

2002-04

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 156

WEDNESDAY, 4 AUGUST 2004

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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:

Customs Act 1901—Customs (Prohibited Exports) Regulations 1958—Permissions granted under regulation 7 for the period 1 January to 30 June 2004.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—

Agreement on Bilateral Cooperation between the Government of Australia and the Government of the Kingdom of Thailand, done at Canberra on 5 July 2004.

Joint Agreement on Enhanced Cooperation between Australia and Papua New Guinea (Port Moresby, 30 June 2004).

Termination of the Agreement between the Government of Australia and the Government of the Slovak Republic on Trade and Economic Cooperation, done at Canberra on 23 April 1999.

Treaty between the Government of Australia and the Government of New Zealand Establishing Certain Exclusive Economic Zone Boundaries and Continental Shelf Boundaries, done at Adelaide on 25 July 2004.

Multilateral—Text, together with national interest analysis, regulation impact statement and annexures—Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal on 28 May 1999.

United Nations—

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Communication—No. 148/1999—Decision.

Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 1253/2004—Outline.

No. 1254/2004—Outline.

No. 1255/2004—Outline.

No. 1256/2004—Outline.

No. 1257/2004—Outline.

No. 1258/2004—Outline.

No. 1259/2004—Outline.

No. 1260/2004—Outline.

No. 1261/2004—Outline.

No. 1262/2004—Outline.

No. 1265/2004—Outline.

No. 1266/2004—Outline.

No. 1267/2004—Outline.

No. 1268/2004—Outline.

No. 1269/2004—Outline.

No. 1270/2004—Outline.

No. 1271/2004—Outline.

No. 1273/2004—Outline.

No. 1288/2004—Outline.

No. 1291/2004—Outline.

3 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by Senator Ridgeway concerning unauthorised disclosures of the deliberations and draft report of the Select Committee on the Free Trade Agreement between Australia and the United States of America. The President indicated that the appropriate course normally would be for the committee to investigate unauthorised disclosures in accordance with the order of the Senate of 20 June 1996. The President reminded the Senate, however, that the select committee will cease to exist when it presents its final report in the Senate, and there will therefore not be an opportunity for the committee to investigate the unauthorised disclosures.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Privileges—Standing Committee—Proposed reference—Letter from Senator Ridgeway to the President, dated 3 August 2004 and attachments.

Notice of motion: Senator Ridgeway gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

Having regard to the material provided to the President by Senator Ridgeway, whether there was any unauthorised disclosure of the private deliberations or the draft report of the Select Committee on the Free Trade Agreement between Australia and the United States of America, and, if so, whether any contempt was committed in that regard.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That government business notice of motion no. 1 standing in his name for today, relating to proposed temporary orders of the Senate, be postponed till a later hour.

Question put and passed.

**5 US FREE TRADE AGREEMENT IMPLEMENTATION BILL 2004
US FREE TRADE AGREEMENT IMPLEMENTATION (CUSTOMS TARIFF) BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—That these bills be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

Omit all words after “That”, insert “further consideration of the bills be deferred until after the Australia-United States free trade agreement has been subject to a review, with public input, of its environmental impacts, and a report of that review has been tabled in the Senate”.

Debate ensued.

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

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Document: Senator Stott Despoja, by leave, tabled the following document:

Social issues—Abortion—Copy of letter to Senator Stott Despoja from Director of Television (Sandra Levy), ABC Television, dated 20 July 2004.

Further matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—TELSTRA—ANSWERS TO QUESTIONS

Senator Bishop moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Mackay and Bishop today relating to the archival practices of the Australian Broadcasting Corporation and to the sale of Telstra.

Debate ensued.

Question put and passed.

9 DEFENCE—SHOALWATER BAY—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 the military training facility at Shoalwater Bay, Queensland.

Question put and passed.

10 PETITIONS

The following 9 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 16 petitioners, requesting that the Senate take action to ensure that Mamdouh Habib's rights are acknowledged and that he be returned to Australia and entitled to a civil trial if charged with any crime.

Senator Allison, from 19 petitioners, requesting that the Senate take action to ensure that pharmaceutical purchasing be exempt from the free trade agreement.

Senator Allison, from 3 petitioners, requesting that the Senate oppose any legislation to abolish the Aboriginal and Torres Strait Islander Commission.

Senator Bartlett, from 69 petitioners, requesting that the Senate take action to end the live animal export trade and develop a chilled and frozen carcass trade using humane slaughtering practices.

Senator Bartlett, from 52 petitioners, requesting that the Senate take action to ensure the powers and responsibilities of the Senate are protected in the interests of ensuring good governance on behalf of the Australian people.

Senator Bartlett, from 103 petitioners, requesting that the Senate call on the Government to initiate a Royal Commission into sexual assault and the abuse of children.

Senator Bartlett, from 191 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

Senator Forshaw, from 39 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

Senator Marshall, from 59 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.

11 NOTICES

The Chair of the Community Affairs Legislation Committee (Senator Knowles): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 August 2004, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Commonwealth Electoral Amendment (Preventing Smoking Related Deaths) Bill 2004, the exposure draft of the Tobacco Advertising Prohibition (Film, Internet and Misleading Promotion) Amendment Bill 2004 and the adequacy of the ACCC response to date on issues concerning tobacco. (*general business notice of motion no. 949*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the administration of AusSAR in relation to the search for the *Margaret J* be extended to 12 August 2004. (*general business notice of motion no. 950*)

Senator Lundy: To move on the next day of sitting—That the Senate recognise the importance of maintaining local content quotas for free-to-air television, pay television and radio at their current levels and the role that these quotas play in ensuring that Australians continue to see and hear Australian faces and voices through their popular media. (*general business notice of motion no. 951*)

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

- (a) acknowledges that 1 August to 7 August 2004 is World Breastfeeding Week, which is celebrated in over 120 countries; and
- (b) notes that:
 - (i) Breastfest 2004 will be celebrated simultaneously across the nation on Friday, 6 August 2004,
 - (ii) the theme for World Breastfeeding Week this year is 'Exclusive Breastfeeding: The Gold Standard: safe, sound and sustainable',
 - (iii) breastfeeding is the natural and normal way to provide optimal nutrition, immunological and emotional nurturing for the growth and development of infants, and

- (iv) every woman has the right to be supported to breastfeed and not be discriminated against. (*general business notice of motion no. 952*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the Government has signed a memorandum of understanding with the United States of America on national missile defence, and
 - (ii) the Government's participation in national missile defence research has generated regional disquiet and concerns over the potential for the proliferation of weapons of mass destruction in our neighbourhood; and
- (b) supports the development of capability for in-theatre defence of Australian Defence Force personnel and key strategic interests from ballistic missile attack. (*general business notice of motion no. 953*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the current health preparation arrangements for the deployment of Australian Defence Forces overseas be extended to 12 August 2004. (*general business notice of motion no. 954*)

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

- (a) notes that the report of the Council of Australian Governments (COAG) inquiry on bushfire mitigation and management was provided to COAG members on 2 April 2004; and
- (b) requires the Minister representing the Prime Minister to table in the Senate, no later than 5 pm on Monday, 9 August 2004, the report of the inquiry. (*general business notice of motion no. 955*)

Senator Brown: To move on 10 August 2004—That the Senate—

- (a) notes that the Council of Australian Governments (COAG) and its ministerial councils are increasingly being used as decision-making forums, reaching binding formal agreements which bypass effective parliamentary and public scrutiny;
- (b) considers that this device undermines the authority of Parliament; and
- (c) calls on the Government to:
 - (i) hold COAG and ministerial council meetings in open session, and
 - (ii) submit binding agreements of COAG and ministerial councils to Parliament for ratification before implementation. (*general business notice of motion no. 956*)

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

- (a) notes:
 - (i) that James Hardie Industries was a significant producer of asbestos products in Australia, and
 - (ii) preliminary reports that James Hardie Industries may have deliberately underfunded its compensation scheme and moved its headquarters offshore to avoid or minimise its future compensation liabilities;

- (b) calls on the Government to:
 - (i) take all possible steps to ensure that James Hardie Industries pays full and fair compensation to the victims or the families of victims injured or killed by the asbestos products that James Hardie Industries produced, and
 - (ii) join local councils in boycotting all James Hardie Industries products and services until it is satisfied that all of James Hardie Industries' current and future compensation liabilities are met; and
- (c) calls on all political parties to redirect any donations they have received from James Hardie Industries into a trust fund for these victims and their families. (*general business notice of motion no. 957*)

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

- (a) notes the recent Government decision to award an \$18 million Airservices Australia contract for the manufacture and supply of fire engines to an Austrian firm, Rosenbauer, in preference to a Hunter Valley company, the Varley Group;
- (b) condemns this decision for:
 - (i) failing to promote regional industrial development, and
 - (ii) missing an opportunity to create 60 direct jobs and up to 180 indirect jobs in the Hunter region, including 10 to 15 apprenticeships;
- (c) notes the Government procurement guidelines which require that government contracts must take account of:
 - (i) the development of long-term, internationally competitive industry in Australia,
 - (ii) enhancement of Australia's export potential and import replacement, and
 - (iii) employment, training and skills development, and initiatives in regional areas;
- (d) condemns the Government for breaching its own procurement guidelines in awarding this contract;
- (e) congratulates the Australian Manufacturing Workers Union for leading a campaign to overturn this misguided Government decision; and
- (f) calls on the Government to reopen the tender and reconsider the bid in light of the breach of the procurement guidelines and the need to create sustainable long-term manufacturing jobs in the Hunter region. (*general business notice of motion no. 958*)

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2004

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

SELECTION OF BILLS COMMITTEE REPORT NO. 10 OF 2004

1. The committee met on Tuesday, 3 August 2004.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 2 September 2004;

- (b) the *provisions* of the Tax Laws Amendment (Wine Producer Rebate and Other Measures) Bill 2004 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 11 August 2004; and
- (c) the following bills *not* be referred to committees:
 - Aboriginal and Torres Strait Islander Commission Amendment Bill 2004
 - Anti-terrorism Bill (No. 3) 2004
 - Broadcasting Services Amendment (Anti-Siphoning) Bill 2004
 - Customs Tariff Amendment (Oil, Gas and Other Measures) Bill 2004
 - Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Budget Measures) Bill 2004
 - Indigenous Education (Targeted Assistance) Amendment Bill 2004
 - Indirect Tax Legislation Amendment (Small Business Measures) Bill 2004
 - New International Tax Arrangements (Managed Funds and Other Measures) Bill 2004
 - Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Bill 2004
 - States Grants (Primary and Secondary Education Assistance) Legislation Amendment Bill 2004
 - Surveillance Devices Bill (No. 2) 2004
 - Tax Laws Amendment (2004 Measures No. 4) Bill 2004
 - US Free Trade Agreement Implementation Bill 2004
 - US Free Trade Agreement Implementation (Customs Tariff) Bill 2004
 - Vocational Education and Training Funding Amendment Bill 2004
 - Water Efficiency Labelling and Standards Bill 2004.

The committee recommends accordingly.

3. 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 22 June 2004

Renewable Energy Amendment (Increased MRET) Bill 2004.

Bills deferred from meeting of 3 August 2004

Australian Passports Bill 2004

Australian Passports (Application Fees) Bill 2004

Australian Passports (Transitionals and Consequentials) Bill 2004

Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill 2004

Parliamentary Service Amendment Bill 2004

Trade Practices Legislation Amendment Bill 2004.

Jeannie Ferris
Chair
4 August 2004.

Senator Ferris moved—That the report be adopted.

The Minister for the Environment and Heritage (Senator Ian Campbell) moved the following amendment:

At the end of the motion, add “and, in respect of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004, the bill not be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report”.

Debate ensued.

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

Main question put and passed.

13 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, by leave and at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus), moved—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5.30 pm to 7 pm, to take evidence for the committee’s inquiry into the needs of expatriate Australians.

Question put and passed.

14 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 935 standing in the name of Senator Allison for today, relating to the proposed missile defence agreement, postponed till 5 August 2004.

15 SENATE—TEMPORARY ORDER—DIVISIONS ON THURSDAY

The Minister for the Environment and Heritage (Senator Ian Campbell) amended government business notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following order operate as a temporary order until the conclusion of the 2004 sittings:

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

Question put and passed. Senators Brown and Nettle, by leave, recorded their votes for the noes.

16 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 937—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 9 August 2004, from 3.30 pm, to take evidence for the committee’s inquiry into the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2) [Statutory Rules 2004 No. 84].

Question put and passed.

17 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Ferris, 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. 938—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 5 August 2004, from 9.30 am to 11.30 am, to take evidence for the committee's inquiry into the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002.

Question put and passed.

Senator Ferris, at the request of Senator Hutchins and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 939—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 5 August 2004, from 4 pm, to take evidence for the committee's inquiry into the effectiveness of the Australian military justice system.

Question put and passed.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, 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. 940—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002 be extended to 12 August 2004.

Question put and passed.

19 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 941—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on competition in broadband services be extended to 12 August 2004.

Question put and passed.

20 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 942—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 Thursday, 5 August 2004, from 4.30 pm, to take evidence for the committee's inquiry into budgetary and environmental implications of the Government's Energy White Paper.

Question put and passed.

21 INDIGENOUS AUSTRALIANS—NATIONAL ABORIGINAL AND ISLANDER CHILDREN'S DAY

Senator Collins, also on behalf of Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 936—That the Senate—

- (a) notes that:
 - (i) 4 August is National Aboriginal and Islander Children's Day,
 - (ii) the National Aboriginal and Islander Children's Day is an initiative of the Secretariat of National Aboriginal and Islander Child Care,
 - (iii) National Aboriginal and Islander Children's Day draws attention to the needs of Aboriginal and Torres Strait Islander children,
 - (iv) the theme of National Aboriginal and Islander Children's Day 2004 is 'One Childhood – One Chance', and
 - (v) Aboriginal and Torres Strait Islander children are less likely than other Australian children to have access to early childhood programs and services; and
- (b) urges the Government to ensure that all Australian children have equitable access to early childhood programs and services.

Question put and passed.

22 FOREIGN AFFAIRS—COLOMBIA—HUMAN RIGHTS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 927—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.

Question put and passed.

23 INDIGENOUS AUSTRALIANS—NAIDOC WEEK

Senator Stott Despoja, at the request of the Leader of the Australian Democrats (Senator Bartlett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 943—That the Senate—

- (a) notes that 4 July to 11 July 2004 was National Aboriginal and Islander Day Observance Committee (NAIDOC) Week and that this year's theme was 'Self-Determination – Our Community – Our Future – Our Responsibility';
- (b) acknowledges that services to Indigenous people are most effective when controlled and run by Indigenous people and that the Government's proposed abolition of the Aboriginal and Torres Strait Islander Commission and mainstreaming of Indigenous services will further obstruct Indigenous peoples' access to basic rights such as health, education, employment, housing and justice;
- (c) recognises the significance of NAIDOC Week in celebrating Indigenous culture and the individual achievements of Indigenous people throughout the country;
- (d) congratulates the 2004 National NAIDOC award winners including:

| | |
|---------------------------|--------------------------|
| Person of the Year: | Aden Ridgeway |
| Apprentice of the Year: | Neil Joseph Fourmile Jnr |
| Scholar of the Year: | Kaye Price |
| Female Elder of the Year: | Merlene Mead |
| Male Elder of the Year: | Steve Mam |
| Youth of the Year: | Michael Hayden |
| Sportsperson of the Year: | Adam Goodes |
| Artist of the Year: | Jirra Lulla Harvey; and |
- (e) calls on the Government to ensure that NAIDOC funding is not affected by the mainstreaming of Indigenous services and programs.

Question put and passed.

24 PRIMARY INDUSTRIES—IRAQ—WHEAT SALES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 946—That the Senate calls on the Australian Government to pay the remaining debt owed to Australia's wheat farmers resulting from sales of wheat to Iraq between 1987 and 1990.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 42

Senators—

| | | | |
|------------------|-----------------|-----------|----------|
| Barnett | Ferris (Teller) | Ludwig | Ray |
| Bishop | Fifield | Lundy | Santoro |
| Brandis | Forshaw | Mackay | Scullion |
| Campbell, George | Heffernan | Marshall | Stephens |
| Carr | Hogg | Mason | Tchen |
| Chapman | Humphries | McGauran | Troeth |
| Collins | Hutchins | McLucas | Watson |
| Conroy | Johnston | Moore | Webber |
| Crossin | Kirk | O'Brien | Wong |
| Denman | Knowles | Patterson | |
| Eggleston | Lightfoot | Payne | |

Question negatived.

25 DEFENCE—MISSILE DEFENCE PROGRAM—ORDER FOR PRODUCTION OF DOCUMENT

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 945—That there be laid on the table by the Minister for Defence, no later than 4 pm on Thursday, 5 August 2004, the memorandum of understanding between the Governments of Australia and the United States of America, signed in Washington in July 2004, concerning the program of cooperation on missile defence.

Question put and passed.

26 PARLIAMENT—STUDY LEAVE ENTITLEMENTS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 887—

- (1) That the Senate is of the view that only serving senators or members of the House of Representatives may travel overseas for study purposes using their study leave entitlements and that people who are not members of Parliament may not access the study leave entitlements of members of Parliament.
- (2) That the Senate requires the Special Minister of State to table in the Senate, within 4 sitting days of receipt, the report of any overseas study tour by a senator.

Senator Murray, by leave, moved the following amendment:

Omit all words after “That”, insert “the Senate is of the view that:

- (a) serving senators or members of the House of Representatives continue to be eligible for overseas travel for study purposes under their study leave entitlements; and
 - (b) serving senators and members of the House of Representatives should continue to be allowed an accompanying travel companion as defined by the relevant guidelines, so that the cost is no greater than it would be for a senator or member travelling alone.
- (2) That a parliamentarian must be able to show that the journey will be relevant to their parliamentary work, provide a detailed itinerary and present a relevant and detailed report on conclusion of the study.
- (3) That the Senate requires the Special Minister of State to table in the Senate within 15 sitting days of receipt any report of an overseas study tour by a senator presented to him or her.”.

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

Main question put.

The Senate divided—

AYES, 2

Senators—

| | |
|-------|-----------------|
| Brown | Nettle (Teller) |
|-------|-----------------|

NOES, 42

Senators—

| | | | |
|------------------|-----------|-------------------|---------------|
| Allison | Ferguson | Ludwig | Ray |
| Barnett | Ferris | Lundy | Ridgeway |
| Bartlett | Fifield | Macdonald, Sandy | Scullion |
| Bishop | Forshaw | Mackay | Stephens |
| Boswell | Greig | Marshall | Stott Despoja |
| Campbell, George | Hogg | McGauran (Teller) | Tchen |
| Carr | Humphries | McLucas | Troeth |
| Cherry | Hutchins | Moore | Watson |
| Collins | Kirk | Murray | Webber |
| Denman | Knowles | Patterson | |
| Eggleston | Lightfoot | Payne | |

Question negatived.

27 EDUCATION—UNIVERSITY OF SYDNEY—NURSING FACULTY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 948—That the Senate—

(a) notes:

- (i) the decision by the University of Sydney to close its nursing faculty and its Orange campus,
- (ii) that there is currently a shortage of nurses in New South Wales and Australia-wide,
- (iii) that in the Bachelor of Nursing (Indigenous Australian Health), which makes an invaluable contribution to improving Indigenous health, outcomes have not been picked up by another university and may be lost as a result of this closure, and

- (iv) that there is no indication that the jobs lost through this closure at the University of Sydney will be picked up by other universities; and
- (b) urges the Government to:
 - (i) reverse its decision to allow the University of Sydney to close the nursing faculty and sever ties with the Orange campus,
 - (ii) ensure that the Bachelor of Nursing (Indigenous Australian Health) continues to be available to public nursing students, and
 - (iii) address the shortage of nurses by significantly increasing direct public funding to public universities to:
 - (A) enable an expansion of the number of nursing places available, and
 - (B) offer more opportunities for professional development for the existing nursing workforce.

Question put and passed.

28 CRIMINAL CODE AMENDMENT (WORKPLACE DEATH AND SERIOUS INJURY) BILL 2004

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 947—That the following bill be introduced:

A Bill for an Act to amend the *Criminal Code Act 1995* to create new offences in relation to industrial manslaughter and causing serious harm, and for related purposes.

Question put and passed.

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

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

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—PHARMACEUTICAL BENEFITS SCHEME

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

The Government's refusal to protect Australians' access to affordable quality medicines via the Pharmaceutical Benefits Scheme.

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

30 SCRUTINY OF BILLS—STANDING COMMITTEE—9TH REPORT AND ALERT DIGEST NO. 9 2004

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

Scrutiny of Bills—Standing Committee—

9th report of 2004, dated 4 August 2004.

Alert Digest No. 9 of 2004, dated 4 August 2004.

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

31 AUDITOR-GENERAL—AUDIT REPORT NO. 5 OF 2004-05—DOCUMENT

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

Auditor-General—Audit report no. 5 of 2004-05—Performance audit—Management of the standard defence supply system upgrade: Department of Defence.

32 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 9 of 2004.

Australian Capital Territory (Planning and Land Management) Act—Amendment 34.

Approval of Amendment 34.

Christmas Island Act—Order under section 6 of the *Travel Agents Act 1985* (WA) (CI)—Travel Agents Order No. 1 of 2004.

Cocos (Keeling) Islands Act—Order under section 6 of the *Travel Agents Act 1985* (WA) (CKI)—Travel Agents Order No. 1 of 2004.

Defence Act—Determination under section 58B—Defence Determination 2004/28.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 21 July 2004 [2].

33 INDIRECT TAX LEGISLATION AMENDMENT (SMALL BUSINESS MEASURES) BILL 2004

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 652, dated 3 August 2004—A Bill for and Act to amend the law relating to indirect taxation, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That this bill be now read a second time.

On the motion of Senator Mackay the debate was adjourned.

On the motion of Senator Abetz the resumption of the debate was made an order of the day for a later hour.

34 AUSTRALIAN PASSPORTS BILL 2004

AUSTRALIAN PASSPORTS (APPLICATION FEES) BILL 2004

AUSTRALIAN PASSPORTS (TRANSITIONALS AND CONSEQUENTIALS) BILL 2004

FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION

AMENDMENT (2004 BUDGET MEASURES) BILL 2004

ANTI-TERRORISM BILL (NO. 3) 2004

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

Message no. 653, dated 4 August 2004—A Bill for an Act to provide for Australian passports, and for related purposes.

Message no. 654, dated 4 August 2004—A Bill for an Act to impose, as taxes, fees in relation to Australian passports and other travel documents, and for related purposes.

Message no. 655, dated 4 August 2004—A Bill for an Act to provide for transitional and consequential matters relating to the enactment of the *Australian Passports Act 2004*, and for related purposes.

Message no. 657, dated 4 August 2004—A Bill for an Act to amend the social security law and law about veterans' entitlements, and for related purposes.

Message no. 656, dated 4 August 2004—A Bill for an Act relating to foreign travel documents, persons in relation to whom ASIO questioning warrants are being sought, forensic procedures, and for other 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.

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

Consideration of legislation: Senator Abetz moved—That the Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Budget Measures) Bill 2004 and the Anti-terrorism Bill (No. 3) 2004 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**35 US FREE TRADE AGREEMENT IMPLEMENTATION BILL 2004
US FREE TRADE AGREEMENT IMPLEMENTATION (CUSTOMS TARIFF) BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—That these bills be now read a second time—*and on the amendment moved by Senator Nettle (see entry no. 5).*

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Marshall was speaking.

36 NOTICE

The Minister for Justice and Customs (Senator Ellison) gave a notice of motion as follows: To move on the next day of sitting—That the provisions of the following bills be referred to the Legal and Constitutional Legislation Committee for inquiry and report as follows:

Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004 by 11 August 2004; and

Criminal Code Amendment (Suicide Related Material Offences) Bill 2004 by 6 September 2004.

37 GOVERNMENT DOCUMENTS—CONSIDERATION

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

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.10 pm till Thursday, 5 August 2004 at 9.30 am.

39 ATTENDANCE

Present, all senators except Senators Cook*, Evans, Murphy* and Sherry (* on leave).

HARRY EVANS
Clerk of the Senate