

2002

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**1 MEETING OF SENATE**

The Senate met at 2 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Defence Housing Authority—Statement of corporate intent 2002-03.

Productivity Commission—Report—No. 17—Review of the national access regime, 28 September 2001.

Treaties—*Bilateral*—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of New Zealand relating to Air Services, done at Auckland on 8 August 2002.

Treaty between Australia and the Hellenic Republic on Mutual Assistance in Criminal Matters, done at Athens on 4 July 2002.

*War Crimes Act 1945*—Report for 2001-02 on the operation of the Act.

*Workplace Relations Act 1996*—Report for 2000 and 2001 on agreement making under the Act.

**3 QUESTIONS**

Questions without notice were answered.

**4 EMPLOYMENT—PAID MATERNITY LEAVE—ANSWER TO QUESTION**

Senator Bolkus moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Bolkus today relating to a national system of paid maternity leave.

Debate ensued.

Question put and passed.

**5 FINANCE—CORPORATIONS REGULATIONS—ANSWER TO QUESTION**

Senator Murphy moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Watson today relating to the disallowance by the Senate on 16 September 2002 of certain corporations regulations.

Question put and passed.

**6 COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee—**

Appointed—

Senator Stott Despoja

Participating member: Senator Greig for matters relating to the Health portfolio

Discharged—

Senator Allison

Participating member: Senator Stott Despoja

**Community Affairs References Committee—**

Appointed—Participating member: Senator Greig for matters relating to the Health portfolio.

Question put and passed.

**7 PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Boswell, from 47 petitioners, requesting that the Senate ensure the continued viability and strengthening of Medicare by supporting a substantial funding increase for the public health system.

Senator Kemp, from 45 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.

**8 NOTICES**

The Chair of the Economics References Committee (Senator Collins): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on public liability and professional indemnity insurance be extended to 22 October 2002. (*general business notice of motion no. 158*)

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

(a) notes:

- (i) the release of the National Review of Nursing Education 2002 report, *Our Duty of Care*, chaired by Patricia Heath,
- (ii) a finding of the report that more than 22 000 nurses will leave the workforce over the next 5 years and that, in the period 2001 to 2006, there will be 31 000 nursing vacancies, with almost three-quarters of the vacancies created by nurses leaving the profession,
- (iii) a finding of the report that there needs to be a major investment in retention of the existing workforce, recruitment of nurses not currently employed in nursing and recruitment from overseas,
- (iv) a finding of the report that the most crucial factor in ensuring an adequate supply of nurses for the future will be to retain as many of those nurses currently employed as possible, particularly those in the earlier years of their careers, and
- (v) the recommendation that nursing is portrayed as a profession in government and employer information, and that all levels of government and other employers of nurses should:
  - (A) review their recruitment and promotion activities to ensure they reflect the professional status of nursing and the valuable social contribution made by nursing through its diverse roles and practice, and

- (B) review their classification of ‘nursing’ to ensure it is consistent with the Australian Standard Classification of Occupations classification, in order to reflect the professional status of nursing; and
- (b) calls on the Government to substantially re-invest in education, especially in Australia’s public higher education institutions, to ensure extra funded places are made available for nursing education, including in postgraduate research training, as part of a comprehensive strategy to address the national shortage of nurses. (*general business notice of motion no. 159*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): 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 References Committee on forestry plantations be extended to the last sitting day in June 2003. (*general business notice of motion no. 160*)

Senator Brown: To move on 24 September 2002—That the Senate calls on the Government to reconsider its approval of Basslink to ensure that the cable is placed underground in Gippsland instead of using pylons and overhead powerlines. (*general business notice of motion no. 161*)

#### 9 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, moved—That—

- (1) On Tuesday, 17 September 2002:
  - (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment;
  - (b) the question for the adjournment of the Senate shall be proposed at the conclusion of debate on any motion relating to a ministerial statement concerning Iraq or at 10.40 pm, whichever is the earlier; and
  - (c) the routine of business from 7.30 pm shall be debate relating to a ministerial statement concerning Iraq.
- (2) Consideration of government documents not be proceeded with today.
- (3) A ministerial statement concerning Iraq may be made immediately after discovery of formal business.
- (4) In relation to any motion moved today in relation to a ministerial statement concerning Iraq, the speaking times shall be as follows:
  - (a) not more than 15 minutes for party leaders; and
  - (b) not more than 10 minutes for any other senator.
- (5) Any vote on a motion or amendment moved in relation to a ministerial statement concerning Iraq that arises before the question for the adjournment is proposed today shall be taken at 9.30 am on Wednesday, 18 September 2002, and the matter before the Senate shall stand adjourned till that time.

Debate ensued.

Question put and passed.

**10 POSTPONEMENTS**

Items of business were postponed as follows:

General business notice of motion no. 53 standing in the name of the Acting Leader of the Australian Democrats (Senator Greig) for today, relating to the introduction of the Sexuality Anti-Vilification Bill 2002, postponed till 12 November 2002.

General business notice of motion no. 156 standing in the name of Senator Allison for today, relating to the Deaflympic Games, postponed till 18 September 2002.

General business notice of motion no. 157 standing in the name of Senator Harradine for today, relating to human rights in China, postponed till 18 September 2002.

**11 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 152—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 September 2002, from 6.30 pm, to take evidence for the committee's inquiry into the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues.

Question put and passed.

**12 SUPERANNUATION—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 154—That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 3.30 pm to 5.30 pm, to take evidence for the committee's inquiry into the provisions of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2002.

Question put and passed.

**13 DEATH OF MR GINGER RILEY MUNDUWALAWALA**

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 155—That the Senate—

- (a) notes, with sadness, the passing on 1 September 2002 of Mr Ginger Riley Munduwalawala, a traditional 'saltwater' man from southeast Arnhem Land, and thanks his family for their permission to refer to him by name in recognition of his outstanding achievements as an artist;
- (b) remembers Mr Munduwalawala as 'the boss of colour' who was inspired by the great Albert Namatjira to paint his 'colour country', beginning his painting career in earnest at the age of about 50;
- (c) pays tribute to Mr Munduwalawala's unique ability to draw inspiration from Western landscape art to express his own distinctive vision of his creation stories and ancestral lands, which won him public acclaim in the form of:

- (i) the National Aboriginal and Torres Strait Islander Art Award, presented in Darwin in 1987,
  - (ii) the Northern Territory Alice Prize in 1992,
  - (iii) the first National Aboriginal and Torres Strait Islander Heritage Commission Award in 1993,
  - (iv) a fellowship from the Australia Council in 1997, and
  - (v) a 10-year retrospective of his works at the National Gallery of Victoria in 1997, which was the first time a public institution had ever honoured a living Aboriginal artist in this manner; and
- (d) recognises that Mr Munduwalawala's works are represented in most of the major galleries, museums and private collections in Australia as well as overseas, contributing to his status as one of the nation's pre-eminent Aboriginal artists and cultural custodians.

Question put and passed.

**14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

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. 153—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 4 pm, to take evidence for the committee's inquiry into the administration of AusSAR in relation to the search for the *Margaret J.*

Question put and passed.

**15 FOREIGN AFFAIRS—IRAQ—MINISTERIAL STATEMENT—DOCUMENTS**

Pursuant to order (*see entry no. 9*), the Minister for Defence (Senator Hill) made a statement relating to Iraq and weapons of mass destruction, and tabled the following documents:

Foreign Affairs—Iraq—Weapons of mass destruction—

Copies of letters from—

Minister of Foreign Affairs (Dr Naji Sabri), Republic of Iraq to the Secretary General of the United Nations (Mr Kofi Annan), dated 16 September 2002.

Secretary General of the United Nations (Mr Kofi Annan) to the President of the Security Council (His Excellency Mr Stefan Tafrov), dated 16 September 2002.

United Nations Special Commission chronology of main events, dated December 1999.

Senator Hill, by leave, moved—That the Senate take note of the statement.

Debate ensued.

The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

At the end of the motion, add “and that the Senate emphasises that, as yet, the case has not been made as would support a pre-emptive strike on Iraq; and further emphasises the vital importance of the United Nations Security Council and the United Nations Charter under international law for international dispute resolution, including in relation to Iraq”.

Debate ensued.

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*Document:* Senator Nettle, by leave, tabled the following document:

Foreign Affairs—Iraq—Statement—‘No to War on Iraq’, dated 16 September 2002.

—————

Debate continued.

Debate concluded.

**16 ADJOURNMENT**

Pursuant to order (*see entry no. 9*), the Acting Deputy President (Senator Bartlett) proposed the question—That the Senate do now adjourn.

The Senate adjourned at 10.02 pm till Wednesday, 18 September 2002 at 9.30 am.

**17 ATTENDANCE**

Present, all senators except Senators Cook\*, Lightfoot and Troeth (\* on leave).

**HARRY EVANS**  
Clerk of the Senate