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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:

Australian Law Reform Commission—Report—No. 98—Keeping secrets: The protection of classified and security sensitive information, May 2004.

Department of Agriculture, Fisheries and Forestry—Report—Innovating rural Australia: Research and development corporation outcomes, 2003.

Productivity Commission—Report—No. 28—First home ownership, 31 March 2004.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at June 2004.

3 EXTENSION OF CHARITABLE PURPOSE BILL 2004

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Cherry moved the following amendment:

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

- (a) notes that the draft Charities Bill was proposed by the Treasurer to implement a statutory definition of a charity and was a key response by the Government to the report of the inquiry into the definition of charities and related organisations;
- (b) condemns the Government for the decision not to proceed with the draft Charities Bill;
- (c) considers that continued reliance on 400 year old common law concepts will continue to cause confusion and uncertainty within the charities and not-for-profit sector; and
- (d) calls on the Government to legislate the definition of a charity and a benevolent charity as proposed by the report of the inquiry into the definition of charities and related organisations”.

Debate ensued.

Document: The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Extension of Charitable Purpose Bill 2004—Australian Taxation Office—Income tax guide for non-profit organisations: An income tax guide for non-profit organisations including charities, clubs, societies and associations current at May 2003.

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

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate notes with concern that the Government has failed to adequately fund long day care and consequently relieve the financial pressure on community based child care centres, creating a poor substitute to proper funding, by offering limited charity status as an alternative”.

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

Main question, as amended, 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.

On the motion of Senator Sherry the following amendment was debated and agreed to:

Clause 4, page 2 (line 9), after “child care”, insert “and playgroup”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That government business order of the day no. 2 (Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003) be postponed till a later hour.

Question put and passed.

**5 SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 1) BILL 2004
SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 2) BILL 2004**

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

Debate resumed.

Senator Sherry moved the following amendment:

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

- (a) expresses its support for the introduction of a simplified superannuation guarantee base definition from 1 July 2005, instead of 1 July 2010, with employers being given the right to argue before a Federal or state industrial commission for the simplified superannuation guarantee base definition to be phased in because of their incapacity to pay; and
- (b) opposes any use of this legislation to remove any superannuation guarantee base that is more generous than the ordinary times earnings”.

Debate ensued.

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

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 1) BILL 2004—

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

SUPERANNUATION LAWS AMENDMENT (2004 MEASURES NO. 2) BILL 2004—

Bill taken as a whole by leave.

On the motion of Senator Sherry the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 2 (table item 3), omit “2010” (twice occurring), substitute “2005”.

Clause 4, page 3 (line 2), omit “2010”, substitute “2005”.

Bill, as amended, agreed to.

The Superannuation Laws Amendment (2004 Measures No. 1) Bill 2004 to be reported without amendments and the Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004 to be reported with amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bills read a third time.

**6 FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION
AMENDMENT (INCOME STREAMS) BILL 2004**

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

Debate resumed.

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

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Chile led by the President of the Senate of the National Congress, Senator Hernan Larrain Fernandez, and the President of the Chamber of Deputies of the National Congress, Deputy Pablo Lorenzini Basso, and, with the concurrence of honourable senators, invited Senator Fernandez and Deputy Basso to each take a seat on the floor of the chamber.

Further questions without notice were answered.

9 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Allison, pursuant to standing order 74, asked the Minister representing the Minister for Transport and Regional Services (Senator Ian Campbell) for an explanation of an answer not being provided to question on notice no. 2868 (notice given 3 May 2004) relating to the Scoresby Freeway.

Senator Ian Campbell indicated that an answer would be provided.

Senator Allison moved—That the Senate take note of the minister's response.

Question put and passed.

10 DEFENCE—OFFICE OF NATIONAL ASSESSMENTS—CLASSIFIED DOCUMENTS—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 Justice and Customs (Senator Ellison) and the Minister for Defence (Senator Hill) to questions without notice asked by Senators Faulkner, Wong and Ray today relating to the publication of material from classified Office of National Assessments documents.

Debate ensued.

Question put and passed.

11 GOVERNMENT ADVERTISING—ANSWER TO QUESTION

Senator Murray moved—That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Murray today relating to government advertising campaigns.

Question put and passed.

12 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senators Bolkus, Buckland and Kirk, 5 petitions similar in wording, from 149, 68, 159, 10 and 488 petitioners, respectively, requesting that the Senate take action to ensure that the funding policies of the Commonwealth Government are reformed to provide increased and fairer funding for public schools.

Senator Faulkner, from 24 petitioners, requesting that the Senate oppose any legislation to abolish the Aboriginal and Torres Strait Islander Commission.

13 NOTICES

Notices of motion:

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Criminal Code Act 1995*, and for related purposes. ***Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill 2004***.

Senator Stott Despoja: To move on the next day of sitting—That the Senate, recalling its resolution of 14 October 2003 relating to human rights in Colombia:

- (a) notes again with regret the long and continuing history of violence directed towards human rights defenders in Colombia;
- (b) reiterates its recognition of the important role performed by both local and international human rights organisations in Colombia and the positive contribution made by international observers including the United Nations Human Rights Commission, the Inter-American Commission on Human Rights, Peace Brigades International, Amnesty International and Human Rights Watch;
- (c) expresses its concern that:
 - (i) rural communities, and in particular the Peace Community of San José de Apartadó, as well as local human rights defenders, and international observers that accompany this community, such as Peace Brigades International and the International Fellowship of Reconciliation, have recently been subjected to increased intimidation in the Urabá region of North-West Colombia, and
 - (ii) the safety of members of the above-mentioned community, their leaders, and the international human rights organisations present in the area, is at risk following recent adverse statements made by members of the Colombian Government, who have in the past equated human rights organisations with agents of terrorism;
- (d) notes:
 - (i) that the Peace Community of San José de Apartadó has been granted provisional precautionary measures by the Inter-American Court of Human Rights, because of the high level of risk suffered by community members, which has claimed the lives of many within the community in recent years, and
 - (ii) that these provisional measures were also re-affirmed by the Constitutional Court of Colombia, which ordered that the safety of the community and the fundamental human rights of its people be guaranteed; and
- (e) expresses its hope that the Colombian Government will guarantee the safety of the people of San José de Apartadó, and of the international observers who accompany them. (*general business notice of motion no. 927*)

Senator Allison: To move on the next day of sitting—That the budgetary and environmental implications of the Government's Energy White Paper be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 2 September 2004.

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

- (a) notes that:
- (i) the University of New South Wales (UNSW) and Monash University bookshops were joint winners of the 2003 Australian Tertiary Bookshop of the Year award,
 - (ii) being a winner, the UNSW bookshop also recognises that students will be losers when the Educational Textbook Subsidy Scheme ceases on 30 June 2004 and has been trying to meet the demand of students who wish to purchase textbooks before prices rise,
 - (iii) the UNSW bookshop is concerned about the effect of the closure of the scheme on students' access to educational resources at a time of increasing higher education contribution scheme fees and is saddened by the discontinuation of a successful scheme, and
 - (iv) booksellers will soon face the additional cost of updating or modifying their software, as they did 4 years ago, to accommodate the closure of the scheme;
- (b) condemns the Government for effectively introducing a new tax from 1 July 2004, which will result in students paying price increases of up to 10 per cent; and
- (c) urges the Government to extend the scheme. (*general business notice of motion no. 928*)

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

- (a) notes:
- (i) the Senate resolution of 8 October 2003 that called on the Australian Government to support the development of a Protocol to the 'Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects' to prevent the creation of explosive remnants of war and reduce their impact on humanity,
 - (ii) that on Friday, 28 November 2003, the 92 nations that are signatories to this Convention adopted Protocol V to the Convention to deal with cleaning up explosive remnants of war after a conflict ends, and
 - (iii) that thousands of civilians continue to be killed and maimed by explosive remnants of war each year; and
- (b) calls on the Australian Government to sign and ratify Protocol V of the Convention without delay. (*general business notice of motion no. 929*)

Senator Nettle: To move on the next day of sitting—That there be laid on the table, by 3 pm on 30 June 2004, the following documents:

- (a) all correspondence between Environment Australia and Hutchison 3G in relation to the installation of videophone facilities in Oatley Park; and
- (b) all correspondence between Environment Australia and Telstra in relation to the installation of videophone facilities in Leichardt and Coogee. (*general business notice of motion no. 930*)

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

- (a) notes that:
- (i) it is estimated that at least 300 000 children under the age of 18 are currently taking part in armed conflicts around the world,

- (ii) more than 2 million children have been killed in armed conflicts in the past decade, with a further 6 million seriously injured or permanently disabled,
- (iii) an Optional Protocol to the Convention on the Rights of the Child has been developed that 'prohibits governments that have signed up and armed groups from using children under the age of 18 in conflict', and
- (iv) Australia signed the Optional Protocol on the Involvement of Children in Armed Conflict on 21 October 2002, but has so far failed to ratify the Optional Protocol; and

(b) calls on the Australian Government to ratify the Optional Protocol without further delay. (*general business notice of motion no. 931*)

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

- (a) acknowledges that midwives have a critical role to play in birthing services, especially given the shortage of obstetricians and an increase in invasive caesarean section procedures;
- (b) notes that:
 - (i) there is a chronic shortage of obstetricians, especially in rural, remote and outer suburban areas,
 - (ii) 60 per cent of births involve no complications and can be safely performed by midwives,
 - (iii) a 2002 report estimated a national shortage of more than 1 800 midwives,
 - (iv) 386 registered midwives are not currently practicing, primarily due to the lack of medical indemnity insurance,
 - (v) caesarean sections have been identified by the World Health Organization as occurring at twice the desirable level, and
 - (vi) increasingly, women are embracing non-medical and non-invasive births; and
- (c) calls on the Federal Government to:
 - (i) recognise the Victorian Government's decision to fund midwifery birthing units as positive,
 - (ii) include midwives in the 2002 Medical Indemnity package to increase the number of registered and practicing midwives, and
 - (iii) increase funding for training services for midwives, to address the current shortage. (*general business notice of motion no. 932*)

Senator Nettle: To move on the next day of sitting—That the following matters be referred to the Community Affairs Legislation Committee for inquiry and report by 29 November 2004:

- (a) the National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2];
- (b) the social and economic implications of increasing the co-payment for Pharmaceutical Benefits Scheme listed medicines, including the long-term implications for the health of Australians; and
- (c) any related matters.

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

- (a) notes that the Australian flag flying above Parliament House has twice been obscured by fog during the week beginning 20 June 2004;

- (b) notes that school children have been in the vicinity; and
- (c) calls on the Government not to defund Parliament but rather, recognising that fog results from hot air rising into a colder atmosphere, to see what can be done to prevent this emblematic obfuscation recurring. (*general business notice of motion no. 933*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—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:

Australian Energy Market Bill 2004 and Trade Practices Amendment (Australian Energy Market) Bill 2004
 Customs Legislation Amendment (Airport, Port and Cargo Security) Bill 2004
 Family and Community Services and Veterans' Affairs Legislation Amendment (Sugar Reform) Bill 2004
 Higher Education Legislation Amendment Bill (No. 2) 2004.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [4] for introduction and passage of certain bills in the 2004 winter sittings.

Senator Brown: To move on the next day of sitting—That the Australian Energy Market Bill 2004 and the Trade Practices Amendment (Australian Energy Market) Bill 2004 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 31 August 2004, with particular reference to the constitutional implications and legal precedents that will be established by giving the South Australian Parliament the ability to modify Commonwealth law, regulations and rules.

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

- (a) notes that the Council of Australian Governments (COAG) agreed in August 2003 to develop a national water initiative which would:
 - (i) 'ensure ecosystem health by implementing regimes to protect environmental assets at a whole-of-basin, aquifer or catchment scale', and
 - (ii) include 'firm pathways and open processes' for returning over-allocated surface and groundwater systems to environmentally-sustainable levels of extraction; and
- (b) calls on COAG to reject any agreement on the national water initiative which fails to ensure ecosystem health or to provide firm pathways, including clear timelines, and open processes for reducing extraction from over-allocated surface and groundwater systems to environmentally-sustainable levels. (*general business notice of motion no. 934*)

Notice of motion withdrawn: Senator Ridgeway withdrew general business notice of motion no. 918 standing in his name for today, authorising the Rural and Regional Affairs and Transport References Committee to hold a private meeting during the sitting of the Senate.

14 **SPORT—DRUGS—DOCUMENT**

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, tabled the following document relating to a statement made on 21 June 2004 (*see entries no. 11, 18 June 2004 and no. 19, 21 June 2004*):

Sport—Drugs—Copy of partial arbitral award pronounced by the Court of Arbitration for Sport Oceania Registry—Australian Sports Commission and *Cycling Australia v Mr Mark French* [A2/2004 ASC & ACF v Mark French], dated 8 June 2004.

15 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2004**

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 9 OF 2004

1. The committee met on Tuesday, 22 June 2004.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Anti-terrorism Bill (No. 2) 2004 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 5 August 2004;
 - (b) the *provisions* of the Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 scheme) Bill 2004 and the Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Bill 2004 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 12 August 2004; and
 - (c) the following bills *not* be referred to committees:
 - Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003
 - Corporations (Fees) Amendment Bill (No. 2) 2003
 - Australian Energy Market Bill 2004
 - Trade Practices Amendment (Australian Energy Market) Bill 2004.

The committee recommends accordingly.

3. The committee considered a proposal to refer the Marriage Legislation Amendment Bill 2004 to the Legal and Constitutional Legislation Committee, but was unable to reach agreement on whether the bill should be referred.
4. At the request of Senator Mackay, the committee considered a proposal to refer the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003 to the Employment, Workplace Relations and Education Legislation Committee for further consideration, but was unable to reach agreement on whether the bill should be referred.
5. The committee *deferred* consideration of the following bills to the next meeting:
 - Bill deferred from meeting of 10 February 2004*
Racial and Religious Hatred Bill 2003 [No. 2].
 - Bill deferred from meeting of 23 March 2004*
Resale Royalty Bill 2004.

Bill deferred from meeting of 30 March 2004

Flags Amendment (Eureka Flag) Bill 2004.

Bill deferred from meeting of 15 June 2004

Aboriginal and Torres Strait Islander Commission Amendment Bill 2004.

Bill deferred from meeting of 22 June 2004

Renewable Energy Amendment (Increased MRET) Bill 2004.

Jeannie Ferris
Chair
23 June 2004.

Senator Ferris moved—That the report be adopted.

Senator George Campbell moved the following amendment:

At the end of the motion, add “and, in respect of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003, the bill be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 30 September 2004”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Bishop	Crossin (Teller)	Ludwig	Ray
Brown	Evans	Lundy	Sherry
Buckland	Faulkner	Marshall	Stephens
Campbell, George	Forshaw	McLucas	Webber
Carr	Harradine	Moore	Wong
Collins	Hogg	Murphy	
Conroy	Hutchins	Nettle	
Cook	Kirk	O'Brien	

NOES, 40

Senators—

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

Question negatived.

Senator Greig moved the following amendment:

At the end of the motion, add “and, in respect of the Marriage Legislation Amendment Bill 2004, the bill be referred to the Legal and Constitutional Legislation Committee, in accordance with the proposal to the Selection of Bills Committee, for inquiry and report by 7 October 2004”.

Debate ensued.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved the following amendment to Senator Greig's proposed amendment:

Omit "7 October 2004", substitute "5 August 2004".

Debate ensued.

Question—That Senator Ian Campbell's amendment to Senator Greig's proposed amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

Allison	Cook	Ludwig	Ray
Bartlett	Crossin (Teller)	Lundy	Ridgeway
Bishop	Evans	Marshall	Stephens
Brown	Forshaw	McLucas	Stott Despoja
Buckland	Greig	Moore	Webber
Campbell, George	Hogg	Murphy	Wong
Carr	Hutchins	Murray	
Cherry	Kirk	Nettle	
Conroy	Lees	O'Brien	

Question negatived.

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

Main question, as amended, put and passed.

16 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Ridgeway for today, proposing the disallowance of the Lands Acquisition Amendment Regulations 2004 (No. 2), postponed till 24 June 2004.

Government business notice of motion no. 1 standing in the name of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) for today, relating to consideration of legislation, postponed till 24 June 2004.

General business notice of motion no. 887 standing in the name of Senator Brown for today, relating to study leave entitlements of Members of Parliament, postponed till 4 August 2004.

General business notice of motion no. 911 standing in the name of Senator Cherry for today, relating to the People's Mojahedin Organisation of Iran, postponed till 24 June 2004.

17 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 30 September 2004:

- (a) the adequacy of current proposals, including those in the 2004 Budget, in overcoming aged care workforce shortages and training;
- (b) the performance and effectiveness of the Aged Care Standards and Accreditation Agency in:
 - (i) assessing and monitoring care, health and safety,
 - (ii) identifying best practice and providing information, education and training to aged care facilities, and
 - (iii) implementing and monitoring accreditation in a manner which reduces the administrative and paperwork demands on staff;
- (c) the appropriateness of young people with disabilities being accommodated in residential aged care facilities and the extent to which residents with special needs, such as dementia, mental illness or specific conditions, are met under current funding arrangements;
- (d) the adequacy of Home and Community Care programs in meeting the current and projected needs of the elderly; and
- (e) the effectiveness of current arrangements for the transition of the elderly from acute hospital settings to aged care settings or back to the community.

Question put and passed.

18 ENVIRONMENT—CONTAINER PORTS—BOTANY BAY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 925—That the Senate—

- (a) notes, in relation to plans for expanded container ports in New South Wales, that:
 - (i) the proposal by Sydney Ports to develop a third terminal at Botany Bay will have a massive detrimental impact on residents and the environment, including increased container truck traffic, threats to internationally-recognised waterbird habitat, contaminated groundwater and beach erosion, and
 - (ii) the Mayors of Newcastle and Wollongong support the development taking place in their respective cities; and
- (b) opposes Sydney Ports' plan to develop a third terminal at Botany Bay.

Question put and negatived. Senators Brown and Nettle, by leave, recorded their votes for the ayes.

19 NOTICE OF MOTION WITHDRAWN

Senator Allison withdrew general business notice of motion no. 912 standing in her name for today, proposing that the Environment, Communications, Information Technology and the Arts Legislation Committee reconvene to further consider the 2004-05 Budget estimates.

20 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matters relating to government advertising be referred to the Finance and Public Administration References Committee for inquiry and report by 27 October 2004:

- (a) the level of expenditure on, and the nature and extent of, government advertising since 1996;
- (b) the processes involved in decision-making on government advertising, including the role of the Government Communications Unit and the Ministerial Committee on Government Communications;
- (c) the adequacy of the accountability framework and, in particular, the 1995 guidelines for government advertising, with reference to relevant reports, guidelines and principles issued by the Auditor-General and the Joint Committee of Public Accounts and Audit;
- (d) the means of ensuring the ongoing application of guidelines based on those recommended by the Auditor-General and the Joint Committee of Public Accounts and Audit to all government advertising; and
- (e) the order of the Senate of 29 October 2003 relating to advertising projects, and whether the order is an effective mechanism for parliamentary accountability in relation to government advertising.

Question put and passed.

21 FOREIGN AFFAIRS—NUCLEAR WEAPON SYSTEMS—COLONEL STANISLAV PETROV

Senator Allison amended general business notice of motion no. 895 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recalls the incident that took place in the Union of Soviet Socialist Republics (USSR) at Serpukhov-15 on 26 September 1983 at 12.30 pm Moscow time, and the role of Colonel Stanislav Petrov in this incident;
- (b) notes:
 - (i) that the Serpukhov-15 incident, in which a newly installed Soviet surveillance system reported that the United States of America (US) had launched nuclear missiles at the USSR, is considered by many analysts to have been the closest the world has ever come to nuclear war,
 - (ii) that the megatonnage that was likely to have been used at that time was between 30 and 60 times the amount required to produce a nuclear winter, and that the number of nuclear weapons that would have been launched would have been enough to end civilisation and kill most living things,
 - (iii) the role played by Colonel Petrov in refraining from launching a number of thousands of warheads at the US in retaliation and in pressing his superiors to consider the report a false alarm,
 - (iv) that the Canberra Commission of 1996 recommended that strategic nuclear weapons be taken off 'Launch on Warning' status, and
 - (v) the resolution of the European Parliament of 11 November 1999, and the Senate's own resolutions as well as repeated calls to lower the alert status of strategic nuclear weapons made by the Non-Aligned Movement and the New Agenda Coalition that have been passed year after year by the United Nations (UN) General Assembly;

- (b) offers its congratulations to Colonel Petrov for being presented with the World Citizen Award on Friday, 21 May 2004, in recognition of his actions; and
- (c) urges the Government to give support to measures aimed at lowering the readiness to launch nuclear weapon systems and to support such measures on the floor of the UN General Assembly.

Question put and passed.

22 FOREIGN AFFAIRS—SUDAN—HUMAN RIGHTS

Senator Stott Despoja amended general business notice of motion no. 923 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) the ceasefire agreement signed on 8 April 2004 by the Khartoum Government and Darfur's two rebel groups – the Sudan People's Liberation Army and the Justice and Equality Movement – has been repeatedly violated,
 - (ii) there is widespread evidence to suggest that the Khartoum Government has provided support to the Janjaweed militias and is now attempting to integrate them into its official forces,
 - (iii) it is also alleged that the Khartoum Government has obstructed humanitarian organisations from accessing war-affected areas,
 - (iv) it is estimated that there are around 1.2 million displaced persons within Sudan and neighbouring Chad,
 - (v) the conflict has already claimed around 30 000 lives since it commenced in February 2003, and
 - (vi) estimates of the number of Sudanese who are still at risk range from 350 000 to 2.2 million;
- (b) urges the Sudanese Government to:
 - (i) provide immediate and full access for humanitarian organisations to war-affected populations in Darfur,
 - (ii) cease logistical, equipment and direct military assistance to the militias, and
 - (iii) ensure that summary executions by the Government-sponsored militias cease;
- (c) welcomes the 25 May 2004 statement by the President of the United Nations (UN) Security Council condemning the violation of human rights and international humanitarian law in Sudan and its call for the Government of Sudan to allow full unimpeded access by humanitarian personnel;
- (d) acknowledges the decision of the Australian Government to provide \$8 million to meet the needs of persons displaced from Darfur; and
- (e) calls on the Australian Government to continue its support for international efforts to bring an end to the crisis in Sudan and, in particular, to make representations to UN Security Council members regarding the need to take decisive action to prevent further loss of life within Sudan.

Question put and passed.

23 TRANSPORT—ETHANOL

Senator Allison, also on behalf of Senator Cherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 921—That the Senate—

- (a) congratulates the Queensland Government on the announcement of its intention, as part of a wide-ranging blueprint for a campaign to encourage the development of a sustainable Queensland ethanol industry which the Queensland cabinet endorsed on 22 June 2004, to appoint an ethanol advocate and include the 12 900 state government vehicles in the campaign;
- (b) notes the Queensland Premier's call for the Federal Government to 'mandate the availability of ethanol and indefinitely extend the fuel excise exemption', to give the fledgling industry the certainty it needs to expand;
- (c) encourages all states to consider adopting similar action plans; and
- (d) calls on the Federal Government to phase in the mandated use of 10 per cent ethanol-blended petrol.

Question put and negatived.

24 EDUCATION—HIGHER EDUCATION CONTRIBUTION SCHEME

Senator Stott Despoja amended general business notice of motion no. 926 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) to date, 23 universities have announced that they will increase their higher education contribution scheme (HECS) fees, most of them by the full 25 per cent across all disciplines,
 - (ii) increasing HECS fees will further deter students from low socio-economic backgrounds,
 - (iii) all three South Australian universities will increase HECS fees by 25 per cent in 2005, severely impacting student choice in South Australia, and
 - (iv) by 2008, the Government's policy 'Backing Australia's future: Our universities' will have shifted more than \$1 billion of the costs of higher education to students through HECS increases and increases in domestic full-fee paying student numbers;
- (b) supports students in their attempts to prevent the remaining universities from increasing HECS fees; and
- (c) condemns the Government for under-funding universities for the past 8 years to such an extent that universities are now turning to students to provide a short-term increase in funding.

Question put and passed.

25 SCIENCE AND TECHNOLOGY—GENE TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Allison, at the request of Senator Cherry, amended general business notice of motion no. 920 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table, no later than 6.30 pm on Thursday, 24 June 2004, the following documents, in response to applications 020/2002 (Monsanto) and 021/2002 (Bayer) to the Office of the Gene Technology Regulator (OGTR) for the commercial release of GE canola:

All submissions from committees formed under the *Gene Technology Act 2000* in relation to the above applications, including submissions from individuals in their capacity as members of those committees.

Question put and passed.

26 SCIENCE AND TECHNOLOGY—SYNTHETIC APERTURE RADAR—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Allison, at the request of Senator Cherry and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 922—That there be laid on the table by the Minister representing the Minister for Industry, Tourism and Resources, no later than 6.30 pm on 24 June 2004, the following documents:

Any assessment or analysis of the synthetic aperture radar work commissioned or acquired by Geoscience Australia, or related documents.

Question put and passed.

27 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORTING DATE

Senator Crossin, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 916—That the Foreign Affairs, Defence and Trade References Committee present an interim report on its inquiry into the effectiveness of the Australian military justice system on 9 September 2004.

Question put and passed.

28 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Crossin, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 917—That the time for the presentation of the report of the Legal and Constitutional References Committee on the needs of expatriate Australians be extended to 5 October 2004.

Question put and passed.

29 DEFENCE—OFFICE OF NATIONAL ASSESSMENTS REPORT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Crossin, at the request of the Leader of the Opposition in the Senate (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 924—That there be laid on the table by the Leader of the Government in the Senate, no later than 4 pm on Thursday, 24 June 2004, a copy of that part of the Office of National Assessments' (ONA) classified document log which relates to requests for, and movements of, the December 2002 ONA report on the humanitarian impact of the war in Iraq, during the period 16 June to 23 June 2003.

Question put and passed.

30 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, at the request of Senator Mason and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 919—That the time for the presentation of the report of the Joint Standing Committee on Electoral Matters on electoral funding and disclosure and any amendments to the Commonwealth Electoral Act necessary in relation to political donations be extended to 12 August 2004.

Question put and passed.

31 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 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—

8th report of 2004, dated 23 June 2004.

Alert Digest No. 8 of 2004, dated 23 June 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.

32 TREATIES—JOINT STANDING COMMITTEE—61ST REPORT

Senator Kirk, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—61st report—The Australia-United States Free Trade Agreement, dated June 2004.

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

Debate ensued.

Question put and passed.

33 AUSTRALIAN PARLIAMENTARY DELEGATION TO NEW CALEDONIA AND VANUATU—DOCUMENT

Senator Watson, by leave, tabled the following document:

New Caledonia and Vanuatu—Report of the Australian parliamentary delegation, 11 to 22 November 2003, dated June 2004.

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

Question put and passed.

34 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (INCOME STREAMS) BILL 2004

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following document:

Community Affairs Legislation Committee—Report—Family and Community Services and Veterans' Affairs Legislation Amendment (Income Streams) Bill 2004—Additional information.

**35 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—AGRICULTURE, FISHERIES AND FORESTRY
LEGISLATION AMENDMENT (EXPORT CONTROL) BILL 2004**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following document:

Rural and Regional Affairs and Transport Legislation Committee—Report—Provisions of the Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004—Additional information.

**36 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled additional information received by the committee (Additional estimates 2002-03—vols 1 to 4).

37 AUDITOR-GENERAL—AUDIT REPORT NO. 55 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report no. 55 of 2003-04—Protective security audit—Management of protective security.

38 DOCUMENTS

The following documents were tabled by the Clerk:

Military Rehabilitation and Compensation Act—

Approval of classes of payments for the purposes of paragraph 431(1)(b)—MRCA Instrument No. 7 of 2004.

Determination for providing treatment—MRCA Instrument No. 3 of 2004.

Determination of rate of interest—MRCA Instrument No. 6 of 2004.

Determination of specified rate per kilometre—MRCA Instrument No. 5 of 2004.

**39 ECONOMICS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—THE
EFFECTIVENESS OF THE TRADE PRACTICES ACT 1974 IN PROTECTING SMALL
BUSINESS**

The Special Minister of State (Senator Abetz) tabled the following document:

Economics References Committee—Report—The effectiveness of the *Trade Practices Act 1974* in protecting small business—Government response.

**40 INDIGENOUS AUSTRALIANS—LANDS ACQUISITION AMENDMENT REGULATIONS
2004—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 21 June 2004 for the production of documents relating to the Lands Acquisition Amendment Regulations 2004 (No. 2) and, pursuant to that order, tabled the following documents:

Indigenous Australians—Lands Acquisition Amendment Regulations 2004—Copies of—

ATSIC: Interim controls—Relevant extracts of document, dated 21 April 2004.

Letters to—

Executive Coordinator (Mr Vaughan), Office of Aboriginal and Torres Strait Islander Affairs from Secretary (Dr Watt), Department of Finance and Administration, dated 15 April 2004.

Secretary (Dr Watt), Department of Finance and Administration from Executive Coordinator (Mr Vaughan), Office of Aboriginal and Torres Strait Islander Affairs, dated 15 April 2004.

Minister for Defence (Senator Hill) from the Clerk of the Senate, dated 21 June 2004.

Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) from the Clerk of the Senate, dated 21 June 2004.

List of documents tabled.

Statement.

Statement by leave: Senator Ridgeway, by leave, made a statement relating to the matter.

41 DEFENCE—IRAQ—HUMAN RIGHTS ABUSES—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 22 June 2004 for the production of documents concerning abuses of the human rights of Iraqi prisoners (*see entry no. 17, 22 June 2004*).

Statement by leave: Senator Brown, by leave, made a statement relating to the matter.

**42 AUSTRALIAN ENERGY MARKET BILL 2004
TRADE PRACTICES AMENDMENT (AUSTRALIAN ENERGY MARKET) BILL 2004
HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2004
FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION
AMENDMENT (SUGAR REFORM) BILL 2004**

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

Message no. 623, dated 22 June 2004—A Bill for an Act relating to the regulation of energy markets, and for related purposes.

Message no. 622, dated 22 June 2004—A Bill for an Act to provide for the Australian Energy Regulator, and for related purposes.

Message no. 624, dated 23 June 2004—A Bill for an Act to amend higher education legislation, and for related purposes.

Message no. 625, dated 23 June 2004—A Bill for an Act to amend the law relating to social security and veterans' entitlements, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz 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 Abetz moved—That the Higher Education Legislation Amendment Bill (No. 2) 2004 and the Family and Community Services and Veterans' Affairs Legislation Amendment (Sugar Reform) Bill 2004 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

43 VETERANS' ENTITLEMENTS (CLARKE REVIEW) BILL 2004

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 621, dated 22 June 2004—Veterans' Entitlements (Clarke Review) Bill 2004.

On the motion of the Special Minister of State (Senator Abetz) the bill was read a third time.

44 ANTI-TERRORISM BILL 2004

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

Message no. 620, dated 22 June 2004—Anti-terrorism Bill 2004, agreeing to amendments nos 1 to 8 made by the Senate and disagreeing to amendments nos 9 and 10.

On the motion of the Special Minister of State (Senator Abetz) consideration of the message in committee of the whole was made an order of the day for a later hour.

45 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (INCOME STREAMS) BILL 2004

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

Debate resumed.

At 6.30 pm: Debate was interrupted while Senator Sherry was speaking.

At 7.30 pm—

46 COMMITTEES—APPOINTMENT OF MEMBERS

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

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, moved—That senators be appointed to committees as follows:

Administration of Indigenous Affairs—Select Committee—

Appointed—Senators Crossin, McLucas and O'Brien

Legal and Constitutional Legislation Committee—

Appointed—Participating member: Senator Hogg.

Question put and passed.

47 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2004-2005

APPROPRIATION BILL (NO. 1) 2004-2005

APPROPRIATION BILL (NO. 2) 2004-2005

APPROPRIATION BILL (NO. 5) 2003-2004

APPROPRIATION BILL (NO. 6) 2003-2004

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 these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

On the motion of the Special Minister of State (Senator Abetz) consideration of the bills in committee of the whole was made an order of the day for the next day of sitting.

48 SEX DISCRIMINATION AMENDMENT (TEACHING PROFESSION) BILL 2004

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator Wong was speaking.

49 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.30 pm till Thursday, 24 June 2004 at 9.30 am.

50 ATTENDANCE

Present, all senators except Senators Denman*, Harris and Tierney* (* on leave).

HARRY EVANS
Clerk of the Senate