

2002-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 130

WEDNESDAY, 3 MARCH 2004

Contents

1	Meeting of Senate	3059
2	Government Documents	3059
3	Administration—Christmas Island—Space Program—Answer to Question—Statement by Leave	3059
4	Consideration of Legislation.....	3059
5	Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003..	3059
6	Norfolk Island Amendment Bill 2003 [2004]	3060
7	Aviation Transport Security Bill 2003 Aviation Transport Security (Consequential Amendments and Transitional Provisions) Bill 2003.....	3061
8	Criminal Code Amendment (Terrorist Organisations) Bill 2003	3062
9	Matters of Public Interest.....	3065
10	Questions.....	3065
11	Superannuation—Retirement Income Measures—Answers to Questions.....	3065
12	Trade—Free Trade Agreement—Answer to Question	3065
13	Notices.....	3065
14	Selection of Bills—Standing Committee—Report No. 2 of 2004	3067
15	Postponements.....	3069
16	Notice of Motion Withdrawn.....	3069
17	Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004 [No. 2]	3069
18	Euthanasia Laws (Repeal) Bill 2004	3069
19	Health—Midwife Services	3070
20	Environment, Communications, Information Technology and the Arts Legislation Committee—Extension of Time to Report	3070
21	Community Affairs Legislation Committee—Leave to Meet During Sitting....	3070
22	Culture and the Arts—Australian Film Industry.....	3070
23	Discussion of Matter of Public Importance—Superannuation—Retirement Income Measures	3071
24	Scrutiny of Bills—Standing Committee—2nd Report and Alert Digest No. 2 of 2004.....	3071

25	Auditor-General—Audit Report No. 33 of 2003-04—Document.....	3071
26	Documents.....	3071
27	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents.....	3072
28	Departmental and Agency Contracts—Order for Production of Documents—Documents.....	3072
29	Rural and Regional Affairs and Transport Legislation Committee—Change in Membership.....	3072
30	Workplace Relations Amendment (Transmission of Business) Bill 2002.....	3072
31	Medical Indemnity Amendment Bill 2004 Medical Indemnity (IBNR Indemnity) Contribution Amendment Bill 2004 Customs Tariff Amendment (Paraquat Dichloride) Bill 2004.....	3072
32	Legal and Constitutional References Committee—Report—State Elections (One Vote, One Value) Bill 2001 [2002].....	3073
33	Criminal Code Amendment (Terrorist Organisations) Bill 2003.....	3073
34	Government Documents—Consideration.....	3074
35	Adjournment.....	3074
36	Attendance.....	3074

1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 **GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Commonwealth Grants Commission—Report—State revenue sharing relativities—2004 review.

Human Rights and Equal Opportunity Commission—Report—No. 27—Inquiry into a complaint by Ms KJ concerning events at Woomera Immigration Reception and Processing Centre between 29-30 March 2002.

3 **ADMINISTRATION—CHRISTMAS ISLAND—SPACE PROGRAM—ANSWER TO QUESTION—STATEMENT BY LEAVE**

The Minister for Finance and Administration (Senator Minchin), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Carr on 2 March 2004 relating to the administration of the space program on Christmas Island.

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

4 **CONSIDERATION OF LEGISLATION**

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

Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004

Extension of Sunset of Parliamentary Joint Committee on Native Title Bill 2004

Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Bill 2004.

Question put and passed.

5 **WORKPLACE RELATIONS AMENDMENT (CODIFYING CONTEMPT OFFENCES) BILL 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—and of the amendments moved by Senator Murray:

Schedule 2, page 6 (after line 20), after item 4, insert:

4A Section 178

Omit “\$5,000” wherever occurring, substitute “\$16,500”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4B Section 178

Omit “\$1,000” wherever occurring, substitute “\$3,300”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4C Section 178

Omit “\$10,000” wherever occurring, substitute “\$33,000”.

Schedule 2, page 6 (after line 20), after item 4, insert:

4D Section 178

Omit “\$2,000” wherever occurring, substitute “\$6,600”.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted.

Senator Abetz moved—That this bill be now read a third time.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 36

Senators—

Allison	Cook	Hutchins	Nettle
Bartlett	Crossin (Teller)	Kirk	O’Brien
Bishop	Denman	Lees	Ray
Bolkus	Evans	Ludwig	Ridgeway
Brown	Faulkner	Lundy	Sherry
Buckland	Forshaw	Mackay	Stephens
Campbell, George	Greig	Marshall	Stott Despoja
Cherry	Harradine	McLucas	Webber
Collins	Hogg	Murray	Wong

Question negatived.

6 NORFOLK ISLAND AMENDMENT 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.

Senator O'Brien moved the following amendment:

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

- (a) notes that the Government has failed to adopt the 2002 and 2003 recommendations of the Joint Standing Committee on the National Capital and External Territories to amend the *Commonwealth Electoral Act 1918* to ensure that all elections and referenda on Norfolk Island are supervised by the Australian Electoral Commission; and
- (b) calls on the Government to so amend the *Commonwealth Electoral Act 1918* to enhance and protect the integrity of electoral processes on Norfolk Island".

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) the bill was read a third time.

**7 AVIATION TRANSPORT SECURITY BILL 2003
AVIATION TRANSPORT SECURITY (CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS) 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 these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

AVIATION TRANSPORT SECURITY BILL 2003—

Bill taken as a whole by leave.

Senator Allison moved the following amendments together by leave:

Clause 73, page 62 (line 21), omit subclause (3).

Clause 74, page 63 (line 1), after subclause (1), insert:

- (1A) To avoid any doubt, subsection (1) does not apply to confidential communications with a Legal practitioner engaged to defend the person in proceedings under this Division.

Debate ensued.

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

Bill agreed to.

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

Bill, taken as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) the report from the committee was adopted and the bills read a third time.

8 CRIMINAL CODE AMENDMENT (TERRORIST ORGANISATIONS) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That this bill be now read a second time.

Question put.

The Senate divided—

AYES, 45

Senators—

Barnett	Ellison	Lightfoot	Ray
Bishop	Evans	Ludwig	Santoro
Campbell, George	Faulkner	Lundy	Scullion
Campbell, Ian	Ferguson	Macdonald, Sandy	Sherry
Carr	Forshaw	Mackay	Tchen
Chapman	Harradine	Marshall	Tierney
Colbeck	Hogg	McGauran (Teller)	Watson
Collins	Humphries	McLucas	Webber
Cook	Hutchins	Minchin	Wong
Coonan	Johnston	O'Brien	
Denman	Kirk	Patterson	
Eggleston	Knowles	Payne	

NOES, 10

Senators—

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

Question agreed to.

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.

Explanatory memorandum: The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Ellison moved the following amendments together by leave:

Schedule 1, item 1, page 3 (after line 13), after subsection (2), insert:

- (2A) Before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of ***terrorist organisation*** in this section, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation.

Schedule 1, page 4 (after line 3), at the end of the Schedule, add:

3 The Schedule (at the end of section 102.1 of the *Criminal Code*)

Add:

- (17) If:
- (a) an organisation (the ***listed organisation***) is specified in regulations made for the purposes of paragraph (b), (c), (d) or (e) of the definition of ***terrorist organisation*** in this section; and
 - (b) an individual or an organisation (which may be the listed organisation) makes an application (the ***de-listing application***) to the Minister for a declaration under subsection (4), (9), (10A) or (10C), as the case requires, in relation to the listed organisation; and
 - (c) the de-listing application is made on the grounds that there is no basis for the Minister to be satisfied that the listed organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur);
- the Minister must consider the de-listing application.
- (18) Subsection (17) does not limit the matters that may be considered by the Minister for the purposes of subsections (4), (9), (10A) and (10C).

4 The Schedule (after section 102.1 of the *Criminal Code*)

Insert:

102.1A Reviews by Parliamentary Joint Committee on ASIO, ASIS and DSD

Review of listing regulation

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of ***terrorist organisation*** in section 102.1, the Parliamentary Joint Committee on ASIO, ASIS and DSD may:
- (a) review the regulation as soon as possible after the making of the regulation; and
 - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

Review of listing provisions

- (2) The Parliamentary Joint Committee on ASIO, ASIS and DSD has the following functions:
- (a) to review, as soon as possible after the third anniversary of the commencement of this section, the operation, effectiveness and implications of subsections 102.1(2), (2A), (4), (5), (6), (17) and (18) as in force after the commencement of this section;
 - (b) to report the Committee's comments and recommendations to each House of the Parliament and to the Minister.

Review of listing regulation—extension of applicable disallowance period

- (3) If the Committee's report on a review of a regulation is tabled in a House of the Parliament:
- (a) during the applicable disallowance period for that House; and
 - (b) on or after the eighth sitting day of the applicable disallowance period;
- then whichever of the following provisions is applicable:
- (c) subsections 48(4), (5) and (5A) and section 48B of the *Acts Interpretation Act 1901*;
 - (d) Part 5 of the *Legislative Instruments Act 2003*;
- have or has effect, in relation to that regulation and that House, as if each period of 15 sitting days referred to in those provisions were extended in accordance with the table:

Extension of applicable disallowance period		
Item	If the Committee's report is tabled in that House...	extend the period of 15 sitting days by...
1	on the fifteenth sitting day of the applicable disallowance period	8 sitting days of that House
2	on the fourteenth sitting day of the applicable disallowance period	7 sitting days of that House
3	on the thirteenth sitting day of the applicable disallowance period	6 sitting days of that House
4	on the twelfth sitting day of the applicable disallowance period	5 sitting days of that House
5	on the eleventh sitting day of the applicable disallowance period	4 sitting days of that House
6	on the tenth sitting day of the applicable disallowance period	3 sitting days of that House
7	on the ninth sitting day of the applicable disallowance period	2 sitting days of that House
8	on the eighth sitting day of the applicable disallowance period	1 sitting day of that House

Applicable disallowance period

- (4) For the purposes of the application of this section to a regulation, the **applicable disallowance period** for a House of the Parliament means the period of 15 sitting days of that House after the regulation, or a copy of the regulation, was laid before that House in accordance with whichever of the following provisions was applicable:
- (a) paragraph 48(1)(c) of the *Acts Interpretation Act 1901*;
 - (b) section 38 of the *Legislative Instruments Act 2003*.

Debate ensued.

At 12.45 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported progress.

9 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

10 QUESTIONS

Questions without notice were answered.

11 SUPERANNUATION—RETIREMENT INCOME MEASURES—ANSWERS TO QUESTIONS

Senator Sherry moved—That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked by Senators Sherry, Kirk and Mackay today relating to superannuation and retirement income measures.

Debate ensued.

Question put and passed.

12 TRADE—FREE TRADE AGREEMENT—ANSWER TO QUESTION

Senator Ridgeway 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 Ridgeway today relating to the free trade agreement between Australia and the United States of America.

Question put and passed.

13 NOTICES

The Leader of the Opposition in the Senate (Senator Faulkner) and the Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—

- (1) That the resolution of appointment of the Joint Standing Committee on Electoral Matters be varied by omitting in paragraph (2) “1 Senator to be nominated by the Leader of the Opposition in the Senate and 2 Senators to be nominated by any minority group” and substituting “2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group”.

- (2) A message be forwarded to the House of Representatives seeking the concurrence of the House in this variation to the resolution of appointment. (*general business notice of motion no. 784*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 March 2004, from 11.30 am to 2 pm, to take evidence for the committee's inquiry into competition in broadband services. (*general business notice of motion no. 785*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Legislation Committee be extended as follows:

- (a) administration of the Civil Aviation Safety Authority—to 5 August 2004; and
- (b) administration of AusSAR in relation to the search for the *Margaret J*—to 27 May 2004. (*general business notice of motion no. 786*)

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

- (a) condemns the Liberal Government for the underlying thrust of its recently-announced retirement incomes measures, that Australians should forget full-time retirement and work longer and longer – in reality, work until they drop;
- (b) while acknowledging that the Government's announced policies may be of value to some retirees, considers that they must be implemented with a guarantee that:
 - (i) current access ages for superannuation, 55 for those born before 1 July 1960, phasing up to a retirement age of 60 for those born after 30 June 1964,
 - (ii) current eligibility ages for the age pension of 62 and 65 years, and
 - (iii) indexation of the age pension to Male Total Average Weekly Earnings, will be maintained;
- (c) notes that:
 - (i) Australia does not face a retirement incomes 'crisis' resulting from the ageing of the population, because of the efficiency and effectiveness of the combined operation of the age pension and the 9 per cent superannuation guarantee contribution, and
 - (ii) there is active discrimination occurring in the workforce against those aged 40 and over who are seeking meaningful full-time employment and for whom retirement is the only option; and
- (d) is of the opinion that:
 - (i) all Australians are entitled to retire at a time of their choosing to enjoy rest, recreation, community activity and family, at their leisure, and
 - (ii) for many Australians, it is impractical to expect them to work beyond the current retirement ages because they will not be able to find either full- or part-time work, or the nature of their employment involves a mandatory retirement age or is of such a physically and mentally stressful nature that employment beyond the current retirement age is not possible. (*general business notice of motion no. 787*)

Senators Allison and Nettle: 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,
 - (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, and
 - (iii) provide humanitarian assistance to the Saharawi refugees who need food and medicine urgently. (*general business notice of motion no. 788*)

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2004

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

SELECTION OF BILLS COMMITTEE REPORT NO. 2 OF 2004

1. The committee met on Tuesday, 2 March 2004.
2. The committee resolved to recommend—That—
 - (a) the Taxation Laws (Clearing and Settlement Facility Support) Bill 2003 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report on 29 March 2004;
 - (b) the ***provisions*** of the Textile, Clothing and Footwear Strategic Investment Program Amendment Bill 2004 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report on a date to be determined after consulting the committee;
 - (c) the ***provisions*** of the Workplace Relations Amendment (Award Simplification) Bill 2002 and the Workplace Relations Amendment (Better Bargaining) Bill 2003, the Workplace Relations Amendment (Choice in Award Coverage) Bill 2004 and the Workplace Relations Amendment (Simplifying Agreement-making) Bill 2004 be ***referred immediately*** to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report on 17 June 2004;
 - (d) the ***provisions*** of the Telecommunications (Interception) Amendment Bill 2004 be ***referred immediately*** to the Legal and Constitutional Legislation Committee for inquiry and report on 30 March 2004; and

(e) the following bills **not** be referred to committees:

A New Tax System (Commonwealth-State Financial Arrangements) Amendment Bill 2003
 Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004
 Industrial Chemicals (Notification and Assessment) Amendment (Rotterdam Convention) Bill 2004
 Australian Crime Commission Amendment Bill 2003 [2004]
 Australian Sports Drug Agency Amendment Bill 2004
 Customs Tariff Amendment (Paraquat Dichloride) Bill 2004
 Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2004
 Great Barrier Reef Marine Park Amendment Bill 2004
 House of Representatives (Northern Territory Representation) Bill 2004
 International Transfer of Prisoners Amendment Bill 2004
 Medical Indemnity Amendment Bill 2004
 Medical Indemnity (IBNR Indemnity) Contribution Amendment Bill 2004
 Migration Amendment (Duration of Detention) Bill 2004
 Norfolk Island Amendment Bill 2003 [2004]
 Taxation Laws Amendment Bill (No. 9) 2003.

The committee recommends accordingly.

3. The committee ***deferred*** consideration of the following bills to the next meeting:

Bill deferred from meeting of 12 August 2003

Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003.

Bill deferred from meeting of 28 October 2003

Intelligence Services Amendment Bill 2003.

Bills deferred from meeting of 10 February 2004

Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003

Corporations (Fees) Amendment Bill (No. 2) 2003

New International Tax Arrangements Bill 2003

Racial and Religious Hatred Bill 2003 [No. 2].

Bills deferred from meeting of 2 March 2004

Extension of Sunset of Parliamentary Joint Committee on Native Title Bill 2004

Tax Laws Amendment (2004 Measures No. 1) Bill 2004

Trade Practices Amendment (Personal Injuries and Death) Bill (No. 2) 2004.

Jeannie Ferris

Chair

3 March 2004.

Senator Ferris moved—That the report be adopted.

Question put and passed.

15 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 773 standing in the name of Senator Nettle for today, relating to the socio-economic status funding system, postponed till 4 March 2004.

16 NOTICE OF MOTION WITHDRAWN

Senator Allison, at the request of Senator Cherry, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Cherry for today, relating to the reference of matters to the Rural and Regional Affairs and Transport Legislation Committee.

17 INVASION OF IRAQ ROYAL COMMISSION (RESTORING PUBLIC TRUST IN GOVERNMENT) BILL 2004 [NO. 2]

Senator Brown, also on behalf of Senate Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 778—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.

Question put and passed.

Senator Brown presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Brown moved—That this bill be now read a second time.

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

18 EUTHANASIA LAWS (REPEAL) BILL 2004

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 782—That the following bill be introduced:

A Bill for an Act to repeal the *Euthanasia Laws Act 1997*, and for related purposes.

Question put and passed.

Senator Allison presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Allison moved—That this bill be now read a second time.

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

19 HEALTH—MIDWIFE SERVICES

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 781—That the Senate—

(a) notes:

- (i) the proposal currently before the New South Wales (NSW) State Government to provide publicly-funded midwife services for home birthing for healthy women without medical complications, and
- (ii) that home deliveries are the norm for about 10 per cent of births in New Zealand where interventions in births are significantly lower than they are in Australia; and

(b) encourages the NSW Government, and other state and territory governments, to foster and fund midwife services for home births.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 779—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the Kyoto Protocol Ratification Bill 2003 [No. 2] be extended to 25 March 2004.

Question put and passed.

21 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 780—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 4 March 2004, from 4 pm, to take evidence for the committee's inquiry into the Truth in Food Labelling Bill 2003.

Question put and passed.

22 CULTURE AND THE ARTS—AUSTRALIAN FILM INDUSTRY

Senator Lundy, also on behalf of the Minister for the Arts and Sport (Senator Kemp), amended general business notice of motion no. 783 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) congratulates Russell Boyd and Adam Elliot for winning their first Oscars at the 76th Annual Academy Awards;
- (b) notes that Russell Boyd won the cinematography award for his work on *Master and Commander: The Far Side of the World*;
- (c) notes that Adam Elliot won an Academy Award for best animated short film entitled *Harvie Krumpet*;

- (d) congratulates all those associated with the development and production of these films and their outstanding contribution to the development of great Australian cinema;
- (e) congratulates all other talented Australians nominated for the 2004 Academy Awards – Naomi Watts, Peter Weir, Wendy Stites, Lee Smith, John Seale and Nathan McGuinness; and
- (f) notes the contribution of government film agencies, including the Australian Film Commission, to the development of Australian talent and Australian cinema.

Question put and passed.

**23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SUPERANNUATION—
RETIREMENT INCOME MEASURES**

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

The Government's policy that Australians should work longer and longer – work until they drop.

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

**24 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST
NO. 2 OF 2004**

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

Scrutiny of Bills—Standing Committee—
2nd report of 2004, dated 3 March 2004.
Alert Digest No. 2 of 2004, dated 3 March 2004.

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

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

Question put and passed.

25 AUDITOR-GENERAL—AUDIT REPORT NO. 33 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report no. 33 of 2003-04—Performance audit—The Australian Taxation Office's collection and management of activity statement information: Australian Taxation Office.

26 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2004.

Defence Act—Determination under section 52—Determination No. 1 of 2004.

Higher Education Support Act—Commonwealth Scholarships Guidelines, dated 24 February 2004.

Lands Acquisition Act—Declaration under section 41, dated 28 January 2004.

Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination No. 1 of 2004.

National Health Act—Declaration No. PB 4 of 2004.

Parliamentary Service Act—Determination under section 24, dated 29 January 2004.

Social Security Act—Social Security (Threshold Rates) Determination 2004 (No. 1).

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

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2003—Statements of compliance—

Attorney-General's portfolio.

Industry, Tourism and Resources portfolio.

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

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2003—Letters of advice—

Attorney-General's portfolio.

Health and Ageing portfolio.

29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Minister for Family and Community Services (Senator Patterson), by leave, moved—That Senator McLucas replace Senator Buckland on the Rural and Regional Affairs and Transport Legislation Committee for the committee's inquiry into the administration of Biosecurity Australia and the revised draft import risk analysis for bananas.

Question put and passed.

30 WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

A message from the House of Representatives was reported as follows:

Message no. 510, dated 2 March 2004—Workplace Relations Amendment (Transmission of Business) Bill 2002, agreeing to the amendments made by the Senate in place of the amendments to which the House had disagreed.

**31 MEDICAL INDEMNITY AMENDMENT BILL 2004
MEDICAL INDEMNITY (IBNR INDEMNITY) CONTRIBUTION AMENDMENT BILL 2004
CUSTOMS TARIFF AMENDMENT (PARAQUAT DICHLORIDE) BILL 2004**

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

Message no. 511, dated 2 March 2004—A Bill for an Act to amend the *Medical Indemnity Act 2002*, and for related purposes.

Message no. 512, dated 2 March 2004—A Bill for an Act to amend the *Medical Indemnity (IBNR Indemnity) Contribution Act 2002*, and for related purposes.

Message no. 513, dated 2 March 2004—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Patterson moved that the Customs Tariff Amendment (Paraquat Dichloride) Bill 2004 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

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

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

Legal and Constitutional References Committee—State Elections (One Vote, One Value) Bill 2001 [2002]—Report, dated March 2004, *Hansard* record of proceedings and submissions [21].

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

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

Debate ensued.

Question put and passed.

33 CRIMINAL CODE AMENDMENT (TERRORIST ORGANISATIONS) 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 the Minister for Justice and Customs (Senator Ellison) (see entry no. 8).

Debate resumed.

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

34 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Commonwealth Grants Commission—Report—State revenue sharing relativities—2004 review. Motion to take note of document moved by Senator Buckland. Debate adjourned till Thursday at general business, Senator Buckland in continuation.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.07 pm till Thursday, 4 March 2004 at 9.30 am.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate