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1 MEETING OF SENATE

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

2 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING—VARIATION

Senator Buckland, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook), moved—That the order of the Senate of 12 February 2004 authorising the Foreign Affairs, Defence and Trade References Committee to hold a public meeting during the sitting of the Senate today be varied to provide that the committee be authorised to meet from 12.30 pm.

Question put and passed.

3 HEALTH LEGISLATION AMENDMENT (MEDICARE) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone)—That this bill be now read a second time—and on the amendment moved by Senator Nettle:

At the end of the motion, add “but the Senate:

- (a) condemns the Government’s attempt to undermine the principle of universality that underpins Medicare and for its policy of privatising health care in Australia, including the Private Health Insurance Rebate, which should be abolished and the funds directed to public health care; and
- (b) calls on the Government to establish an independent inquiry into the rebate and the Lifetime Health Cover policy, as recommended by the Select Committee on Medicare”.

Debate resumed.

At 2 pm: Debate was interrupted while Senator McLucas was speaking.

4 QUESTIONS

Questions without notice were answered.

5 QUESTION TIME—‘ALTERNATIVE POLICIES’—STATEMENT BY PRESIDENT

The President made a statement relating to a matter raised by Senator Brown during question time on 12 February 2004 concerning questions which invite ministers to refer to the policies of other parties.

6 FOREIGN AFFAIRS—IRAQ—WEAPONS OF MASS DESTRUCTION—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Faulkner) moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to the existence in Iraq of weapons of mass destruction.

Debate ensued.

Question put and passed.

7 TRADE—FILIPINO BANANAS—ANSWER TO QUESTION

Senator Cherry moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Cherry today relating to import risk assessments on Filipino bananas.

Question put and passed.

8 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

Senators Allison and Sandy Macdonald, 2 petitions similar in wording, from 33 and 37 petitioners, respectively, requesting that the Senate take action to reverse funding cuts to the Australian Broadcasting Corporation to allow for the restoration of the educational programming budget and the reinstatement of *Behind the News*.

Senator Crossin, from 278 petitioners, requesting that the Senate undertake an inquiry into the operations of the Christmas Island Hospital.

Senator Kemp, from 17 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

Senator Lundy, from 1 420 petitioners, requesting that the Senate reject any recommendation that seeks to undermine ScreenSound Australia as a national institution located in Canberra.

9 NOTICES

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 March 2004, from 4 pm, to take evidence for the committee's inquiry into the capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance. (*general business notice of motion no. 764*)

The Chair of the Legal and Constitutional References Committee (Senator Bolkus): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance be extended to 31 March 2004. (*general business notice of motion no. 765*)

The Chair of the Community Affairs References Committee (Senator Hutchins): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 11 March 2004. (*general business notice of motion no. 766*)

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

(a) notes that:

- (i) there are an estimated 300 000 children being used as soldiers in at least 20 countries around the world,
- (ii) the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict prohibits:
 - (A) the compulsory recruitment of children under the age of 18 years into national armed forces, and

- (B) any recruitment of children under the age of 18 years by non-state armed groups,
- (iii) the United Nations (UN) Secretary-General's Special Representative for Children and Armed Conflict:
 - (A) recently reported to the Security Council that the situation remains 'grave and unacceptable' and the struggle to protect children from involvement in armed conflict 'has reached a watershed moment', and
 - (B) specifically called on the UN Commission on Human Rights to take action on this issue,
- (iv) Australia will chair the 60th session of the Commission on Human Rights, which runs from 15 March to 23 April 2004, and
- (v) the rights of children are being violated in Australia's own immediate region, with the Special Representative highlighting Aceh as one of the areas where children have particularly suffered in the past year; and
- (b) calls on the Australian Government to ensure that, during the 60th session of the Commission on Human Rights, consideration is given to utilising the special procedures mechanism as a means of addressing the continued violation of children's rights in conflict situations and, in particular, the recruitment and use of child soldiers. (*general business notice of motion no. 767*)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 3 March 2004, from 3.30 pm, to take evidence for the committee's inquiry into Corporations Amendment Regulations. (*general business notice of motion no. 768*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the report of the Economics Legislation Committee on the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003 be presented by 1 April 2004. (*general business notice of motion no. 769*)

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

- (a) notes that:
 - (i) 27 February 2004 was Saharawi National Day and the 28th anniversary of the proclamation of the Saharawi republic,
 - (ii) on 30 January 2004, the United Nations (UN) Security Council extended by 3 months the mandate of the UN mission for Western Sahara, giving Morocco more time to respond to the latest peace plan for Western Sahara,
 - (iii) it is now 13 years since the original peace plan was signed,
 - (iv) Morocco has now accepted a United Nations High Commissioner for Refugees-sponsored exchange of family visits for Saharawis separated by war, occupation and the 2 720 km long military rampart erected by Morocco, and
 - (v) a delegation of 11 Australians will join the international march to the 'Wall of Shame' in April 2004 and will visit the 175 000 Saharawis in refugee camps in Algeria; and
- (b) urges the Government to:
 - (i) congratulate Morocco for agreeing to the exchange of family visits, and

- (ii) use its best efforts to persuade Morocco to sign the latest UN peace plan that is based on the organisation of a referendum of self-determination in Western Sahara. (*general business notice of motion no. 770*)

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

- (a) notes the comments by the Prime Minister (Mr Howard), reported in the Juvenile Diabetes Research Foundation (JDRF) publication of 20 August 2003, that ‘the Government [has] identified diabetes as one of the national health priority areas’; and
- (b) calls on the Government to support the JDRF proposal to establish an islet transplant global centre of excellence and to provide research grants for islet transplantation. (*general business notice of motion no. 771*)

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the provisions of the Military Rehabilitation and Compensation Bill 2003 and a related bill be extended to 22 March 2004. (*general business notice of motion no. 772*)

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

- (a) notes that:
 - (i) the fundamentally flawed socio-economic status (SES) funding system has delivered an extra \$815 million in Commonwealth funding to non-government schools,
 - (ii) the Catholic school system has received an increase in public subsidy of approximately 30 per cent since 2001,
 - (iii) the announced inclusion of the Catholic school system in the SES funding system will deliver a further \$362 million in additional funding to this sector, and
 - (iv) the SES funding system is based on the erroneous assumption that private school enrolments reflect the average socio-economic status of the areas in which the students live; and
- (b) calls on the Government to:
 - (i) recognise the need to prioritise funding for public schools, which deliver high quality education to all students regardless of wealth, religion, educational or behavioural needs,
 - (ii) scrap the flawed SES funding system, which delivers inequitable funding outcomes to the non-government school sector, and
 - (iii) end Commonwealth subsidies to the wealthiest private schools, that is, those previously listed as category 1, 2 and 3 schools. (*general business notice of motion no. 773*)

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

- (a) notes that:
 - (i) the United Nations (UN) is still involved in a decolonisation process in the former Spanish colony of Western Sahara,
 - (ii) over 165 000 refugees from Western Sahara continue to live in harsh conditions in the southwest of Algeria, dependent on humanitarian assistance which has been dwindling recently,
 - (iii) the human rights situation in the occupied areas of Western Sahara is alarming,

- (iv) the UN Security Council passed Resolution 1495 (2003) on 31 July 2003, supporting the UN Secretary-General's latest peace plan for self-determination of the Saharawi people, and
 - (v) the mandate of the UN mission for the organisation of a referendum on self-determination in Western Sahara (MINURSO) expires on 30 April 2004; and
- (b) urges the Government to:
- (i) extend all due assistance to the UN in its efforts to organise a referendum of self-determination in Western Sahara,
 - (ii) provide humanitarian assistance to the Saharawi refugees, who need food and medicine urgently, and
 - (iii) make representations to the Kingdom of Morocco asking it to cooperate with the UN and to put an end to human rights abuses in occupied Western Sahara. (*general business notice of motion no. 774*)

Senator Cherry: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 30 June 2004:

- (1) The draft import risk assessment for Filipino banana imports, and the processes and research underpinning the assessment.
- (2) Whether the processes of Biosecurity Australia are sufficiently robust in maintaining a very low risk quarantine regime, with particular reference to recent import risk assessments and the Australian Government's overriding trade policy objectives.

Senator Murray: To move on 4 March 2004—That the Senate calls on the Government to appoint a member of the judiciary to review the findings of the Royal Commission of Inquiry into Leasing by the Commonwealth of Accommodation in Centenary House, conducted by the Honourable TR Morling, QC, in 1994, in the light of later evidence, particularly with regard to movements and trends in commercial rates and leasing arrangements since 1994. (*general business notice of motion no. 775*)

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

- (a) considers that, in light of the Government's revised approach to parliamentary superannuation arrangements, the Life Gold Pass retirement benefit should also be immediately reviewed;
- (b) acknowledges that its decision not to accept the Australian Democrats amendment to the Members of Parliament (Life Gold Pass) Bill 2002 to 'ensure that a member of Parliament, other than a Prime Minister, who first commences his or her term as a member of Parliament in the next Parliament will not be entitled to hold a Life Gold Pass', was not in line with accepted community standards; and
- (c) requests the Government to discontinue the Life Gold Pass retirement perk for retired politicians, with the exception of retired prime ministers. (*general business notice of motion no. 776*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Disability Discrimination Amendment Bill 2003 be extended to 7 April 2004. (*general business notice of motion no. 777*)

Senator Brown, also on behalf of Senator Nettle: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the appointment of a Royal Commission to investigate the accuracy, independence and use of intelligence information that contributed to the decision to invade Iraq in 2003, and for related purposes. ***Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004 [No. 2]***. (general business notice of motion no. 778)

10 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Allison for today, relating to the disallowance of the Fuel Quality Information Standard (Ethanol) Determination 2003, postponed till 2 March 2004.

Business of the Senate notice of motion no. 2 standing in the name of Senator Nettle for today, proposing the reference of a matter to the Finance and Public Administration References Committee, postponed till 4 March 2004.

General business notice of motion no. 466 standing in the name of Senator Lees for 3 March 2004, proposing the introduction of the Protection of Biodiversity on Private Land Bill 2003, postponed till 12 May 2004.

General business notice of motion no. 753 standing in the name of Senator Murray for today, proposing the reference of matters to the Joint Standing Committee on Electoral Matters, postponed till 4 March 2004.

11 LEAVE OF ABSENCE

Senator Ferris, by leave and at the request of Senator Murphy, moved—That leave of absence be granted to Senator Murphy for the period 1 March to 4 March 2004, on account of ill health.

Question put and passed.

Senator Mackay, by leave, moved—That leave of absence be granted to Senator Moore for the period 1 March to 11 March 2004, on account of ill health.

Question put and passed.

12 DEFENCE—NATIONAL SECURITY—MINISTERIAL STATEMENT—DOCUMENTS

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) tabled the following documents:

Defence—National security—

Australian Government national security measures since 11 September 2001.

National security: Overseas developments—Ministerial statement by the Attorney-General (Mr Ruddock), dated 19 February 2004.

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

Question put and passed.

13 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2003-04

The Deputy President (Senator Hogg) tabled the following documents received on 18 February 2004:

Employment, Workplace Relations and Education Legislation Committee—Additional information received by the committee (Budget estimates 2003-04—Vol 7; Budget estimates 2003-04 (Supplementary)—Vols 3, 4 and 5 and attachments to vols 2, 4 and 5).

14 ECONOMICS LEGISLATION COMMITTEE—REPORT—SUPERANNUATION SAFETY AMENDMENT BILL 2003

The Deputy President (Senator Hogg) tabled the following report and documents received on 19 February 2004:

Economics Legislation Committee—Provisions of the Superannuation Safety Amendment Bill 2003—Report, dated February 2004, *Hansard* record of proceedings and submissions [13].

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

15 GOVERNMENT DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Department of Finance and Administration—Report for 2002-03—Corrigenda. [Received 13 February 2004]

Private Health Insurance Administration Council—Report for 2002-03 on the operations of the registered health benefits organisations—Errata. [Received 26 February 2004]

16 AUDITOR-GENERAL—AUDIT REPORTS NOS 29, 30 AND 31 OF 2003-04—DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2003-04—

No. 29—Performance audit—Governance of the National Health and Medical Research Council: National Health and Medical Research Council; Department of Health and Ageing. [Received 20 February 2004]

No. 30—Performance audit—Quality Internet services for government clients—Monitoring and evaluation by government agencies. [Received 20 February 2004]

No. 31—Business support process audit—The Senate Order for departmental and agency contracts (Financial year 2002-03 compliance). [Received 26 February 2004]

17 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 20 June 2001, as amended, the Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Departmental and agency contracts for—

2003—Letters of advice—

Agriculture, Fisheries and Forestry portfolio. [Received 18 February 2004]

Communications, Information Technology and the Arts portfolio. [Received 26 February 2004]

Defence portfolio. [Received 18 February 2004]

Employment and Workplace Relations portfolio. [Received 26 February 2004]

Environment and Heritage portfolio. [Received 18 February 2004]

Family and Community Services portfolio. [Received 26 February 2004]

Finance and Administration portfolio. [Received 26 February 2004]
 Immigration and Multicultural and Indigenous Affairs portfolio. [Received 27 February 2004]
 Industry, Tourism and Resources portfolio. [Received 26 February 2004]
 Prime Minister and Cabinet portfolio. [Received 24 February 2004]
 2003-04—Letters of advice—Foreign Affairs and Trade portfolio. [Received 26 February 2004]

18 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 30 May 1996, as amended, the Deputy President (Senator Hogg) tabled the following document received on 18 February 2004:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2003—Statement of compliance—Agriculture, Fisheries and Forestry portfolio.

19 HEALTH—IMMUNISATION—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 8 October 2003, the Deputy President (Senator Hogg) tabled the following document received on 18 February 2004:

Health—Immunisation—*Australian Immunisation Handbook*, 8th edition, December 2002—Copy of public submissions received by the National Health and Medical Research Council.

20 SCIENCE AND TECHNOLOGY—GENETICALLY-ENGINEERED CROPS—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Science and technology—Genetically-engineered crops—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 4 December 2003, dated 18 February 2004.

21 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—AUDIT OF 2003 COMPLIANCE—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Departmental and agency contracts—Order for production of documents—Audit of 2003 compliance—Letter to the Clerk of the Senate from Australian National Audit Office relating to an audit of the tabling of details of departmental and agency contracts for the period 1 January to 31 December 2003, dated 23 February 2004.

22 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2003-04—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) tabled the following documents:

Estimates of proposed additional expenditure for 2003-04—Portfolio additional estimates statements—Portfolios and executive departments—

Foreign Affairs and Trade portfolio—Corrigendum.

Immigration and Multicultural and Indigenous Affairs portfolio—Corrigendum.

**23 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—REPORT—PLASTIC BAG LEVY (ASSESSMENT AND
COLLECTION) BILL 2002 [NO. 2] AND PLASTIC BAG (MINIMISATION OF USAGE)
EDUCATION FUND BILL 2002 [NO. 2]—DOCUMENT**

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following document:

Environment, Communications, Information Technology and the Arts Legislation Committee—Report—Plastic Bag Levy (Assessment and Collection) Bill 2002 [No. 2] and Plastic Bag (Minimisation of Usage) Education Fund Bill 2002 [No. 2]—Corrigendum.

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

**24 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES
2003-04**

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Budget estimates 2003-04 (Supplementary)—Supplement to vol. 1).

25 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposals Nos 1 and 2 of 2004.

Civil Aviation Act—Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105, dated 15, 21 [4], 22 and 27 January; and 4 [14], 5 [5] and 6 [4] February 2004.

106, dated 5 [2] February 2004.

107, dated 5 and 6 February 2004.

Statutory Rules 2004 No. 4.

Class Rulings CR 2004/15-CR 2004/18.

Corporations Act—Regulations—Statutory Rules 2004 Nos 10, 25 and 26.

Currency Act—Currency (Royal Australian Mint) Determination 2003 (No. 8).

Defence Act—Determinations under section 58B—Defence Determinations 2004/4-2004/7.

Designs Act—Regulations—Statutory Rules 2004 No. 22.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificate under regulation 5A, dated 22 January 2004.

Disability Discrimination Act—Disability Standards for Accessible Public Transport Amendment 2004 (No. 1).

Environment Protection and Biodiversity Conservation Act—Instrument amending list of exempt native specimens under section 303DB, dated 31 October 2003.

Excise Act—Regulations—Statutory Rules 2004 No. 27.

Extradition Act—Regulations—Statutory Rules 2004 No. 14.

Family Law Act—Rules of Court—Statutory Rules 2004 No. 5.

- Financial Sector (Collection of Data) Act—Variation of reporting standard SRS 010.
- Fisheries Levy Act—Regulations—Statutory Rules 2004 No. 7.
- Fisheries Management Act—Australian Fisheries Management Authority Temporary Order No. 4 of 2003.
- Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2004 No. 28.
- Goods and Services Tax Ruling—
GSTR 2002/2 (Addendum).
GSTR 2004/1.
- Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2004 No. 15.
- Health Insurance Act—
Health Insurance (Approval of Billing Agents) Guidelines (No. 1) 2004.
Health Insurance (Billing Agents – Conditions of Approval) Determination (No. 1) 2004.
- Lands Acquisition Act—Regulations—Statutory Rules 2004 No. 20.
- Medical Indemnity Act—Regulations—Statutory Rules 2004 No. 8.
- Medical Indemnity (IBNR Indemnity) Contribution Act—Regulations—Statutory Rules 2004 No. 9.
- Migration Act—
Instrument of Approval of—
Fall-back Reporting System (International Passenger Aircraft - Crew), dated 19 December 2003.
Fall-back Reporting System (International Passenger Aircraft - Passengers), dated 19 December 2003.
Fall-back Reporting System (International Passenger Cruise Ship - Passengers and Crew), dated 19 December 2003.
Primary Reporting System (International Passenger Aircraft - Crew), dated 19 December 2003.
Primary Reporting System (International Passenger Aircraft - Passengers), dated 19 December 2003.
Primary Reporting System (International Passenger Cruise Ship - Crew), dated 19 December 2003.
Primary Reporting System (International Passenger Cruise Ship - Passengers), dated 19 December 2003.
Regulations—Statutory Rules 2004 No. 21.
- National Health Act—Determination under Schedule 1—PHB 1/2004.
- Occupational Health and Safety (Commonwealth Employment) Act—Notice of Declaration—Notice No. 1 of 2003.
- Ozone Protection and Synthetic Greenhouse Gas Management Act—Regulations—Statutory Rules 2004 No. 16.
- Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Act—Regulations—Statutory Rules 2004 No. 17.
- Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Act—Regulations—Statutory Rules 2004 No. 18.
- Patents Act—Regulations—Statutory Rules 2004 No. 23.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2004 No. 1.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2004 No. 2.

Product Ruling—

Addendums—PR 2003/27, PR 2003/31 and PR 2003/44.

PR 2004/14-PR 2004/20.

Retirement Savings Accounts Act—Regulations—Statutory Rules 2004 No. 11.

Safety, Rehabilitation and Compensation Act—Notice of Declaration—Notice No. 23 of 2003.

Social Security Act—Social Security (Class of Visas—Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2004.

Social Security (International Agreements) Act—Regulations—Statutory Rules 2004 No. 19.

Superannuation (Government Co-contribution for Low Income Earners) Act—Regulations—Statutory Rules 2004 No. 13.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2004 No. 12.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 11/03 (Addendum) and 2/04 [5].

Taxation Determination TD 2004/2.

Taxation Ruling TR 2002/D13 (Draft).

Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications (Customer Service Guarantee) Amendment Standard 2004 (No. 1).

Telecommunications (Numbering Charges) Act—Telecommunications (Date of Imposition of Charge) Determination 2004.

Trade Marks Act—Regulations—Statutory Rules 2004 No. 24.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 1-4 of 2004.

Workplace Relations Act—

Regulations—Statutory Rules 2004 No. 3.

Rules—Statutory Rules 2004 No. 6.

26 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:

Albury-Wodonga Development Amendment Act 2000—Part 2 of Schedule 1—1 March 2004 (*Gazette* No. GN 8, 25 February 2004).

Telecommunications Interception and Other Legislation Amendment Act 2003—Schedule 1—6 February 2004 (*Gazette* No. S 27, 6 February 2004).

Trade Practices Legislation Amendment Act 2003—Schedules 1 and 2—1 March 2004 (*Gazette* No. GN 8, 25 February 2004).

**27 FREE TRADE AGREEMENT—AUSTRALIA AND THE UNITED STATES OF AMERICA—
SELECT COMMITTEE—APPOINTMENT OF MEMBER**

The Deputy President (Senator Hogg) informed the Senate that the President had received letters from minor party senators nominating to be members of the Select Committee on the Free Trade Agreement between Australia and the United States of America.

The Deputy President indicated that there were two nominations, Senators Harris and Nettle, for one position on the committee, and announced that it would be necessary to proceed to a ballot.

The Senate proceeded to a ballot.

The President reported the result as follows:

Senator Harris: 40 votes.

Senator Nettle: 29 votes.

The President declared that Senator Harris had been chosen to serve as a member of the committee.

28 COMMITTEES—CHANGES IN MEMBERSHIP

The President informed the Senate that he had received a letter requesting changes in the membership of various committees.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics References Committee—

Discharged—Senator Buckland

Appointed—

Senator Wong

Participating member: Senator Buckland

Finance and Public Administration References Committee—

Discharged—Senator Wong

Appointed—

Senator Ludwig

Participating member: Senator Wong

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senator Marshall

Discharged—Senator O'Brien

Legal and Constitutional References Committee—

Discharged—Senator Ludwig

Appointed—

Senator Buckland

Participating member: Senator Ludwig.

Question put and passed.

- 29 **CORPORATIONS (FEES) AMENDMENT BILL (NO. 2) 2003**
CORPORATE LAW ECONOMIC REFORM PROGRAM (AUDIT REFORM AND
CORPORATE DISCLOSURE) BILL 2003
AGRICULTURAL AND VETERINARY CHEMICALS (ADMINISTRATION) AMENDMENT
BILL 2004
INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT
(ROTTERDAM CONVENTION) BILL 2004
MILITARY REHABILITATION AND COMPENSATION BILL 2003
MILITARY REHABILITATION AND COMPENSATION (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 2003
WORKPLACE RELATIONS AMENDMENT (BETTER BARGAINING) BILL 2003
WORKPLACE RELATIONS AMENDMENT (SIMPLIFYING AGREEMENT-MAKING) BILL
2004
WORKPLACE RELATIONS AMENDMENT (CHOICE IN AWARD COVERAGE) BILL 2004
INDUSTRY RESEARCH AND DEVELOPMENT AMENDMENT BILL 2003
POSTAL SERVICES LEGISLATION AMENDMENT BILL 2003
A NEW TAX SYSTEM (COMMONWEALTH-STATE FINANCIAL ARRANGEMENTS)
AMENDMENT BILL 2003

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

Message no. 497, dated 16 February 2004—A Bill for an Act to amend the *Corporations (Fees) Act 2001*, and for related purposes.

Message no. 498, dated 16 February 2004—A Bill for an Act to amend the *Corporations Act 2001* and the *Australian Securities and Investments Commission Act 2001*, and for related purposes.

Message no. 502, dated 18 February 2004—A Bill for an Act to amend the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, and for related purposes.

Message no. 503, dated 18 February 2004—A Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for related purposes.

Message no. 504, dated 18 February 2004—A Bill for an Act to provide rehabilitation, compensation and other entitlements for veterans, members and former members of the Defence Force, and for other purposes.

Message no. 505, dated 18 February 2004—A Bill for an Act to amend laws, and to deal with transitional matters, in connection with the *Military Rehabilitation and Compensation Act 2003*, and for other purposes.

Message no. 499, dated 17 February 2004—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Message no. 500, dated 18 February 2004—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Message no. 501, dated 18 February 2004—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Message no. 506, dated 18 February 2004—A Bill for an Act to amend the *Industry Research and Development Act 1986*, and for related purposes.

Message no. 507, dated 18 February 2004—A Bill for an Act to amend legislation relating to postal services, and for related purposes.

Message no. 508, dated 19 February 2004—A Bill for an Act to amend the *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, and for related purposes.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

Explanatory memoranda: Senator Ian Campbell tabled revised explanatory memoranda [2] relating to the Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004 and the Workplace Relations Amendment (Choice in Award Coverage) Bill 2004.

Pursuant to standing order 111, further consideration of the Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004 and the Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Bill 2004 was adjourned till the first day in the next period of sittings.

On the motion of Senator Mackay the debate on the remaining bills was adjourned till the next day of sitting.

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

- (a) Corporations (Fees) Amendment Bill (No. 2) 2003 and Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003;
- (b) Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004 and Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Bill 2004;
- (c) Military Rehabilitation and Compensation Bill 2003 and Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Bill 2003;
- (d) Workplace Relations Amendment (Better Bargaining) Bill 2003;
- (e) Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004;
- (f) Workplace Relations Amendment (Choice in Award Coverage) Bill 2004;
- (g) Industry Research and Development Amendment Bill 2003;
- (h) Postal Services Legislation Amendment Bill 2003; and
- (i) A New Tax System (Commonwealth-State Financial Arrangements) Amendment Bill 2003.

Question put and passed.

30 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported acquainting the Senate with a change in the membership of the Joint Standing Committee on the National Capital and External Territories, as follows:

Message no. 509, dated 1 March 2004—Dr Washer in place of Mr Johnson.

31 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—INTERIM REPORT—STATE ELECTIONS (ONE VOTE, ONE VALUE) BILL 2001 [2002]

Pursuant to order, Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), tabled the following report:

Legal and Constitutional References Committee—State Elections (One Vote, One Value) Bill 2001 [2002]—Interim report, dated March 2004.

Extension of time to report: Senator Mackay, by leave, moved—That the time for the presentation of the final report of the committee on the State Elections (One Vote, One Value) Bill 2001 [2002] be extended to 3 March 2004.

Question put and passed.

32 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REPORT—INTELLIGENCE ON IRAQ'S WEAPONS OF MASS DESTRUCTION

Pursuant to order, Senator Sandy Macdonald, on behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, tabled the following report:

ASIO, ASIS and DSD—Joint Statutory Committee—Intelligence on Iraq's weapons of mass destruction—Report, dated December 2003.

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

Leave was granted for the debate to continue for 1 hour.

Debate ensued.

Question put and passed.

33 ECONOMICS REFERENCES COMMITTEE—REPORT—THE EFFECTIVENESS OF THE TRADE PRACTICES ACT 1974 IN PROTECTING SMALL BUSINESS

Pursuant to order, the Chair of the Economics References Committee (Senator Stephens) tabled the following report and documents:

Economics References Committee—The effectiveness of the *Trade Practices Act 1974* in protecting small business—Report, dated March 2004, *Hansard* record of proceedings, documents presented to the committee and submissions [55].

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

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

Debate ensued.

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

34 HEALTH LEGISLATION AMENDMENT (MEDICARE) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone)—That this bill be now read a second time—and on the amendment moved by Senator Nettle (see entry no. 3).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Abetz	Denman	Kirk	Ray
Barnett	Ellison	Knowles	Santoro
Boswell	Evans	Ludwig	Sherry
Brandis	Faulkner	Lundy	Stephens
Buckland	Ferguson	Macdonald, Sandy	Tchen
Campbell, George	Forshaw	Mason	Tierney
Campbell, Ian	Harris	McGauran (Teller)	Watson
Carr	Heffernan	McLucas	Webber
Collins	Hill	O'Brien	Wong
Cook	Hogg	Patterson	
Crossin	Hutchins	Payne	

Question negatived.

Main question put.

The Senate divided—

AYES, 36

Senators—

Abetz	Colbeck	Kemp	Scullion
Allison	Coonan	Knowles	Stott Despoja
Barnett	Eggleston	Lees	Tchen
Bartlett	Ellison	Lightfoot	Tierney
Boswell	Ferguson	Macdonald, Sandy	Vanstone
Brandis	Ferris (Teller)	Mason	Watson
Calvert	Greig	Murray	
Campbell, Ian	Harris	Patterson	
Chapman	Heffernan	Payne	
Cherry	Johnston	Santoro	

NOES, 23

Senators—

Brown	Cook	Hogg	Nettle
Buckland	Crossin (Teller)	Hutchins	O'Brien
Campbell, George	Denman	Ludwig	Ray
Carr	Evans	Lundy	Sherry
Collins	Faulkner	Marshall	Wong
Conroy	Forshaw	McLucas	

Question agreed to.

Bill read a second time.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

35 WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

Order of the day read for the consideration of message no. 368 from the House of Representatives in committee of the whole (*see entry no. 30, 20 August 2003*).

In the committee

The Special Minister of State (Senator Abetz) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Senator Murray moved the following amendment:

At the end of the motion, add “but agrees to the following amendments in place of those amendments:

Schedule 1, item 2, page 3 (lines 10 to 23), omit the item, substitute:

2 After paragraph 45(3)(aa)

Insert:

- (ab) in the case of an appeal under paragraph (1)(b) against an order that was made under subsection 170MBA(2)—by the organisation or person who applied for the order or any organisation or person who made submissions to the Commission on whether the order should be made;
- (ac) in the case of an appeal under paragraph (1)(c) against a decision not to make an order under subsection 170MBA(2)—by the organisation or person who applied for the order;

Schedule 1, item 10, page 5 (after line 12), after subsection (2), insert:

- (2A) The Commission shall not make an order under subsection (2) unless:
 - (a) the parties to the certified agreement and the incoming employer agree to the proposed order; or
 - (b) the Commission is satisfied that the majority of employees who are covered by the certified agreement and who would be affected by the proposed order agree to the proposed order; or
 - (c) the Commission is satisfied that either:
 - (i) the proposed order does not disadvantage employees in relation to their terms and conditions of employment; or
 - (ii) the proposed order is part of a reasonable strategy to deal with a short-term crisis in, and to assist in the revival of, the transmitted business.

In this subsection, a proposed order disadvantages an employee or employees in relation to their terms and conditions of employment, if, on balance, its approval would result in a reduction in the overall terms and conditions of employment of that employee or those employees.

- (2B) In making an order the Commission must take into account:
 - (a) the proposed new terms and conditions that the employee would be subject to and the effect of any loss of conditions; and
 - (b) the length of time remaining on the certified agreement.

Schedule 1, item 10, page 5 (after line 22), after subsection (5), insert:

- (5A) In determining an application made by an outgoing employer under subsection (5), the Commission must take into account the terms and conditions of employment that apply, or will apply, to employees of the incoming employer.”.

Debate ensued.

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

Main question, as amended, put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Ferguson) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 368 from the House of Representatives relating to the Workplace Relations Amendment (Transmission of Business) Bill 2002 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed, and had made amendments in place of those amendments.

On the motion of Senator Abetz the report from the committee was adopted.

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

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

In the committee

Consideration resumed of the bill, as amended.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 156 to 158, 168 and 171 to 178.

Schedule 1, items 156 to 158, 168 and 171 to 178 debated.

Question—That Schedule 1, items 156 to 158, 168 and 171 to 178 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted and the bill read a third time.

37 WORKPLACE RELATIONS AMENDMENT (IMPROVED REMEDIES FOR UNPROTECTED ACTION) BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 9.50 pm: Debate was interrupted.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.28 pm till Tuesday, 2 March 2004 at 12.30 pm.

39 ATTENDANCE

Present, all senators except Senators Bishop, Moore*, Murphy* and Ridgeway (* on leave).

HARRY EVANS
Clerk of the Senate