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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:

Advance to the Finance Minister—Statement and supporting applications for funds for November 2003.

Australasian Police Ministers' Council—Administration and activities of the National Common Police Services—Report for 2002-03.

Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2003.

National Environment Protection Council and NEPC Service Corporation—Report for 2002-03.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—Communication no. 153/2000—Decision.

International Covenant on Civil and Political Rights—Human Rights Committee—Communication no. 984/2001—Decision.

International Convention on the Elimination of All Forms of Racial Discrimination—Committee on the Elimination of Racial Discrimination—Communications no. 26/2002—Opinion.

3 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

Order of the day read for the consideration of message no. 468 from the House of Representatives in committee of the whole (*see entry no. 38, 3 December 2003*).

In the committee

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 33

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported that the committee had considered message no. 468 from the House of Representatives relating to the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

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

4 **MEDICARE—SELECT COMMITTEE—SECOND REPORT**

Pursuant to order, the Chair of the Select Committee on Medicare (Senator McLucas) tabled the following report and documents:

Medicare—Select Committee—Inquiry into the access to and affordability of general practice under Medicare and the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003—Second report: Medicare Plus: The future for Medicare?, dated February 2004, *Hansard* record of proceedings, documents presented to the committee and submissions [100].

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

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

Leave was granted for the debate to exceed 30 minutes.

Debate ensued.

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

5 **FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 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 this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Greig moved the following amendment:

Schedule 2, item 6, page 31 (lines 17 to 23), omit the item, substitute:

6 Subsection 167(1)

Repeal the subsection, substitute:

- (1) AFMA must cause to be compiled, from logbooks or returns furnished under section 42 or from other sources, statistics in relation to matters mentioned in subsection 42(1B).
- (1A) AMFA may publish or make available, in any way it thinks fit, any of the statistics compiled under subsection (1). However, as soon as practicable after 30 June each year, AFMA must publish on the Internet statistics on the total quantity of fish caught, fishing effort and the estimated total value of production in each fishery under its control for the 12 months ending on that 30 June.
- (1B) AFMA must ensure that all data in its possession (whether obtained from logbooks or returns furnished under section 42 or from other sources) is made available to all Commonwealth agencies in a timely manner for the purposes of law enforcement, monitoring compliance with Commonwealth laws, and evaluating the impacts of fishing on the environment.

Debate ensued.

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

Senator Greig moved the following amendment:

Schedule 2, item 6, page 31 (lines 17 to 23), omit the item, substitute:

6 Subsection 167(1)

Repeal the subsection, substitute:

- (1) AFMA must cause to be compiled, from logbooks or returns furnished under section 42 or from other sources, statistics in relation to matters mentioned in subsection 42(1B).
- (1A) AMFA may publish or make available, in any way it thinks fit, any of the statistics compiled under subsection (1).

Debate ensued.

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

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

Employment—Green Corps—Document giving details of Geelong “Look, Touch, Feel” Sensory Gardens, Green Corps round 31 project, completed December 2003.

Further matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 TRADE—FREE TRADE AGREEMENT—PRIMARY INDUSTRIES—SUGAR INDUSTRY— ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), the Minister for Defence (Senator Hill) and the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to questions without notice asked today relating to the free trade agreement between Australia and the United States of America and to the sugar industry.

Debate ensued.

Question put and passed.

9 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Allison, from 379 petitioners, requesting that the Senate amend any proposed legislation relating to Medicare to ensure that equitable access to doctors' services is preserved.

Senator Murray, from 436 petitioners, requesting that the Senate establish a select committee to investigate the conduct of banks in relation to certain matters.

By Senator Nettle, from 69 petitioners, requesting that the Senate oppose proposed changes to Medicare, abolish the Private Health Insurance Rebate and ensure bulk billing for all Australians.

10 NOTICES

Notices of motion:

The Chair of the Select Committee on Ministerial Discretion in Migration Matters (Senator Ludwig): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Ministerial Discretion in Migration Matters be extended to 31 March 2004. (*general business notice of motion no. 758*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 1 March 2004, from 4 pm, to take evidence for the committee's inquiry into the effectiveness of the Australian military justice system. (*general business notice of motion no. 759*)

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

- (a) congratulates Bernadette McMenamin who was named 2004 Australian of the Year for Victoria;
- (b) notes that some of her achievements include:
 - (i) in 1993, founding Child Wise Limited, a not-for-profit company which works towards the attainment of a world free from child exploitation, child sex abuse and child sex tourism, and
 - (ii) establishing the award-winning Choose with Care information and training program, the Child Wise Tourism and the Travel with Care programs which provide education, training and information on child sex tourism to the tourism industry;
- (c) also notes that, according to a recent report from Child Wise, Australian paedophiles have now become part of the growing child sex trade in Bali; and
- (d) calls on the Government to commit to providing ongoing support to organisations like Child Wise as a general principle of focussing on preventative measures against Australians involved in child sex tourism, rather than focussing on prosecution after the offence. (*general business notice of motion no. 760*)

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 time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Australian telecommunications network be extended to 31 March 2004. (*general business notice of motion no. 761*)

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

- (a) notes that:
 - (i) 42 million women, men and children are living with HIV/AIDS globally, with more than 95 per cent of these people living in developing countries,
 - (ii) more than 3 million die each year of AIDS (8 500 a day),
 - (iii) there are more than 7.4 million people living with HIV/AIDS in Asia and the Pacific,
 - (iv) every year, 2 million people die of tuberculosis (TB) (i.e. more than 5 000 a day) and 8 million develop active TB,
 - (v) malaria kills between 1 and 2 million people each year,
 - (vi) there are more than 3 million confirmed cases of malaria in South-East Asia and the Pacific each year,
 - (vii) the Global Fund to Fight AIDS, Tuberculosis and Malaria, endorsed by the United Nations General Assembly in 2001, is already saving lives, contributing to placing 700 000 people on anti-retroviral treatment for HIV/AIDS, detecting and treating more than 2 million TB cases and providing 64 million bed nets to protect people from malaria transmission,
 - (viii) 2 years after its creation, the fund is facing a massive shortfall in funding, and
 - (ix) according to the Equitable Contributions Framework, Australia should be contributing 1.2 per cent of the fund's resources, or \$AU110 million for the period 2002 to 2004; and

- (b) urges the Government to join the United States of America, the United Kingdom, Japan and France in contributing to the fund, in accordance with the Equitable Contributions Framework. (*general business notice of motion no. 762*)

Senator Allison: To move on the next day of sitting—That the Fuel Quality Information Standard (Ethanol) Determination 2003, made under section 22A of the *Fuel Quality Standards Act 2000*, be disallowed.

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

- (1) The following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 30 June 2004:
The funding and disclosure of political parties, candidates and elections.
- (2) In considering this matter, the committee examine and report on the following issues:
 - (a) the effect that public funding has had on the overall funding of political parties, candidates and elections;
 - (b) the effect on the political process of the increase in private funding, relative to public funding, of political parties, candidates and elections;
 - (c) avenues for removing the reliance on private funding for political parties, candidates and elections;
 - (d) relevant submissions, transcripts and reports of the Joint Standing Committee on Electoral Matters inquiry into electoral funding and disclosure (August 2000 to October 2001); and
 - (e) any other relevant matter.

Notice of motion withdrawn: Senator Lightfoot, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given on 10 February 2004, withdrew business of the Senate notice of motion no. 2 standing in the name of Senator Tchen for 5 sitting days after today for the disallowance of the Migration Amendment Regulations 2003 (No. 7), as contained in Statutory Rules 2003 No. 239 and made under the *Migration Act 1958*.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2004

Senator Lightfoot, at the request of the Chair of the Selection of Bills Committee (Senator Ferris), tabled the following report:

SELECTION OF BILLS COMMITTEE REPORT NO. 1 OF 2004

1. The committee met on Tuesday, 10 February 2004.
2. The committee resolved to recommend—That—
 - (a) the Australian Federal Police and Other Legislation Amendment Bill 2003 [2004] be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report on 23 March 2004;
 - (b) the *provisions* of the Treasury Legislation Amendment (Professional Standards) Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on a date to be determined after consulting the committee; and
 - (c) the following bills *not* be referred to committees:
Broadcasting Services (Safeguarding Local Content and Local Audience Needs) Amendment Bill 2003

Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Bill 2003
Dairy Produce Amendment Bill 2003
Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003 [2004]
Health Legislation Amendment (Medicare) Bill 2003
Import Processing Charges (Amendment and Repeal) Amendment Bill 2003
Industry Research and Development Amendment Bill 2003
National Measurement Amendment Bill 2003
Privacy Amendment Bill 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.

Bill deferred from meeting of 25 November 2003

Workplace Relations Amendment (Better Bargaining) Bill 2003.

Bill deferred from meeting of 2 December 2003

Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003 [2004].

Bills deferred from meeting of 10 February 2004

A New Tax System (Commonwealth-State Financial Arrangements) Amendment Bill 2003

Australian Crime Commission Amendment Bill 2003 [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

Norfolk Island Amendment Bill 2003 [2004]

Racial and Religious Hatred Bill 2003 [No. 2]

Taxation Laws (Clearing and Settlement Facility Support) Bill 2003

Taxation Laws Amendment Bill (No. 9) 2003.

Jeannie Ferris

Chair

11 February 2004.

Senator Lightfoot moved—That the report be adopted.

Question put and passed.

12 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 753 standing in the name of Senator Murray for today, relating to the reference of matters to the Joint Standing Committee on Electoral Matters, postponed till 12 February 2004.

13 DEFENCE—IRAQ—PROPOSED JUDICIAL INQUIRY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 757—That the Senate calls on the Government to establish a judicial inquiry to report by 1 September 2004 on matters including:

- (a) the success or failure of Australia's intelligence agencies to correctly inform the Government on Iraq's threat to the world, including its weapons of mass destruction and relationship with terrorists, in the lead-up to the invasion of Iraq in 2003;
- (b) the agencies' assessment of intelligence from foreign agencies and governments, particularly those in the United States of America and the United Kingdom, and the motivation involved; and
- (c) whether the Australian Government, including the Prime Minister (Mr Howard), used that intelligence fairly or otherwise in public statements and debate and in deciding to despatch Australian Defence Force personnel to the war.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 32

Senators—

Barnett	Colbeck	Kirk	Murphy
Bishop	Collins	Knowles	Ray
Brandis	Conroy	Lightfoot (Teller)	Scullion
Buckland	Cook	Ludwig	Stephens
Campbell, George	Crossin	Lundy	Tchen
Campbell, Ian	Denman	Mackay	Watson
Carr	Hogg	Mason	Webber
Chapman	Johnston	McLucas	Wong

Question negatived.

14 TRADE—FREE TRADE AGREEMENT—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. 756—That there be laid on the table by the Minister representing the Minister for Trade, no later than 5 pm on Wednesday, 11 February 2004, the free trade agreement made between the governments of Australia and the United States of America in February 2004.

Question put and passed.

15 FOREIGN AFFAIRS—ASIAN PARLIAMENTARIANS MEETING ON POPULATION AND DEVELOPMENT

Senator Ridgeway, at the request of Senator Allison and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 755—That the Senate notes, and encourages the Government to act on, the statement adopted at the 19th Asian Parliamentarians Meeting on Population and Development in Ho Chi Minh City, Vietnam, during December 2003 that calls for strategies for governments and international organisations to:

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

Question put and passed.

16 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Lightfoot, 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. 751—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 February 2004, from 3.30 pm to 7 pm, to take evidence for the committee's inquiry into the provisions of the Superannuation Safety Amendment Bill 2003.

Question put and passed.

17 FREE TRADE AGREEMENT—AUSTRALIA AND THE UNITED STATES OF AMERICA—SELECT COMMITTEE—APPOINTMENT

Senator Mackay, at the request of Senator Conroy, amended Senator Conroy's notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 752—That—

- (1) A select committee, to be known as the Select Committee on the Free Trade Agreement between Australia and the United States of America, be appointed to inquire into that agreement and report within 3 months after the text of the agreement is made publicly available, or on such later date as determined by the committee.
- (2) The committee shall:
 - (a) examine the agreement;
 - (b) provide a democratic and transparent process to review the agreement in its totality to ensure it is in Australia's national interest; and

- (c) examine the impact of the agreement on Australia's economic, trade, investment and social and environment policies, including, but not limited to, agriculture, health, education and the media.
- (3) The committee consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats, and 1 nominated by minority groups and independent senators.
 - (4) The committee may proceed to the despatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
 - (5) The chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
 - (6) The deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
 - (7) The deputy chair act as chair when there is no chair or the chair is not present at a meeting.
 - (8) The quorum of the committee be a majority of the members of the committee.
 - (9) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
 - (10) The committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
 - (11) The committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
 - (12) The quorum of a subcommittee be 2 members.
 - (13) The committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
 - (14) The committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put and passed.

18 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Economics References Committee (Senator Stephens), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 750—That the time for the presentation of the report of the Economics References Committee on whether the *Trade Practices Act 1974* adequately protects small business be extended to 1 March 2004.

Question put and passed.

19 URGENCY MOTION—IMMIGRATION—NAURU—DETENTION CENTRE

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from the Leader of the Australian Democrats (Senator Bartlett) advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Government to:

- (a) acknowledge that it is unacceptable for hundreds of asylum seekers to continue to be detained on Nauru, well over 2 years after the camp was first opened; and
- (b) move to close down the detention centre in Nauru.

The proposal was supported by 4 senators.

Senator Bartlett moved the motion.

Debate ensued.

Question put and passed.

20 SCRUTINY OF BILLS—STANDING COMMITTEE—1ST REPORT AND ALERT DIGEST NO. 1 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—

1st report of 2004, dated 11 February 2004.

Alert Digest No. 1 of 2004, dated 11 February 2004.

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

21 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE 2003-04—DOCUMENTS

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2004 [Appropriation Bill (No. 3) 2003-2004].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2004 [Appropriation Bill (No. 4) 2003-2004].

Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2004 [Appropriation (Parliamentary Departments) Bill (No. 2) 2003-2004].

Statement of savings expected in annual appropriations made by Act No. 55 of 2003 (*Appropriation Act (No. 1) 2003-2004*) and Act No. 56 of 2003 (*Appropriation Act (No. 2) 2003-2004*).

Senator Vanstone, by leave, moved—That—

- (a) the documents, together with the Final budget outcome 2002-03 (*see entry no. 2, 8 October 2003*) and the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2003 tabled earlier today (*see entry no. 2*), be referred to legislation committees for examination and report; and
- (b) consideration of the Advance to the Finance Minister as a final charge for the year ended 30 June 2003 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the additional estimates.

Question put and passed.

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

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

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

Agriculture, Fisheries and Forestry portfolio.

Communications, Information Technology and the Arts portfolio.

Defence portfolio—

Department of Defence and the Defence Housing Authority.

Department of Veterans' Affairs.

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

Environment and Heritage portfolio.

Family and Community Services portfolio.

Finance and Administration portfolio.

Foreign Affairs and Trade portfolio.

Immigration and Multicultural and Indigenous Affairs portfolio.

Transport and Regional Services portfolio.

Treasury portfolio.

23 WORK OF COMMITTEES—DOCUMENT

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

Work of Committees—Year statistics: 1 January to 31 December 2003; and half-year statistics: 1 July to 31 December 2003.

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

**24 SENATE COMMITTEE REPORTS—REGISTER 1970-2001 (2003 SUPPLEMENT)—
DOCUMENT**

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

Senate Committee Reports—Consolidated register of Senate committee reports 1970-2001—2003 supplement.

**25 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL
INFORMATION—BUDGET ESTIMATES 2003-04**

Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Budget estimates 2003-04 (Supplementary)—2 vols).

26 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2003 (No. 2).

Broadcasting Services Act—Commercial Television Conversion Scheme Variation 2003 (No. 2).

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(c)—Membership of Australian Forestry Standard Limited.

Corporations Act—Determination under section 1445, dated 12 November 2003.

Crimes Act—Regulations—Statutory Rules 2003 No. 338.

Currency Act—Currency (Perth Mint) Determination 2003 (No. 3).

Space Activities Act—Space Activities (Approved Scientific or Educational Organisations) Guidelines 2004.

Superannuation Industry (Supervision) Act—Requests from Minister to APRA, dated 16 and 26 June 2003.

27 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Marshall) informed the Senate that the President had received letters requesting changes in the membership of various committees.

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

Community Affairs Legislation Committee—

Appointed—

Participating member: Senator O'Brien

Substitute member: Senator Forshaw to replace Senator Hutchins for the consideration of the 2003-04 additional estimates from 16 February to 20 February 2004

Community Affairs References Committee—

Appointed—Participating member: Senator O'Brien

Economics Legislation Committee—

Appointed—Substitute members:

Senator O'Brien to replace Senator Webber for matters relating to tourism

Senator Ridgeway to replace Senator Murray for the committee's inquiry into the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003

Economics References Committee—

Appointed—Substitute member: Senator O'Brien to replace Senator Webber for matters relating to tourism

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator O'Brien

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Appointed—Participating member: Senator O'Brien

Legal and Constitutional Legislation and References Committees—

Appointed—Substitute member: Senator O'Brien to replace Senator Ludwig for matters relating to indigenous affairs.

Question put and passed.

**28 TAXATION LAWS (CLEARING AND SETTLEMENT FACILITY SUPPORT) BILL 2003
SUPERANNUATION SAFETY AMENDMENT BILL 2003
WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL
2002 [No. 2]**

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

Message no. 491, dated 10 February 2004—A Bill for an Act to negate tax consequences relating to payments under section 891A of the *Corporations Act 2001*, and for related purposes.

Message no. 492, dated 10 February 2004—A Bill for an Act to amend the law relating to superannuation, and for related purposes.

Message no. 493, dated 11 February 2004—A Bill for an Act to amend laws relating to workplace relations, and for other purposes.

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

Question put and passed.

Bills read a first time.

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

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

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

Question put and passed.

**29 HEALTH INSURANCE (GENERAL MEDICAL SERVICES TABLE) AMENDMENT
REGULATIONS—MOTION FOR DISALLOWANCE**

Senator Nettle, pursuant to notice, moved business of the Senate notice of motion no. 1—That new rule 77 in item [1] of Schedule 1 and new item 10990 in item [2] of Schedule 1 to the Health Insurance (General Medical Services Table) Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 318 and made under the *Health Insurance Act 1973*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 2

Senators—
Brown

Nettle (Teller)

NOES, 46

Senators—

Allison	Eggleston	Mackay	Santoro
Barnett	Evans	Marshall	Scullion
Bishop	Ferguson	Mason	Stephens
Brandis	Ferris (Teller)	McGauran	Stott Despoja
Buckland	Forshaw	McLucas	Tchen
Campbell, George	Greig	Minchin	Tierney
Carr	Johnston	Murray	Troeth
Chapman	Kirk	O'Brien	Watson
Cherry	Knowles	Patterson	Webber
Colbeck	Lees	Payne	Wong
Collins	Ludwig	Ray	
Denman	Macdonald, Sandy	Ridgeway	

Question negatived.

30 TRADE—FREE TRADE AGREEMENT—ORDER FOR PRODUCTION OF DOCUMENT—STATEMENT BY LEAVE

The Minister for Finance and Administration (Senator Minchin), by leave, made a statement relating to the order of the Senate agreed to earlier today for the production of documents concerning the free trade agreement made between the governments of Australia and the United States of America (*see entry no. 14*).

Statements by leave: Senators Brown and Marshall, by leave, made statements relating to the matter.

31 FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 2003 [2004]

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 amendment moved by Senator Greig (*see entry no. 5*).

Debate resumed.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, Part 3.

Schedule 2, Part 3 debated and agreed to.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted and the bill read a third time.

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

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator O'Brien moved the following amendments together by leave:

Schedule 1, item 162, page 35 (line 19), omit paragraph (c).

Schedule 1, item 164, page 35 (line 29), omit paragraph (c).

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 36

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

After 6.50 pm: The Acting Deputy President (Senator Ferguson) resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

33 NOTICE

Senator Buckland, by leave and at the request of Senator Conroy, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) expresses great concern that the Howard Government has sold out Australian sugar growers;
- (b) notes that:
 - (i) the expected gains from the trade deal with the United States of America (US) are based on unrealistic assumptions, and
 - (ii) the US offered a better deal on agriculture to Chile, El Salvador, Guatemala, Honduras and Nicaragua; and
- (c) has referred the trade deal with the US to a select committee for thorough examination to assess if it is in Australia's national interest. (*general business notice of motion no. 763*)

34 GOVERNMENT DOCUMENTS—CONSIDERATION

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

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.30 pm till Thursday, 12 February 2004 at 9.30 am.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate