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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 NOTICES**

*Notices of motion:*

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth): To move on the next day of sitting—That the Senate recognises International Women's Day on 8 March 2004 and notes:

- (a) that the idea to hold an International Women's Day first arose at the turn of the 20th Century;
- (b) that International Women's Day is celebrated worldwide as a day for reflecting upon the progress made by women in achieving equal status with men, calling for further change and celebrating the achievements of women in their many and diverse roles;
- (c) the major role that rural women play in food and fibre production, food security and the development of worldwide rural economies, women making up approximately 32 per cent of Australia's farm workforce;
- (d) the contribution of outstanding rural women, as recognised in the Rural Industries Research and Development Corporation's Rural Women's Awards and that, consistent with the values of International Women's Day, the Australian Government actively supports these awards and will be celebrating the achievements of the award winners at a national reception for rural women in March 2004; and
- (e) that the Australian Government continues to encourage the development of rural women through other initiatives such as the Industry Partnerships Corporate Governance for Rural Women Program, a program which equips and encourages women to participate in their industries at whatever level they choose and also includes participating in decision-making bodies and playing a key role in contributing to national government and industry agendas relevant to agriculture, fishing and forestry.

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

- (a) notes that:
  - (i) the weight of scientific evidence strongly suggests that:
    - (A) the global average surface temperature increased by approximately 0.6°C in the 20th Century and is likely to increase by between 1.4°C and 5.8°C in the 21st Century, and
    - (B) the primary cause of global warming is the increased concentrations of greenhouse gases in the atmosphere due to human activities, particularly the burning of fossil fuels,
  - (ii) the impact of climate change in Australia could include decreased water availability, lost productivity in the agricultural, fisheries, forestry and tourism sectors, increased fire risk, loss of alpine habitats and species, an increase in severe weather events, degradation and loss of coral reefs, and an increased risk of infectious diseases, respiratory illness, heat-related illnesses and allergies, and
  - (iii) despite the risk to Australia, the Howard Government has refused to ratify the Kyoto Protocol and failed to implement sufficient measures to reduce domestic greenhouse gas emissions and minimise the impact of climate change; and

- (b) calls on the Government to:
- (i) ratify the Kyoto Protocol and work cooperatively with the international community to devise a comprehensive agreement to reduce global greenhouse gas emissions,
  - (ii) raise the mandatory renewable energy target to at least 19 200 GWh for 2010 and 40 000 GWh for 2020,
  - (iii) introduce an emissions trading scheme and/or a carbon tax,
  - (iv) amend the *Environment Protection and Biodiversity Conservation Act 1999* to ensure approval is required for all actions that could result in significant greenhouse gas emissions, and
  - (v) develop and implement a broader range of measures to reduce domestic emissions and encourage the expansion of the renewable energy sector. (*general business notice of motion no. 789*)

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 Sports Drug Agency Amendment Bill 2004  
 Customs Tariff Amendment (Paraquat Dichloride) Bill 2004  
 Great Barrier Reef Marine Park Amendment Bill 2004  
 International Transfer of Prisoners Amendment Bill 2004  
 Medical Indemnity Amendment Bill 2004  
 Medical Indemnity (IBNR Indemnity) Contribution Amendment Bill 2004  
 Migration Amendment (Duration of Detention) Bill 2004  
 Tax Laws Amendment (2004 Measures No. 1) Bill 2004.

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*Documents:* Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [7] for introduction and passage of certain bills in the 2004 autumn sittings.

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

- (a) notes that:
- (i) the Government has committed to a public review of the economic impact of the free trade agreement (FTA) between Australia and the United States of America (US), and
  - (ii) under US trade law, before an agreement can be ratified, a thorough environmental impact assessment must be done to review the extent to which positive and negative environmental impacts may flow from economic changes expected to result from the prospective agreement; and
- (b) calls on the Government to:
- (i) conduct a full public analysis of the environmental impact of the FTA,
  - (ii) conduct a full public analysis of the social and cultural impact of the FTA, and
  - (iii) table reports of these reviews in the Parliament for its consideration. (*general business notice of motion no. 790*)

*Intention to withdraw:* Senator Mackay, at the request of Senator Sherry and pursuant to standing order 78, gave notice of Senator Sherry's intention, immediately after motions to take note of answers today, to withdraw business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 251 and made under the *Superannuation Industry (Supervision) Act 1993*.

### 3 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 7 Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2004 and a related bill.

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

No. 8 Australian Crime Commission Amendment Bill 2003 [2004].

No. 9 Industry Research and Development Amendment Bill 2003.

Question put and passed.

Senator Ian Campbell moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 787 standing in the name of Senator George Campbell, relating to superannuation and retirement income measures; and

(b) consideration of government documents.

Question put and passed.

### 4 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 786—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Legislation Committee be extended as follows:

(a) administration of the Civil Aviation Safety Authority—to 5 August 2004; and

(b) administration of AusSAR in relation to the search for the *Margaret J*—to 27 May 2004.

Question put and passed.

### 5 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—VARIATION OF APPOINTMENT

The Leader of the Australian Democrats (Senator Bartlett), also on behalf of the Leader of the Opposition in the Senate (Senator Faulkner), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 784—

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

Question put and passed.

#### **6 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REFERENCE**

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 753—That the following matters be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by the last sitting day in June 2004:

- (a) the matter relating to electoral funding and disclosure, which was adopted by the committee on 15 August 2000, and any amendments to the Commonwealth Electoral Act necessary to improve disclosure of donations to political parties and candidates and the true source of those donations; and
- (b) any submissions and evidence received by the committee in relation to that inquiry of 15 August 2000.

Question put and passed.

#### **7 FOREIGN AFFAIRS—WESTERN SAHARA**

Senator Allison, also on behalf of Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 788—That the Senate—

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

- (iii) provide humanitarian assistance to the Saharawi refugees who need food and medicine urgently.

Question put and passed.

## 8 EDUCATION—SOCIO-ECONOMIC STATUS FUNDING SYSTEM

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—That the Senate—

(a) notes that:

- (i) the fundamentally flawed socio-economic status (SES) funding system has delivered an extra \$815 million in Commonwealth funding to non-government schools,
- (ii) the announced expansion of the SES system to Catholic systemic schools will deliver a further \$362 million in additional funding to private schools whilst no new money is promised to public schools, further disadvantaging the public system, and
- (iii) the SES funding system is based on the erroneous assumption that private school enrolments reflect the average socio-economic status of the areas in which the students live; and

(b) calls on the Government to:

- (i) recognise the need to prioritise funding for public schools, which deliver high quality education to all students regardless of wealth, religion, educational or behavioural needs,
- (ii) scrap the flawed SES funding system, which delivers inequitable funding outcomes to the non-government school sector, and
- (iii) end Commonwealth subsidies to the wealthiest private schools.

*Leave refused:* Senator Allison sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown	Nettle (Teller)
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NOES, 43

Senators—

Allison	Cook	Kirk	Scullion
Bartlett	Crossin	Knowles	Sherry
Bishop	Denman	Lightfoot	Stephens
Boswell	Ferris (Teller)	Ludwig	Stott Despoja
Buckland	Forshaw	Macdonald, Sandy	Tchen
Calvert	Greig	Mackay	Tierney
Campbell, George	Harradine	Marshall	Troeth
Campbell, Ian	Hogg	McGauran	Watson
Carr	Humphries	Murray	Webber
Collins	Hutchins	O'Brien	Wong
Conroy	Johnston	Ridgeway	

Question negatived.

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

Senator Allison, 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. 785—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 March 2004, from 11.30 am to 2 pm, to take evidence for the committee's inquiry into competition in broadband services.

Question put and passed.

**10 CENTENARY HOUSE—ROYAL COMMISSION—REVIEW**

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 775—That—

- (1) The Senate calls on the Government to appoint a member, or a retired member, of the judiciary to review the findings of the Royal Commission of Inquiry into Leasing by the Commonwealth of Accommodation in Centenary House, conducted by the Honourable TR Morling, QC in 1994, in the light of later evidence, particularly with regard to movements and trends in commercial rates and leasing arrangements since 1994.
- (2) The review be empowered and resourced to seek expert advice from a panel of valuers, one to be appointed by the lessor, one to be appointed by the lessee and an independent Chairman of the panel to be appointed by the President of the Australian Institute of Valuers and Land Economists.

Question put and passed.

**11 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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.

Question put and negatived. Senator Brown, by leave, recorded his vote for the ayes.

*Statements by leave:* The Leader of the Opposition in the Senate (Senator Faulkner) and Senators Murray and Nettle, by leave, made statements relating to the motion.



**12 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) tabled the following document:

Regulations and Ordinances—Standing Committee—Delegated legislation monitor—Regulations and disallowable instruments tabled in the Senate in 2003, dated March 2004.

**13 EXTENSION OF SUNSET OF PARLIAMENTARY JOINT COMMITTEE ON NATIVE TITLE BILL 2004**

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

Message no. 515, dated 3 March 2004—A Bill for an Act to extend for 2 years the operation of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) 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 Ian Campbell 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 Ian Campbell the resumption of the debate was made an order of the day for a later hour.

**14 INTERNATIONAL TRANSFER OF PRISONERS AMENDMENT BILL 2004  
GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2004  
MIGRATION AMENDMENT (DURATION OF DETENTION) BILL 2004**

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

Message no. 514, dated 3 March 2004—A Bill for an Act to amend the *International Transfer of Prisoners Act 1997*, and for related purposes.

Message no. 517, dated 3 March 2004—A Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975*, and for related purposes.

Message no. 517A, dated 3 March 2004—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

*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 Ian Campbell moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

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

A message from the House of Representatives was reported agreeing to the amendment made by the Senate to the following bill:

Message no. 516, dated 3 March 2004—Workplace Relations Amendment (Improved Remedies for Unprotected Action) Bill 2002.

**16 CRIMINAL CODE AMENDMENT (TERRORIST ORGANISATIONS) BILL 2003**

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

—————  
*In the committee*

Consideration resumed of the bill—and of the amendments moved by the Minister for Justice and Customs (Senator Ellison):

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

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

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

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

Add:

(17) If:

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

the Minister must consider the de-listing application.

- (18) Subsection (17) does not limit the matters that may be considered by the Minister for the purposes of subsections (4), (9), (10A) and (10C).

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

Insert:

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

*Review of listing regulation*

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

*Review of listing provisions*

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

*Review of listing regulation—extension of applicable disallowance period*

- (3) If the Committee's report on a review of a regulation is tabled in a House of the Parliament:
- (a) during the applicable disallowance period for that House; and
  - (b) on or after the eighth sitting day of the applicable disallowance period;

then whichever of the following provisions is applicable:

- (c) subsections 48(4), (5) and (5A) and section 48B of the *Acts Interpretation Act 1901*;
- (d) Part 5 of the *Legislative Instruments Act 2003*;

have or has effect, in relation to that regulation and that House, as if each period of 15 sitting days referred to in those provisions were extended in accordance with the table:

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

<b>Extension of applicable disallowance period</b>		
<b>Item</b>	<b>If the Committee's report is tabled in that House...</b>	<b>extend the period of 15 sitting days by...</b>
6	on the tenth sitting day of the applicable disallowance period	3 sitting days of that House
7	on the ninth sitting day of the applicable disallowance period	2 sitting days of that House
8	on the eighth sitting day of the applicable disallowance period	1 sitting day of that House

*Applicable disallowance period*

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

Debate resumed.

Senator Brown moved—That the committee report progress and ask leave to sit again.

Question put.

The committee divided—

AYES, 8

Senators—

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

NOES, 31

Senators—

Bishop	Eggleston (Teller)	Kirk	Stephens
Buckland	Ellison	Macdonald, Sandy	Tchen
Campbell, George	Evans	Mackay	Tierney
Carr	Faulkner	Marshall	Troeth
Chapman	Ferris	McLucas	Watson
Collins	Forshaw	O'Brien	Webber
Cook	Hogg	Scullion	Wong
Denman	Hutchins	Sherry	

Question negatived.

Debate continued.

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

Senator Greig moved the following amendment:

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

***Intelligence Services Act 2001***

**5 Subsection 28(2)**

Omit “7 members, 3 of whom must be Senators and 4 of whom must be members of the House of Representatives”, substitute “9 members, 4 of whom must be Senators and 5 of whom must be members of the House of Representatives”.

**6 After subclause 14(4) of Schedule 1**

Insert:

(4A) The Leader of the Government in the Senate must nominate at least one Senator who is a representative of a recognised political party that is represented in the Senate and does not form part of the Government or of the Opposition.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

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

Debate ensued.

Question put.

The Senate divided—

AYES, 42

Senators—

Barnett	Crossin	Knowles	Scullion
Bishop	Denman	Ludwig	Sherry
Brandis	Ellison	Macdonald, Sandy	Stephens
Buckland	Evans	Mackay	Tchen
Campbell, George	Ferguson	Marshall	Tierney
Carr	Forshaw	Mason	Troeth
Chapman	Harradine	McGauran (Teller)	Watson
Colbeck	Hogg	McLucas	Webber
Collins	Hutchins	O’Brien	Wong
Conroy	Johnston	Patterson	
Cook	Kirk	Ray	

NOES, 9

Senators—

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

Question agreed to. Senator Murray, by leave, indicated that he had intended to vote for the noes.

Bill read a third time.

**17 WORKPLACE RELATIONS AMENDMENT (COMPLIANCE WITH COURT AND TRIBUNAL ORDERS) BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Nettle was speaking.

**18 AGRICULTURAL AND VETERINARY CHEMICALS (ADMINISTRATION) AMENDMENT BILL 2004**  
**INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (ROTTERDAM CONVENTION) BILL 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.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bills were read a third time.

**19 EXTENSION OF SUNSET OF PARLIAMENTARY JOINT COMMITTEE ON NATIVE TITLE BILL 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.

Senator Ridgeway moved the following amendment:

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

- (a) notes the importance of ongoing review of the operation of native title legislation in Australia; and
- (b) calls on the Government to:
  - (i) review the need to extend the committee for a further period, and
  - (ii) commence this review not less than 6 months before the term of the committee expires”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

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

**20 AUSTRALIAN CRIME COMMISSION AMENDMENT BILL 2003 [2004]**

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

Debate resumed.

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*Explanatory memorandum:* The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled a correction to the explanatory memorandum relating to the bill.

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Question put and passed.

Bill read a second time.

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

On the motion of Senator Troeth the bill was read a third time.

**21 INDUSTRY RESEARCH AND DEVELOPMENT AMENDMENT BILL 2003**

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.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate notes the importance of research as a driver of economic growth and condemns the Government’s failure to stimulate private sector investment in research and development and to adequately invest in public research and development”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

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

*Suspension of sitting:* On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

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*At 2 pm—*

**22 QUESTIONS**

Questions without notice were answered.

**23 ANSWERS TO QUESTIONS**

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked by opposition senators today.

Debate ensued.

Question put and passed.

**24 NOTICE OF MOTION WITHDRAWN**

Senator Mackay, at the request of Senator Sherry, pursuant to notice of intention given earlier today (*see entry no. 2*), withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 251 and made under the *Superannuation Industry (Supervision) Act 1993*.

**25 AUSTRALIAN PARLIAMENTARY DELEGATION TO JAPAN AND THE REPUBLIC OF KOREA—DOCUMENT**

The President tabled the following document:

Japan and the Republic of Korea—Report of the Australian parliamentary delegation, 8 to 19 December 2003, dated March 2004.

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

Question put and passed.

**26 DOCUMENTS**

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Amendment Order (No. 1) 2004.

Exemptions Nos CASA EX08/2004 and CASA EX10/2004-CASA EX13/2004.

Instruments Nos CASA 55/04, CASA 60/04, CASA 77/04 and CASA 86/04.

Currency Act—Currency (Royal Australian Mint) Determination 2004 (No. 2).

**27 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

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

Departmental and agency contracts for 2003—Letters of advice—

Education, Science and Training portfolio.

Treasury portfolio.

**28 ECONOMICS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That Senator Ridgeway replace Senator Murray on the Economics Legislation Committee for the committee's inquiry into the provisions of the Textile, Clothing and Footwear Strategic Investment Program Amendment Bill 2004.

Question put and passed.



**29 NORFOLK ISLAND AMENDMENT BILL 2003 [2004]**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 518, dated 4 March 2004—Norfolk Island Amendment Bill 2003 [2004].

*General business was called on.*

**30 SUPERANNUATION—RETIREMENT INCOME MEASURES**

Senator George Campbell, pursuant to notice, moved general business notice of motion no. 787—That the Senate—

- (a) condemns the Liberal Government for the underlying thrust of its recently-announced retirement incomes measures, that Australians should forget full-time retirement and work longer and longer – in reality, work until they drop;
- (b) while acknowledging that the Government’s announced policies may be of value to some retirees, considers that they must be implemented with a guarantee that:
  - (i) current access ages for superannuation, 55 for those born before 1 July 1960, phasing up to a retirement age of 60 for those born after 30 June 1964,
  - (ii) current eligibility ages for the age pension of 62 and 65 years, and
  - (iii) indexation of the age pension to Male Total Average Weekly Earnings, will be maintained;
- (c) notes that:
  - (i) Australia does not face a retirement incomes ‘crisis’ resulting from the ageing of the population, because of the efficiency and effectiveness of the combined operation of the age pension and the 9 per cent superannuation guarantee contribution, and
  - (ii) there is active discrimination occurring in the workforce against those aged 40 and over who are seeking meaningful full-time employment and for whom retirement is the only option; and
- (d) is of the opinion that:
  - (i) all Australians are entitled to retire at a time of their choosing to enjoy rest, recreation, community activity and family, at their leisure, and
  - (ii) for many Australians, it is impractical to expect them to work beyond the current retirement ages because they will not be able to find either full- or part-time work, or the nature of their employment involves a mandatory retirement age or is of such a physically and mentally stressful nature that employment beyond the current retirement age is not possible.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator McGauran was speaking.

**31 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to government documents were considered:

Department of the Environment and Heritage—Report for 2002-03. Motion of Senator Crossin to take note of document agreed to.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2002-03. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document agreed to.

Wet Tropics Management Authority—Report for 2002-03. Motion of Senator Bartlett to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2002-03. Motion of Senator Bartlett to take note of document agreed to.

Migration Review Tribunal—Report for 2002-03. Motion of Senator Bartlett to take note of document agreed to.

Refugee Review Tribunal—Report for 2002-03. Motion of Senator Bartlett to take note of document agreed to.

Aboriginal and Torres Strait Islander Commission—Report for 2002-03. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Indigenous education and training—National report to Parliament 2002. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Migration Agents Registration Authority—Report for 2002-03. Motion of Senator Bartlett to take note of document agreed to.

List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at December 2003. Motion of Senator Bartlett to take note of document agreed to.

United Nations—Convention on the Elimination of All Forms of Discrimination Against Women—Women in Australia: Australia's combined fourth and fifth reports on implementing the Convention. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Crossin debate was adjourned till Thursday at general business.

*Renewable Energy (Electricity) Act 2000*—Renewable opportunities: A review of the operation of the *Renewable Energy (Electricity) Act 2000*, September 2003. Motion to take note of document moved by Senator Murphy. Debate adjourned till Thursday at general business, Senator Murphy in continuation.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2004 review. Motion of Senator Buckland to take note of document agreed to.

General business orders of the day nos 12 to 15 and 17 to 24 relating to government documents were called on but no motion was moved.

*General business concluded.*

### 32 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Economics References Committee—Report—The effectiveness of the *Trade Practices Act 1974* in protecting small business. Motion of the chair of the committee (Senator Stephens) to take note of report agreed to.

Privileges—Standing Committee—116th report—Possible improper interference with a witness before the Rural and Regional Affairs and Transport Legislation Committee. Motion of the chair of the committee (Senator Ray)—That the Senate endorse the finding at paragraph 28 of the 116th report of the Committee of Privileges—agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Australian Wool Innovation Limited: Application and expenditure of funds advanced under Statutory Funding Agreement dated 31 December 2000. Motion of the chair of the committee (Senator Heffernan) to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Voting on trade: The General Agreement on Trade in Services and an Australia-US free trade agreement. Motion of the chair of the committee (Senator Cook) to take note of report agreed to.

**33 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 16 of 2003-04—Performance audit—Administration of consular services follow-up audit: Department of Foreign Affairs and Trade. Motion of Senator Hogg to take note of document agreed to.

Auditor-General—Audit report no. 24 of 2003-04—Performance audit—Agency management of special accounts. Motion of Senator Buckland to take note of document agreed to.

Orders of the day nos 3 to 8 relating to reports of the Auditor-General were called on but no motion was moved.

**34 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 6.43 pm till Monday, 8 March 2004 at 12.30 pm.

**35 ATTENDANCE**

Present, all senators except Senators Cherry, Heffernan, Moore\* and Payne (\* on leave).

**HARRY EVANS**  
Clerk of the Senate