument fixing charges to be paid to APRA—No. 1 of 2004.
- Australian Research Council Act—
- Determination No. 19—Determinations under section 51, dated 4 [4], 5 and 16 December 2003.
 - Determination No. 20—Determinations under section 51, dated 14, 17 [6] and 23 December 2003.
 - Determination No. 21—Determination under section 51, dated 26 May 2003.
- Broadcasting Services Act—Regulations—Statutory Rules 2003 No. 310.
- Circuit Layouts Act—Regulations—Statutory Rules 2003 No. 336.
- Civil Aviation Act—
- Civil Aviation Safety Regulations—Airworthiness Directives—Part—
 - 105, dated 20 [7], 26 [3] and 28 November; 1 [6], 2, 4 [6], 5 [5] and 12 December 2003; and 7 [9] and 8 [9] January 2004.
 - 106, dated 4 and 5 December 2003.
 - 107, dated 4 [5] December 2003.
 - Civil Aviation Regulations—
 - Civil Aviation Amendment Order (No. 9) 2003.
 - Exemptions Nos CASA EX01/2004-EX04/2004.
 - Instrument No.—
 - CASA 551/03.
 - CASA 07/04, CASA 21/04 and CASA 48/04.
 - Regulations—Statutory Rules 2003 No. 365.
- Class Ruling—
- CR 2003/87 (Addendum), CR 2003/106, CR 2003/106 (Notice of Withdrawal), CR 2003/107-CR 2003/112 and CR 2003/112 (Erratum).
 - CR 2004/1-CR 2004/14.
- Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(b)—Acquisition of shares in Australian Technology Group Limited (ATG).
- Copyright Act—Regulations—Statutory Rules 2003 No. 337.
- Corporations Act—Regulations—Statutory Rules 2003 Nos 367-369.
- Corporations (Review Fees) Act—Regulations—Statutory Rules 2003 No. 370.
- Crimes Act—Regulations—Statutory Rules 2003 Nos 306 and 307.
- Customs Act—
- CEO Instrument of Approval—
 - No. 26 of 2003.
 - No. 1 of 2004.

- Regulations—Statutory Rules 2003 Nos 308, 309 and 319-321.
- Defence Act—Determination under section—
58B—Defence Determination—
2003/33-2003/37.
2004/1-2004/3.
58H—Defence Force Remuneration Tribunal—Determinations Nos 23, 25 and 26 of 2003.
- Defence Act, Naval Defence Act and Air Force Act—Regulations—Statutory Rules 2003 No. 311.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 22 December 2003 [2].
- Energy Grants (Credits) Scheme Act—Regulations—Statutory Rules 2003 No. 371.
- Environment Protection and Biodiversity Conservation Act—
Instrument amending list of—
Specimens suitable for live import under section 303EB, dated 21 November and 19 December 2003.
Threatened species under section 178, dated 3 November 2003.
Regulations—Statutory Rules 2003 No. 354.
- Explosives Act—Regulations—Statutory Rules 2003 No. 312.
- Export Control Act—Export Control (Orders) Regulations—Export Control (Fees) Amendment Orders 2003 (No. 1).
- Family Law Act—
Family Law (Superannuation) Regulations—
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 1).
Family Law (Superannuation) (Provision of Information — Victorian Racing Industry Superannuation Fund) Determination 2004.
Regulations—Statutory Rules 2003 Nos 339-342.
Rules of Court—Statutory Rules 2003 No. 375.
- Farm Household Support Act—Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 4).
- Federal Court of Australia Act—Rules of Court—Statutory Rules 2003 Nos 376 and 377.
- Fuel Quality Standards Act—
Fuel Quality Information Standard (Ethanol) Determination 2003.
Fuel Standard (Autogas) Determination 2003.
Regulations—Statutory Rules 2003 No. 355.
- Goods and Services Tax Determination GSTD 2002/4 (Notice of Withdrawal).
- Goods and Services Tax Ruling—
GSTR 2000/19 (Addendum).
GSTR 2003/15 and GSTR 2003/16.
- Health Insurance Act—Regulations—Statutory Rules 2003 Nos 300, 318 and 356-360.
- Hearing Services Administration Act—Hearing Services Rules of Conduct Amendment Rules 2004 (No. 1).

- Higher Education Funding Act—Determination under section—
15—Determination No.—
T19-2003, T22-2003 and T24-2003.
T3-2004 and T5-2004.
16—Determination No.—
T20-2003.
T2-2004.
24—Determination No.—
T21-2003.
T1-2004 and T4-2004.
27A—Determination No. T23-2003.
- Imported Food Control Act—Regulations—Statutory Rules 2003 No. 325.
- Income Tax Assessment Act 1936*—Regulations—Statutory Rules 2003 No. 372.
- Income Tax Assessment Act 1997*—Regulations—Statutory Rules 2003 No. 373.
- Indigenous Education (Targeted Assistance) Act—Regulations—Statutory Rules 2003 No. 299.
- International Air Services Commission Act—International Air Services Policy Statement No. 4, dated 1 December 2003.
- Judges' Pensions Act—Regulations—Statutory Rules 2003 No. 343.
- Life Insurance Act—Variation (No. 4) of Prudential Rules No. 47.
- Long Service Leave (Commonwealth Employees) Act—Regulations—Statutory Rules 2003 No. 348.
- Maritime Transport Security Act—Regulations—Statutory Rules 2003 No. 366.
- Migration Act—
Regulations—Statutory Rules 2003 Nos 362 and 363.
Statements for period 1 July to 31 December 2003 under section—
48B [7].
91Q [2].
345.
351 [183].
417 [375].
- Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination No. 5 of 2003.
- National Handgun Buyback Act—Regulations—Statutory Rules 2003 No. 344.
- National Health Act—
Declarations Nos PB 1 and PB 2 of 2004.
Determination—
No. PB 3 of 2004.
Under section 5D—AOS 1/2004 and AOS 2/2004.
Regulations—Statutory Rules 2003 No. 330.
- National Residue Survey (Customs) Levy Act and National Residue Survey (Excise) Levy Act—Regulations—Statutory Rules 2003 No. 329.
- Navigation Act—Marine Orders—Orders Nos 4-8 of 2003.
- Occupational Health and Safety (Commonwealth Employment) Act—Regulations—Statutory Rules 2003 Nos 313 and 314.

- Occupational Health and Safety (Maritime Industry) Act—Regulations—Statutory Rules 2003 No. 324.
- Ozone Protection and Synthetic Greenhouse Gas Management Act—Notices of Grant of Exemptions under section 40, dated 19 December 2003 [2].
- Parliamentary Service Act—Parliamentary Service Determination—
2003/2.
Nos 1 and 2 of 2004.
- Patents Act—Regulations—Statutory Rules 2003 No. 316.
- Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2003 Nos 303, 327 and 332.
- Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2003 Nos 304, 326, 328 and 333.
- Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 Nos 305 and 334.
- Privacy Act—Regulations—Statutory Rules 2003 No. 322.
- Product Grant and Benefit Rulings PGBR 2003/1-PGBR 2003/3.
- Product Ruling—
Addendum—
PR 2001/163.
PR 2002/79, PR 2002/92, PR 2002/111, PR 2002/135 and PR 2002/139.
PR 2003/7, PR 2003/10, PR 2003/15, PR 2003/16, PR 2003/22,
PR 2003/27, PR 2003/31, PR 2003/44 [2], PR 2003/49, PR 2003/51,
PR 2003/52 [2], PR 2003/58, PR 2003/59, PR 2003/64, PR 2003/68,
PR 2003/70 and PR 2003/71.
PR 2002/70 (Notice of Withdrawal).
PR 2003/70-PR 2003/82.
PR 2004/1-PR 2004/13.
- Public Service Act—
Public Service Commissioner's Amendment Directions 2003 (No. 3).
Regulations—Statutory Rules 2003 Nos 317 and 364.
- Quarantine Act—
Quarantine Amendment Proclamation 2003 (No. 3).
Quarantine Service Fees Amendment Determinations 2003 (No. 2).
Regulations—Statutory Rules 2003 No. 335.
- Radiocommunications Act—
Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003.
Radiocommunications (Data Transmission Equipment Using Spread Spectrum Modulation Techniques) Standard 2003.
Radiocommunications Devices (Compliance Labelling) Notice 2003.
Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2003 (No. 1).
Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2003 (No. 2).
Radiocommunications (MF and HF equipment — Land Mobile Service) Standard 2003.

- Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Determination 2003 (No. 2).
- Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Determination 2003 (No. 2).
- Remuneration Tribunal Act—Determination—
- 2003/21: Remuneration and Allowances for Holders of Public Offices.
 - 2003/22: Remuneration and Allowances for Holders of Public Offices.
 - 2003/23: Remuneration and Allowances for Holders of Public Offices.
 - 2003/24: Remuneration and Allowances for Holders of Public Offices.
- Renewable Energy (Electricity) Act—Regulations—Statutory Rules 2003 No. 315.
- Service and Execution of Process Act—Regulations—Statutory Rules 2003 No. 345.
- Social Security (International Agreements) Act—Regulations—Statutory Rules 2003 No. 374.
- Student Assistance Act—Regulations—Statutory Rules 2003 Nos 323 and 347.
- Superannuation Industry (Supervision) Act—Scheme for Winding Up and Dissolution of Superannuation Entities, dated 29 January 2004.
- Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 1/04 [8].
- Taxation Determination—
- TD 2003/29-TD2003/32.
 - TD 2004/1.
- Taxation Ruling—
- TR 2000/18 (Addendum).
 - TR 2003/16 and TR 2003/List.
 - TR 2004/1.
- Telecommunications Act—
- Regulations—Statutory Rules 2003 No. 346.
 - Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2003 (No. 2).
 - Telecommunications Numbering Plan Variation 2003 (No. 5).
 - Telecommunications Technical Standard (CDMA Customer Equipment — AS/ACIF S042) Amendment 2003 (No. 1).
 - Telecommunications Technical Standard (Customer Switching, Multiplexing and Ancillary Equipment for Connection to a Telecommunications Network — AS/ACIF S003) Amendment 2003 (No. 1).
 - Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network — Part 1: General — AS/ACIF S043.1:2003) 2003.
 - Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network — Part 2: Broadband — AS/ACIF S043.2:2003) 2003.

Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network — Part 3: DC, low frequency AC and voiceband — AS/ACIF S043.3:2001) 2003.

Telecommunications Technical Standard (Requirements for Customer Equipment, operating in the voiceband, for connection to the non-switched Telecommunications Network — AS/ACIF S006) Amendment 2003 (No. 1).

Telecommunications Technical Standard (Requirements for ISDN Basic Access Interface — AS/ACIF S031) Amendment 2003 (No. 1).

Telecommunications Technical Standard (Requirements for ISDN Primary Rate Access Interface — AS/ACIF S038) Amendment 2003 (No. 1).

Telecommunications Technical Standard (Safety of Information Technology Equipment — AS/NZS 60950:2000) 2003.

Telecommunications Technical Standard (Surge Protective Devices for Telecommunication Applications — AS/NZS 4117:1999) 2003.

Telecommunications Technical Standard (Voice Frequency Performance Requirements for Customer Equipment — AS/ACIF S004) Amendment 2003 (No. 1).

Therapeutic Goods Act—

Regulations—Statutory Rules 2003 Nos 301 and 361.

Therapeutic Goods Order No. 70A (Amendment to Therapeutic Goods Order No. 70).

Veterans' Entitlements Act—Instrument under section 196B—Instrument No. 59 of 2003.

Workplace Relations Act—Regulations—Statutory Rules 2003 Nos 349-351.

Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act—Regulations—Statutory Rules 2003 No. 352.

36 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Communications Legislation Amendment Act (No. 3) 2003—Part 1 of Schedule 1—12 December 2003 (*Gazette* No. GN 49, 10 December 2003).

Customs Legislation Amendment Act (No. 1) 2003—Parts 1 and 4 of Schedule 1—19 December 2003 (*Gazette* No. S 485, 19 December 2003).

Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003—Schedules 1, 2 and 3—1 January 2004 (*Gazette* No. S 502, 23 December 2003).

37 COMMITTEES—APPOINTMENT OF MEMBERS

The Acting Deputy President (Senator Cook) informed the Senate that the President had received letters nominating senators to be members of various committees.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That senators be appointed to committees as follows:

Employment, Workplace Relations and Education References Committee—

Appointed—Participating member: Senator Marshall

Foreign Affairs, Defence and Trade References Committee—

Appointed—Participating member: Senator Allison for the committee's inquiry into current health preparation arrangements for the deployment of Australian Defence Forces overseas.

Question put and passed.

38 AVIATION TRANSPORT SECURITY BILL 2003

AVIATION TRANSPORT SECURITY (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2003

NATIONAL RESIDUE SURVEY CUSTOMS LEVY RATE CORRECTION (LAMB EXPORTS) BILL 2003

NATIONAL RESIDUE SURVEY EXCISE LEVY RATE CORRECTION (LAMB TRANSACTIONS) BILL 2003

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2003

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2003

HEALTH LEGISLATION AMENDMENT (MEDICARE) BILL 2003

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (WINE GRAPES) BILL 2003

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT BILL (NO. 2) 2003

SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) BILL 2003

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

Message no. 490, dated 9 February 2004—A Bill for an Act to safeguard against unlawful interference with aviation, and for related purposes.

Message no. 472, dated 3 December 2003—A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the *Aviation Transport Security Act 2003*, and for other purposes.

Message no. 477, dated 4 December 2003—A Bill for an Act to correct the rate of National Residue Survey Customs Levy on certain exports of lambs.

Message no. 478, dated 4 December 2003—A Bill for an Act to correct the rate of National Residue Survey Excise Levy on certain sales of lambs.

Message no. 479, dated 4 December 2003—A Bill for an Act to improve workplace relations practices in the building and construction industry, and for related purposes.

Message no. 480, dated 4 December 2003—A Bill for an Act to deal with matters consequential on the enactment of the *Building and Construction Industry Improvement Act 2003*, and for related purposes.

Message no. 475, dated 4 December 2003—A Bill for an Act to amend the law relating to medicare, and for related purposes.

Message no. 476, dated 4 December 2003—A Bill for an Act to increase the maximum research component for levy in respect of wine grapes.

Message no. 488, dated 9 February 2004—A Bill for an Act to amend the law relating to agriculture, fisheries and forestry, and for related purposes.

Message no. 489, dated 9 February 2004—A Bill for an Act to amend the law relating to superannuation, and for related purposes.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Vanstone moved—That these bills be now read a second time.

Explanatory memoranda: Senator Vanstone tabled revised explanatory memoranda [3] relating to the Aviation Transport Security Bill 2003, the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2003 and the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2003.

On the motion of Senator Buckland the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Vanstone moved—That the bills be listed on the *Notice Paper* as seven orders of the day, as follows:

- (a) the Aviation Transport Security Bill 2003 and the Aviation Transport Security (Consequential Amendments and Transitional Provisions) Bill 2003;
- (b) the National Residue Survey Customs Levy Rate Correction (Lamb Exports) Bill 2003 and the National Residue Survey Excise Levy Rate Correction (Lamb Transactions) Bill 2003;
- (c) the Building and Construction Industry Improvement Bill 2003 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003;
- (d) Health Legislation Amendment (Medicare) Bill 2003;
- (e) Primary Industries (Excise) Levies Amendment (Wine Grapes) Bill 2003;
- (f) Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2003; and
- (g) Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2003.

Question put and passed.

39 HIGHER EDUCATION SUPPORT BILL 2003

HIGHER EDUCATION SUPPORT (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2003

FAMILY LAW AMENDMENT BILL 2003

FINANCIAL SERVICES REFORM AMENDMENT BILL 2003

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 483, dated 5 December 2003—Higher Education Support Bill 2003.

Message no. 484, dated 5 December 2003—Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003.

Message no. 486, dated 5 December 2003—Family Law Amendment Bill 2003.

Message no. 487, dated 5 December 2003—Financial Services Reform Amendment Bill 2003.

40 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2003

A message from the House of Representatives was reported agreeing to the further amendment made by the Senate to the following bill:

Message no. 485, dated 5 December 2003—Trade Practices Legislation Amendment Bill 2003.

41 MIGRATION LEGISLATION AMENDMENT (IDENTIFICATION AND AUTHENTICATION) BILL 2003

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

In the committee

Consideration resumed of the bill—*and of the amendments moved by Senator Brown (see entry no. 6).*

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

On the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 13, page 8 (lines 9 to 17), omit subsection (3), substitute:

- (3) Without limiting subsection (1), if:
 - (a) prescribed circumstances exist; and
 - (b) the Minister has not waived the operation of this subsection in relation to granting the visa to the person;
 the circumstances under subsection (1) may be, or may include, that the person has complied with any requirement of an officer to provide one or more personal identifiers in relation to the application for the visa.
- (3A) An officer must not require, for the purposes of subsection (3), a person to provide a personal identifier other than:
 - (a) if the person is an applicant for a protection visa—any of the following (including any of the following in digital form):
 - (i) fingerprints or handprints of the person (including those taken using paper and ink or digital liveness technologies);
 - (ii) a photograph or other image of the person's face and shoulders;
 - (iii) an audio or a video recording of the person;
 - (iv) an iris scan;
 - (v) the person's signature;
 - (vi) any other personal identifier contained in the person's passport or other travel document;
 - (vii) any other personal identifier of a type prescribed for the purposes of paragraph (3C)(a); or
 - (b) if the person is an applicant for a temporary safe haven visa within the meaning of section 37A, or any other visa of a class that the regulations designate as a class of humanitarian visas—any of the following (including any of the following in digital form):

- (i) fingerprints or handprints of the person (including those taken using paper and ink or digital livenesscanning technologies);
- (ii) a photograph or other image of the person's face and shoulders;
- (iii) an iris scan;
- (iv) the person's signature;
- (v) any other personal identifier contained in the person's passport or other travel document;
- (vi) any other personal identifier of a type prescribed for the purposes of paragraph (3C)(a); or
- (c) if paragraphs (a) and (b) do not apply—any of the following (including any of the following in digital form):
 - (i) a photograph or other image of the person's face and shoulders;
 - (ii) the person's signature;
 - (iii) any other personal identifier contained in the person's passport or other travel document;
 - (iv) any other personal identifier of a type prescribed for the purposes of paragraph (3C)(a).

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

- (3B) In requiring, for the purposes of subsection (3), a person to provide a personal identifier, an officer must not contravene regulations made for the purposes of paragraph (3C)(b).
- (3C) The regulations:
 - (a) may prescribe other types of personal identifiers; and
 - (b) may provide that a particular personal identifier referred to in subsection (3A), or a particular combination of such personal identifiers, must not be required except in the circumstances prescribed for the purposes of this paragraph.

Schedule 1, item 13, page 8 (line 19), omit "paragraph (3)(a)", substitute "subsection (3)".

Schedule 1, item 16, page 9 (lines 7 to 13), omit paragraph (2A)(a), substitute:

- (a) prescribed circumstances exist; and
- (aa) the Minister has not waived the operation of this subsection in relation to the application for the visa; and
- (ab) the applicant has been required by an officer to provide one or more personal identifiers in relation to the application; and

Schedule 1, item 16, page 9 (after line 16), after subsection (2A), insert:

- (2AA) An officer must not require, for the purposes of paragraph (2A)(ab), a person to provide a personal identifier other than:
 - (a) if the person is an applicant for a protection visa—any of the following (including any of the following in digital form):
 - (i) fingerprints or handprints of the person (including those taken using paper and ink or digital livenesscanning technologies);

- (ii) a photograph or other image of the person's face and shoulders;
 - (iii) an audio or a video recording of the person;
 - (iv) an iris scan;
 - (v) the person's signature;
 - (vi) any other personal identifier contained in the person's passport or other travel document;
 - (vii) any other personal identifier of a type prescribed for the purposes of paragraph (2AC)(a); or
- (b) if the person is an applicant for a temporary safe haven visa within the meaning of section 37A, or any other visa of a class that the regulations designate as a class of humanitarian visas—any of the following (including any of the following in digital form):
- (i) fingerprints or handprints of the person (including those taken using paper and ink or digital livescanning technologies);
 - (ii) a photograph or other image of the person's face and shoulders;
 - (iii) an iris scan;
 - (iv) the person's signature;
 - (v) any other personal identifier contained in the person's passport or other travel document;
 - (vi) any other personal identifier of a type prescribed for the purposes of paragraph (2AC)(a); or
- (c) if paragraphs (a) and (b) do not apply—any of the following (including any of the following in digital form):
- (i) a photograph or other image of the person's face and shoulders;
 - (ii) the person's signature;
 - (iii) any other personal identifier contained in the person's passport or other travel document;
 - (iv) any other personal identifier of a type prescribed for the purposes of paragraph (2AC)(a).

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

(2AB) In requiring, for the purposes of paragraph (2A)(ab), a person to provide a personal identifier, an officer must not contravene regulations made for the purposes of paragraph (2AC)(b).

(2AC) The regulations:

- (a) may prescribe other types of personal identifiers; and
- (b) may provide that a particular personal identifier referred to in subsection (2AA), or a particular combination of such personal identifiers, must not be required except in the circumstances prescribed for the purposes of this paragraph.

Schedule 1, item 16, page 9 (line 18), omit “subparagraph (2A)(a)(i)”, substitute “paragraph (2A)(ab)”.

Schedule 1, item 17, page 9 (lines 35 and 36), omit “of the type or types prescribed”.

Schedule 1, item 18, page 10 (before line 3), before subsection (1A), insert:

(1AA) An officer must not require, for the purposes of paragraph (1)(aa), a person to provide a personal identifier other than any of the following (including any of the following in digital form):

- (a) a photograph or other image of the person's face and shoulders;
- (b) the person's signature;
- (c) any other personal identifier contained in the person's passport or other travel document;
- (d) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 20, page 10 (line 30), omit "of the type or types prescribed".

Schedule 1, item 20, page 10 (after line 30), after subsection (2), insert:

(2A) An officer must not require, for the purposes of subsection (2), a person to provide a personal identifier other than any of the following (including any of the following in digital form):

- (a) a photograph or other image of the person's face and shoulders;
- (b) the person's signature;
- (c) any other personal identifier contained in the person's passport or other travel document;
- (d) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 22, page 11 (lines 29 and 30), omit "of the type or types prescribed".

Schedule 1, item 22, page 11 (after line 30), after subsection (2), insert:

(2A) An officer must not require, for the purposes of subsection (2), a person to provide a personal identifier other than any of the following (including any of the following in digital form):

- (a) a photograph or other image of the person's face and shoulders;
- (b) the person's signature;
- (c) any other personal identifier contained in the person's passport or other travel document;
- (d) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 24, page 12 (lines 22 and 23), omit "of the type or types prescribed".

Schedule 1, item 24, page 12 (after line 23), after subsection (4), insert:

- (4A) An officer must not require, for the purposes of subsection (4), a person to provide a personal identifier other than any of the following (including any of the following in digital form):
- (a) a photograph or other image of the person's face and shoulders;
 - (b) the person's signature;
 - (c) any other personal identifier contained in the person's passport or other travel document;
 - (d) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 28, page 14 (lines 5 and 6), omit "of the type or types prescribed".

Schedule 1, item 28, page 14 (after line 6), after subsection (2A), insert:

- (2AA) An officer must not require, for the purposes of subsection (2A), a person to provide a personal identifier other than any of the following (including any of the following in digital form):
- (a) a photograph or other image of the person's face and shoulders;
 - (b) the person's signature;
 - (c) any other personal identifier contained in the person's passport or other travel document;
 - (d) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 32, page 19 (line 28), omit "of the type or types prescribed".

Schedule 1, item 32, page 19 (after line 28), after subsection 261AA(1), insert:

- (1A) An authorised officer must not require, for the purposes of subsection (1), a person to provide a personal identifier other than any of the following (including any of the following in digital form):
- (a) fingerprints or handprints of the person (including those taken using paper and ink or digital livescanning technologies);
 - (b) a measurement of the person's height and weight;
 - (c) a photograph or other image of the person's face and shoulders;
 - (d) the person's signature;
 - (e) any other personal identifier of a type prescribed for the purposes of this paragraph.

Note: Division 13AB sets out further restrictions on the personal identifiers that minors and incapable persons can be required to provide.

Schedule 1, item 32, page 26 (after line 28), at the end of Division 13AA, add:

Subdivision C—Obligations relating to video recordings of identification tests
261AKA Definitions

In this Subdivision, unless the contrary intention appears:

permitted provision, of a video recording, has the meaning given by subsection 261AKD(2).

provide, in relation to a video recording, includes provide access to the recording.

related document means a document that contains information, derived from a video recording made under section 261AJ or from a copy of such a recording, from which the identity of the individual on whom the identification test in question was carried out is apparent or can reasonably be ascertained.

video recording means a video recording made under section 261AJ or a copy of such a recording, and includes a related document.

261AKB Accessing video recordings

- (1) A person commits an offence if:
 - (a) the person accesses a video recording; and
 - (b) the person is not authorised under section 261AKC to access the video recording for the purpose for which the person accessed it.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.
- (2) This section does not apply if the access is through the provision of a video recording that is a permitted provision.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

261AKC Authorising access to video recordings

- (1) The Secretary may, in writing, authorise a specified person, or any person included in a specified class of persons, to access:
 - (a) all video recordings; or
 - (b) a specified video recording, or video recordings of a specified kind.
- (2) The Secretary must specify in an authorisation under this section, as the purpose or purposes for which access is authorised, one or more of the following purposes:
 - (a) providing a video recording to another person in accordance with this Subdivision;
 - (b) administering or managing the storage of video recordings;
 - (c) making a video recording available to the person to whom it relates;
 - (d) modifying related documents in order to correct errors or ensure compliance with appropriate standards;
 - (e) any purpose connected with determining whether a civil or criminal liability has arisen from a person carrying out or helping to carry out an identification test under this Act;
 - (f) complying with laws of the Commonwealth or the States or Territories.
- (3) However, the Secretary must not specify as a purpose for which access is authorised a purpose that will include or involve the purpose of:
 - (a) investigating an offence against a law of the Commonwealth or a State or Territory (other than an offence involving whether an identification test was carried out lawfully); or
 - (b) prosecuting a person for such an offence;

if the identifying information in question relates to a personal identifier of a prescribed type.

261AKD Providing video recordings

- (1) A person commits an offence if:
- (a) the person's conduct causes a video recording to be provided to another person; and
 - (b) the provision of the recording is not a permitted provision of the recording.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

- (2) A *permitted provision* of a video recording is a provision of the recording that:
- (a) is for the purpose of administering or managing the storage of video recordings; or
 - (b) is for the purpose of making the video recording in question available to the non-citizen to whom it relates; or
 - (c) is for the purpose of a proceeding, before a court or tribunal, relating to the non-citizen to whom the video recording in question relates; or
 - (d) is for any purpose connected with determining whether a civil or criminal liability has arisen from a person carrying out or helping to carry out an identification test under this Act; or
 - (e) is for the purpose of an investigation by the Privacy Commissioner or the Ombudsman relating to carrying out an identification test; or
 - (f) is made to a prescribed body or agency for the purpose of the body or agency inquiring into the operation of provisions of this Act relating to carrying out an identification test; or
 - (g) takes place with the written consent of the non-citizen to whom the video recording in question relates.
- (3) However, a provision of a video recording is not a permitted provision of the recording if:
- (a) it constitutes a disclosure of identifying information relating to a personal identifier of a prescribed type; and
 - (b) it is for the purpose of:
 - (i) investigating an offence against a law of the Commonwealth or a State or Territory (other than an offence involving whether an identification test was carried out lawfully); or
 - (ii) prosecuting a person for such an offence.

261AKE Unauthorised modification of video recordings

A person commits an offence if:

- (a) the person causes any unauthorised modification of a video recording; and
- (b) the person intends to cause the modification; and
- (c) the person knows that the modification is unauthorised.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

261AKF Unauthorised impairment of video recordings

A person commits an offence if:

- (a) the person causes any unauthorised impairment of:
 - (i) the reliability of a video recording; or
 - (ii) the security of the storage of a video recording; or
 - (iii) the operation of a system by which a video recording is stored; and
- (b) the person intends to cause the impairment; and
- (c) the person knows that the impairment is unauthorised.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

261AKG Meanings of *unauthorised modification* and *unauthorised impairment* etc.

- (1) In this Subdivision:
 - (a) modification of a video recording; or
 - (b) impairment of the reliability of a video recording; or
 - (c) impairment of the security of the storage of a video recording; or
 - (d) impairment of the operation of a system by which a video recording is stored;
 by a person is unauthorised if the person is not entitled to cause that modification or impairment.
- (2) Any such modification or impairment caused by the person is not unauthorised merely because he or she has an ulterior purpose for causing it.
- (3) For the purposes of an offence under this Subdivision, a person causes any such unauthorised modification or impairment if the person's conduct substantially contributes to it.
- (4) For the purposes of subsection (1), if:
 - (a) a person causes any modification or impairment of a kind mentioned in that subsection; and
 - (b) the person does so under a warrant issued under the law of the Commonwealth, a State or a Territory;
 the person is entitled to cause that modification or impairment.

261AKH Destroying video recordings

A person commits an offence if:

- (a) the person is the person who has day-to-day responsibility for the system under which a video recording is stored; and
- (b) the person fails physically to destroy the recording, and all copies of the recording, within 10 years after it was made.

Penalty: Imprisonment for 2 years, or 120 penalty units, or both.

Schedule 1, item 33, page 36 (lines 30 to 32), omit subsection 336K(4), substitute:

- (4) Identifying information is *destroyed* if:
 - (a) in the case of identifying information that is a personal identifier—it is physically destroyed; and
 - (b) in any other case—any means of identifying it with the person to whom it relates is destroyed.

Schedule 1, page 38 (after line 11), at the end of the Schedule, add:

35 Review of operation of this Act

- (1) The Minister must cause an independent review of the operation of the amendments made by this Act to be undertaken as soon as possible after the third anniversary of the commencement of this Schedule.
- (2) A person who undertakes the review must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.
- (4) In this item:

independent review means a review undertaken by persons who:

- (a) in the Minister's opinion, possess appropriate qualifications to undertake the review; and
- (b) include a nominee of the Attorney-General and a nominee of the Privacy Commissioner.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendment:

Schedule 1, item 33, page 34 (line 24), at the end of paragraph 336F(5)(e), add "if such disclosure would not entail any risks of human rights violation for the person concerned".

Debate ensued.

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

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Vanstone the report from the committee was adopted and the bill read a third time.

42 FISHERIES LEGISLATION AMENDMENT (COMPLIANCE AND DETERRENCE MEASURES AND OTHER MATTERS) BILL 2003 [2004]

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.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled a correction to the explanatory memorandum relating to the bill.

Debate continued.

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, debated and 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 Senator Ian Macdonald the report from the committee was adopted and the bill read a third time.

At 6.50 pm—

43 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

44 UNITED NATIONS—CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN—DOCUMENT

Senator Stott Despoja, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 20*).

Debate adjourned until Thursday at general business, Senator Stott Despoja in continuation.

45 ADJOURNMENT

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

Debate ensued.

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

Science and technology—Scientific misconduct—Copy of report of the University of New South Wales (UNSW) external independent inquiry against a UNSW scientist.

Debate continued.

The Senate adjourned at 8.40 pm till Wednesday, 11 February 2004 at 9.30 am.

46 **ATTENDANCE**

Present, all senators except Senators Hutchins* and Moore* (* on leave).

HARRY EVANS
Clerk of the Senate