

2002

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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:

Aboriginal Land Commissioner—Report for 2001-02.

Advance to the Finance Minister—Statement and supporting applications for funds for June 2002.

Australian Land Transport Development Programme—Progress report for 2000-01.

National Health Act 1953—Private health insurance premium increases—Report for the quarter commencing 1 April 2002.

Native Title Act—Native title representative bodies—Carpentaria Land Council Aboriginal Corporation—Report for 2000-01.

3 TEMPORARY CHAIR OF COMMITTEES

The President tabled a warrant, dated 17 September 2002, nominating Senator Brandis as an additional temporary chair of committees.

4 FOREIGN AFFAIRS—IRAQ—MINISTERIAL STATEMENT

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—That the Senate take note of the statement—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Faulkner)*:

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 resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 38

Senators—

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

NOES, 31

Senators—

Abetz	Colbeck	Kemp	Reid
Alston	Coonan	Knowles	Scullion
Barnett	Ellison	Macdonald, Ian	Tchen
Boswell	Ferguson	Macdonald, Sandy	Tierney
Brandis	Ferris (Teller)	Mason	Troeth
Calvert	Heffernan	McGauran	Vanstone
Campbell, Ian	Hill	Minchin	Watson
Chapman	Johnston	Payne	

Question agreed to.

Senator Brown, also on behalf of Senator Nettle, moved the following amendment:

At the end of the motion, add “and the Senate, opposing the use of Australian personnel in any invasion of Iraq, calls on the Australian Government to:

- (a) urge the Governments of the United States of America and Iraq to exercise restraint;
- (b) commit to working with the United Nations and Arabic leaders in particular, to ensure that the Government of Iraq abides by past United Nations resolutions; and
- (c) use all possible influence to protect innocent Iraqi lives”.

Senator Greig moved the following amendment to Senator Brown’s proposed amendment:

Omit, “opposing the use of Australian personnel in any invasion of Iraq”, substitute “opposing the use of Australian military personnel or facilities in any invasion of Iraq”.

Question—That Senator Greig’s amendment to Senator Brown’s proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 56

Senators—

Abetz	Collins	Johnston	O'Brien
Alston	Conroy	Kemp	Payne
Barnett	Coonan	Kirk	Ray
Bishop	Crossin	Knowles	Reid
Bolkus	Denman	Ludwig	Scullion
Boswell	Ellison	Macdonald, Ian	Sherry
Brandis	Evans	Macdonald, Sandy	Stephens
Buckland	Ferguson	Mackay	Tchen
Calvert	Ferris (Teller)	Marshall	Tierney
Campbell, George	Forshaw	Mason	Troeth
Campbell, Ian	Harris	McGauran	Vanstone
Carr	Heffernan	McLucas	Watson
Chapman	Hill	Minchin	Webber
Colbeck	Hutchins	Moore	Wong

Question negatived.

Main question, as amended, put and passed.

5 COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 1) 2002

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, as amended—and of the amendments moved by the Leader of the Opposition in the Senate (Senator Faulkner):

Schedule 1, item 2, page 3 (lines 28 to 30), omit paragraph (b).

Schedule 1, item 3, page 4 (lines 18 to 23), omit paragraph (aa).

Schedule 1, item 3, page 5 (lines 20 to 37), omit paragraph (ad).

Schedule 1, item 6, page 6 (line 7), after “Liberal Party”, insert “and the agent of the relevant State Branch of the Liberal Party”.

Schedule 1, item 6, page 6 (line 21) after “A notice under subsection (5E)”, insert “must be signed by the agent of each party specified in the notice and”.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 27

Senators—

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

NOES, 39

Senators—

Abetz	Cherry	Johnston	Reid
Allison	Colbeck	Kemp	Ridgeway
Alston	Coonan	Knowles	Scullion
Barnett	Ellison	Lees	Stott Despoja
Bartlett	Ferguson	Macdonald, Ian	Tchen
Boswell	Ferris (Teller)	Macdonald, Sandy	Tierney
Brandis	Greig	Mason	Troeth
Calvert	Harris	McGauran	Vanstone
Campbell, Ian	Heffernan	Murray	Watson
Chapman	Hill	Payne	

Question negatived.

Senator Faulkner moved the following amendment:

Schedule 1, page 6 (after line 21), at the end of the Schedule, add:

9 After subsection 316(2C)

Insert:

- (2D) Where a body corporate or unincorporated has made a gift or disposition of property of \$25,000 or more to a political party, an authorised officer must conduct an investigation of that gift or disposition of property in accordance with this section.

Debate ensued.

Senator Faulkner, by leave, amended the amendment as follows:

Before “political party”, insert “registered”.

Debate continued.

Senator Faulkner, by leave, amended the amendment as follows:

Omit “Where a body corporate or unincorporated has made”, substitute “Where a body corporate, unincorporated body or individual has made”.

After “political party”, insert “or candidate”.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 35

Senators—

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

NOES, 27

Senators—

Abetz	Coonan	Kemp	Payne
Alston	Eggleston (Teller)	Knowles	Scullion
Barnett	Ellison	Macdonald, Ian	Tchen
Boswell	Ferguson	Macdonald, Sandy	Tierney
Brandis	Ferris	Mason	Vanstone
Chapman	Heffernan	McGauran	Watson
Colbeck	Johnston	Minchin	

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Acting Deputy President (Senator Sandy Macdonald) resumed the chair and the Chair of Committees (Senator Hogg) reported accordingly.

The Special Minister of State (Senator Abetz) moved—That the report from the committee be adopted.

Proposed reference to committee: Senator Faulkner moved the following amendment:

At the end of the motion, add “and that the following matters be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by Thursday, 24 October 2002:

- (a) any amendments to the Commonwealth Electoral Amendment Bill (No. 1) 2002 circulated in the Senate chamber; and
- (b) the Commonwealth Electoral Amendment Bill (No. 1) 2002.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 27

Senators—

Bishop	Crossin (Teller)	Ludwig	O'Brien
Bolkus	Denman	Mackay	Ray
Brown	Faulkner	Marshall	Sherry
Buckland	Forshaw	McLucas	Stephens
Campbell, George	Hogg	Moore	Webber
Collins	Hutchins	Murphy	Wong
Conroy	Kirk	Nettle	

NOES, 36

Senators—

Abetz	Colbeck	Johnston	Murray
Allison	Coonan	Kemp	Payne
Alston	Eggleston (Teller)	Knowles	Ridgeway
Barnett	Ellison	Lees	Stott Despoja
Bartlett	Ferguson	Macdonald, Ian	Tchen
Boswell	Ferris	Macdonald, Sandy	Tierney
Brandis	Greig	Mason	Troeth
Chapman	Harradine	McGauran	Vanstone
Cherry	Heffernan	Minchin	Watson

Question negatived.

Main question put and passed.

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

Question put.

The Senate divided—

AYES, 36

Senators—

Abetz	Colbeck	Heffernan	Minchin
Allison	Coonan	Johnston	Murray
Alston	Eggleston (Teller)	Kemp	Payne
Barnett	Ellison	Knowles	Ridgeway
Bartlett	Ferguson	Lees	Tchen
Boswell	Ferris	Macdonald, Ian	Tierney
Brandis	Greig	Macdonald, Sandy	Troeth
Chapman	Harradine	Mason	Vanstone
Cherry	Harris	McGauran	Watson

NOES, 27

Senators—

Bishop	Crossin (Teller)	Ludwig	O'Brien
Bolkus	Denman	Mackay	Ray
Brown	Faulkner	Marshall	Sherry
Campbell, George	Forshaw	McLucas	Stephens
Carr	Hogg	Moore	Webber
Collins	Hutchins	Murphy	Wong
Conroy	Kirk	Nettle	

Question agreed to.

Bill read a third time.

6 **HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—PROPOSED VARIATION**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That the order of the Senate of 25 March 1999, relating to an order for the production of periodic reports by the Australian Competition and Consumer Commission on private health insurance, be varied as follows:

Omit “6 months, commencing with the 6 months ending on 31 December 1999”, substitute “12 months ending on or after 30 June 2003”.

Debate resumed.

Document: The Special Minister of State (Senator Abetz) tabled the following document:
Health—Assessment reports by the Australian Competition and Consumer Commission—Order for production of documents—Copy of letter to Senator Evans from the Parliamentary Secretary to the Treasurer (Senator Ian Campbell).

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

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to unparliamentary language and a matter raised by Senator Brown on 16 September 2002.

10 SUPERANNUATION—ANSWERS TO QUESTIONS

Senator Sherry moved—That the Senate take note of the answers given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to questions without notice asked by opposition senators today relating to superannuation.

Debate ensued.

Question put and passed.

11 DEFENCE—NAVAL FACILITIES—ANSWER TO QUESTION

The Acting Leader of the Australian Democrats (Senator Greig) 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 Greig today relating to the use of Australian naval facilities in Fremantle, Western Australia, by the United States of America.

Question put and passed.

12 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Calvert, from 17 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.

Senators Calvert and Forshaw, from 10 and 392 petitioners, respectively, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

Senator Cherry, from 29 petitioners, requesting that the Senate urge the Government to release publicly the demands and concessions it proposes to make to other countries for opening up trade in services as part of negotiations on a new General Agreement on Trade in Services.

13 NOTICES

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

- (a) notes that:
 - (i) the second Commonwealth leaders' troika on Zimbabwe will meet in Nigeria on 23 September 2002,
 - (ii) there has been a worsening of conditions for millions of Zimbabweans since the troika first met 6 months ago to discuss steps to restore democracy in Zimbabwe, and
 - (iii) the Prime Minister (Mr Howard), as Chairman of the Commonwealth leaders' troika on Zimbabwe, has acknowledged it is a matter for regret that little substantive progress has been made in implementing the troika's steps to restore democracy in Zimbabwe; and
- (b) urges the Prime Minister, as Chairman of the Commonwealth leaders' troika, to use his influence to expel Zimbabwe from the Commonwealth and impose targeted sanctions on Zimbabwe, including an arms embargo, a travel ban to any Commonwealth countries for President Mugabe and his close associates, and a freeze on any assets he or his associates hold in Commonwealth countries. (*general business notice of motion no. 162*)

The Acting Leader of the Australian Democrats (Senator Greig): To move on the next day of sitting—That the Senate—

- (a) notes that the Western Australian *Acts Amendment (Lesbian and Gay Law Reform) Act 2002* is expected to be proclaimed on Friday, 20 September 2002, providing comprehensive law reform for gay and lesbian people in that state in a range of areas, including anti-discrimination protections, equal age of consent, parenting rights and responsibilities, and partnership recognition;
- (b) congratulates the Parliament and people of Western Australia for advancing the human rights of its citizens;
- (c) notes that similar legislation now exists, to varying degrees, in most states and territories;
- (d) recognises that sexuality anti-discrimination laws and same-sex partnership recognition does not exist in any adequate or comprehensive way in Australia's federal jurisdiction, and that redressing this will require Commonwealth legislation; and

- (e) calls on the Government to initiate or support the passage of necessary legislation to end sexuality discrimination in Commonwealth law. (*general business notice of motion no. 163*)

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

- (a) notes:
 - (i) the efforts by Philip Morris Ltd to sponsor so-called drug education programs in Asia and, most recently, in the Lao People's Democratic Republic (Lao PDR),
 - (ii) previous moves in Australia by Philip Morris to sponsor school-based programs, such as the 'I've got the power' program, received such strong criticism from health and educational professionals that most school education authorities rejected or abandoned the programs,
 - (iii) the cynicism of the major tobacco companies in sponsoring education 'events', when around 370 million cigarettes are illegally sold to children in Australia each year; and
- (b) urges the Federal Government to:
 - (i) advise the Lao PDR that tobacco companies in Australia have consistently opposed genuine measures to reduce youth smoking rates and that their offers to sponsor education activities should not be countenanced, and
 - (ii) assist countries in the region by supporting a strong framework convention for tobacco control to reduce the global tobacco epidemic and to help reduce the estimated 40 000 to 50 000 Asian teenagers taking up smoking every day. (*general business notice of motion no. 164*)

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

- (a) condemns the Howard Government for establishing an inquiry into regional telecommunications services, the Estens inquiry, which is chaired by a member of the National Party and friend of the Deputy Prime Minister, and has a former National Party MP as one of its members;
- (b) condemns the Government's decisions that the inquiry will hold no public hearings and must report within little more than 2 months of its commencement; and
- (c) calls on the Government to address all issues associated with Telstra's performance, including rising prices, deteriorating service standards and inadequate broadband provision. (*general business notice of motion no. 165*)

The Chair of the Select Committee on Superannuation (Senator Watson): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Superannuation on the provisions of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2002 be extended to 16 October 2002. (*general business notice of motion no. 166*)

The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission be extended to 24 October 2002. (*general business notice of motion no. 167*)

Senator Brown: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change. ***Kyoto Protocol (Ratification) Bill 2002***. (*general business notice of motion no. 168*)

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government of China to immediately remove the block on the Australian Broadcasting Corporation's website in China. (*general business notice of motion no. 169*)

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2002

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2002

1. The committee met on Tuesday, 17 September 2002.
2. The committee resolved to recommend—That—
 - (a) the following bill be ***referred immediately*** to a committee as follows:

Bill title	Legislation Committee	Reporting date
New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002	Economics	22 October 2002

- (b) the ***provisions*** of the following bills be ***referred immediately*** to committees as follows:

Bill title	Legislation Committee	Reporting date
Excise Tariff Amendment Bill (No. 1) 2002	Economics	15 October 2002
Customs Tariff Amendment Bill (No. 2) 2002		
Egg Industry Service Provision Bill 2002	Rural and Regional Affairs and Transport	22 October 2002
Egg Industry Service Provision (Transitional and Consequential Provisions) Bill 2002		

- (c) the order of the Senate of 19 June 2002 adopting the committee's 4th report of 2002 be varied to provide that the ***provisions*** of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002 be ***referred immediately*** to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 24 October 2002.
 - (d) the following bills ***not*** be referred to committees:
 - Australian Capital Territory Legislation Amendment Bill 2002
 - Dairy Industry Legislation Amendment Bill 2002
 - Education Services for Overseas Students Amendment Bill 2002
 - Environment and Heritage Legislation Amendment Bill (No. 1) 2002
 - Australian Heritage Council Bill 2002

Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002
Health Care (Appropriation) Amendment Bill 2002
Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002
Therapeutic Goods Amendment Bill (No. 2) 2002.

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:

Bill deferred from meeting of 19 March 2002
Aviation Legislation Amendment Bill 2002.

Bill deferred from meeting of 14 May 2002
Great Barrier Reef Marine Park (Boundary Extension) Amendment Bill 2002.

Bill deferred from meeting of 18 June 2002
Australian Broadcasting Corporation (Scrutiny of Board Appointments) Amendment Bill 2002.

Bills deferred from meeting of 20 August 2002
Financial Sector Legislation Amendment Bill (No. 2) 2002
Medical Indemnity Agreement (Financial Assistance—Binding Commonwealth Obligations) Bill 2002
Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002
Renewable Energy (Electricity) Amendment Bill 2002
Workplace Relations Legislation Amendment Bill 2002.

Bill deferred from meeting of 27 August 2002
Trade Practices Amendment (Liability for Recreational Services) Bill 2002.

Jeannie Ferris
Chair
18 September 2002.

Senator Ferris moved—That the report be adopted.

Question put and passed.

15 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, relating to the reference of a matter to the Foreign Affairs, Defence and Trade References Committee, postponed till 19 September 2002.

General business notice of motion no. 160 standing in the name of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) for today, relating to an extension of time for the committee to report, postponed till 25 September 2002.

16 EMPLOYMENT—NURSING

The Acting Leader of the Australian Democrats (Senator Greig), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 159—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.

Question put and passed.

17 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Economics References Committee (Senator Collins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 158—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.

Question put and passed.

18 FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS

Senator Harradine, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 157—That the Senate—

- (a) having in the past condemned gross violations of human rights presided over by then Chinese Premier Li Peng, including the brutal massacre of thousands of unarmed pro-democracy student demonstrators in Tiananmen Square; and
- (b) as a democratically-elected House of Parliament with the special role of the protection of the rights and liberties of citizens,

declares that it would be entirely inappropriate for the executive government to influence the Presiding Officers to fetter, by a special function, the perpetrator of these gross violations of human rights.

Question put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 41

Senators—

Barnett	Crossin	Ludwig	Scullion
Bishop	Denman	Mackay	Sherry
Boswell	Eggleston	Marshall	Stephens
Buckland	Evans	Mason	Tchen
Calvert	Ferris (Teller)	McGauran	Tierney
Campbell, George	Forshaw	McLucas	Watson
Campbell, Ian	Hogg	Moore	Webber
Carr	Hutchins	O'Brien	Wong
Chapman	Johnston	Payne	
Colbeck	Kirk	Ray	
Collins	Knowles	Reid	

Question negatived.

19 URGENCY MOTION—PRIMARY INDUSTRIES—SUGAR INDUSTRY

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

The failure of the Howard Government to provide appropriate and timely assistance to the Australian sugar industry, in particular:

- (a) its failure to meet the immediate needs of 7 000 sugar farm families and farm businesses in the current industry crisis; and
- (b) its consistent failure to provide a policy framework to allow the industry to build a sustainable and productive future.

The proposal was supported by 4 senators.

Senator O'Brien moved the motion.

Debate ensued.

Question put and passed.

**20 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST
NO. 9 OF 2002**

Senator Crossin, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator McLucas), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

10th report of 2002, dated 18 September 2002.

Alert Digest No. 9 of 2002, dated 18 September 2002.

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

**21 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL
INFORMATION—BUDGET ESTIMATES 2002-03**

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled an erratum to additional information received by the committee (Budget estimates 2002-03—vol. 2).

22 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—2ND REPORT OF 2002

Senator Ferris, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—2nd report of 2002—RAAF Base Williamtown redevelopment stage 1 and facilities for the Airborne Early Warning and Control Aircraft, dated August 2002.

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

Question put and passed.

23 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—391ST REPORT

Senator Ferris, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—391st report—Review of independent auditing by registered company auditors, dated August 2002.

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

Debate ensued.

Question put and passed.

24 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS

Pursuant to order, Senator Ferris, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 2 of 2002, dated September 2002—

Economics Legislation Committee.
Employment, Workplace Relations and Education Legislation Committee.
Environment, Communications, Information Technology and the Arts Legislation Committee.
Finance and Public Administration Legislation Committee.
Foreign Affairs, Defence and Trade Legislation Committee.
Legal and Constitutional Legislation Committee.
Rural and Regional Affairs and Transport Legislation Committee.

[Community Affairs Legislation Committee—No reports referred to the committee during this period].

Reports ordered to be printed on the motion of Senator Ferris.

25 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT (PAID MATERNITY LEAVE) BILL 2002

Pursuant to order, Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Report—Workplace Relations Amendment (Paid Maternity Leave) Bill 2002, dated September 2002, *Hansard* record of proceedings [2 vols], documents presented to the committee and submissions [34].

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

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

Debate ensued.

Question put and passed.

26 AUDITOR-GENERAL—AUDIT REPORT NO. 8 OF 2002-03—DOCUMENT

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

Auditor-General—Business support process audit—The Senate order for department and agency contracts (September 2002) (Report no. 8 of 2002-03).

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 on 27 September 2001:

Departmental and agency contracts—Letters of advice—2002 spring sittings—
Education, Science and Training portfolio agencies—
 Australian Research Council.
 Department of Education, Science and Training.
Environment and Heritage portfolio agencies—
 Australian Antarctic Division.
 Australian Greenhouse Office.

Bureau of Meteorology.
 Environment Australia.
 National Oceans Office.

Finance and Administration portfolio agencies—
 Australian Electoral Commission.
 Commonwealth Grants Commission.
 ComSuper.
 Department of Finance and Administration.

Prime Minister and Cabinet portfolio agencies—
 Australian National Audit Office.
 Department of the Prime Minister and Cabinet.
 Office of National Assessment.
 Office of the Commonwealth Ombudsman.
 Office of the Inspector-General of Intelligence and Security [nil return].
 Office of the Official Secretary to the Governor-General.
 Public Service and Merit Protection Commission.
 National Office for the Information Economy (NOIE).

28 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—

Australian Public Service Commission.
 Department of Defence.
 Department of Education, Science and Training.
 Department of Employment and Workplace Relations, Defence Force Remuneration Tribunal and Equal Opportunity for Women in the Workplace Agency, and Employment and Workplace Relations portfolio agencies—
 Australian Industrial Registry.
 National Occupational Health and Safety Commission.
 Office of the Employment Advocate.
 Remuneration Tribunal [nil return].

Finance and Administration portfolio agencies—
 Australian Electoral Commission.
 Commonwealth Grants Commission.
 ComSuper.
 Department of Finance and Administration.

Department of Veterans' Affairs.

Treasury portfolio agencies—
 Australian Accounting Standards Board.
 Australian Bureau of Statistics.
 Australian Competition and Consumer Commission.
 Australian Competition Tribunal.
 Australian Office of Financial Management.

Australian Prudential Regulation Authority.
Australian Securities and Investments Commission.
Australian Taxation Office.
Axiss Australia.
Companies Auditors and Liquidators Disciplinary Board.
Corporations and Markets Advisory Committee.
Department of the Treasury.
National Competition Council.
Productivity Commission.
Reserve Bank of Australia.
Royal Australian Mint.
Superannuation Complaints Tribunal.
Takeovers Panel.

29 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

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

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, moved—That Senator Eggleston replace Senator Heffernan on the Community Affairs Legislation Committee for the committee's inquiry into the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on Thursday, 19 September 2002.

Question put and passed.

30 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

6 September 2002—Message No. 22—

Veterans' Affairs Legislation Amendment (2002 Budget Measures) Act 2002 (Act No. 72, 2002)

Veterans' Affairs Legislation Amendment Act (No. 1) 2002 (Act No. 73, 2002)

Veterans' Affairs Legislation Amendment Act (No. 2) 2002 (Act No. 74, 2002)

12 September 2002—Message No. 23—*Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Act 2002 (Act No. 75, 2002).*

31 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McGauran, by leave and at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson), moved—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate today, from 5.22 pm, to take evidence for the committee's inquiry into those aspects of the 2000-01 annual report of the Human Rights and Equal Opportunity Commission relating to conditions at immigration detention centres and the treatment of detainees.

Question put and passed.

32 PROHIBITION OF HUMAN CLONING BILL 2002

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

Message no. 135, dated 16 September 2002—A Bill for an Act to prohibit human cloning and other unacceptable practices associated with reproductive technology, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Alston) 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 Alston moved—That this bill be now read a second time.

Explanatory memorandum: Senator Alston tabled an explanatory memorandum relating to the bill.

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

33 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REFERENCE

Senator Carr, pursuant to contingent notice, moved—

- (1) That the following matter be referred to the Employment, Workplace Relations and Education References Committee, for inquiry and report by the fifth day of sitting in February 2003:

The refusal, in the statement made in the Senate on 26 August 2002 on behalf of the Minister for Education, Science and Training, to respond to the order of the Senate of 21 August 2002 for documents relating to financial information concerning higher education, and the justification for that refusal.

- (2) That the committee, in considering this matter:
 - (a) call appropriate officers of the Department of Education, Science and Training to provide explanations of the information and the department's reasons for considering that the information should remain secret;
 - (b) call appropriate officers of other departments, including the Departments of Prime Minister and Cabinet, Treasury and Finance, to give other relevant evidence; and
 - (c) hear other witnesses with relevant evidence on the finances of higher education institutions.
- (3) That the committee seek all relevant advice from the Auditor-General.

Debate ensued.

Question put and passed.

34 **HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—VARIATION**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) (*see entry no. 6*).

Question put and passed.

35 **HIGHER EDUCATION FUNDING AMENDMENT BILL 2002**
HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2002

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

In the committee

HIGHER EDUCATION FUNDING AMENDMENT BILL 2002—

Consideration resumed of the bill, as amended.

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

Schedule 1, item 12, page 6 (after line 28), after the definition of *institution*, insert:

National Protocols means the *National Protocols for Higher Education Approval Processes* (first endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs on 31 March 2000), as in force from time to time.

Schedule 1, item 12, page 6 (after line 28), after the definition of *institution*, insert:

self-accrediting private institution is an eligible private institution:

- (a) established under Federal, State or Territory legislation; and
- (b) which appears in column 1 of the table in subsection 98AA(1).

Schedule 1, item 12, page 6 (after line 28), after the definition of *institution*, insert:

non-self accrediting private institution is an eligible private institution:

- (a) other than one established under Federal, State or Territory legislation; and
- (b) which appears in column 2 of the table in subsection 98AA(1).

Bill, as amended, further debated.

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

Schedule 1, item 17, page 7 (line 24) to page 8 (before line 1), omit subsection 98AA(1), substitute:

- (1) For the purposes of this Chapter, an *eligible private institution* is an institution of higher education specified in the following table:

Eligible private institutions	
Column 1	Column 2
self-accrediting private institution	non-self accrediting private institution
Bond University	Christian Heritage College (Queensland)
Melbourne College of Divinity	Tabor College (South Australia)

Senator Carr moved the following amendment:

Schedule 1, item 20, page 9 (lines 9 to 16), omit section 98JA, substitute:

98JA Eligible private institution to include information in annual report

- (1) The Minister must, as soon as practicable after the end of 30 June in each year, cause an annual report to be prepared by each eligible private institution that offers an eligible post-graduate course of study. The annual report must include (but is not limited to):
 - (a) evidence that the course requirements and learning outcomes are comparable to those of a similar field of study at an Australian university;
 - (b) evidence of staff quality, qualifications, research output, refereed research publications and citation indices;
 - (c) institutional governance, facilities and student services;
 - (d) financial status and operation;
 - (e) staff and student data;
 - (f) equity plans and outcomes, for students and staff;
 - (g) planning data.
- (2) The Minister must cause copies of any annual report prepared under subsection (1) to be laid before each House of Parliament within 15 sitting days of that House after completion of the annual report.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 35

Senators—

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

NOES, 28

Senators—

Abetz	Colbeck	Johnston	Payne
Alston	Coonan	Kemp	Reid
Barnett	Eggleston (Teller)	Knowles	Scullion
Brandis	Ellison	Macdonald, Sandy	Tierney
Calvert	Ferguson	Mason	Troeth
Campbell, Ian	Ferris	McGauran	Vanstone
Chapman	Harradine	Minchin	Watson

Question agreed to.

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

36 GOVERNMENT DOCUMENTS—CONSIDERATION

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

37 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.26 pm till Thursday, 19 September 2002 at 9.30 am.

38 ATTENDANCE

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

HARRY EVANS

Clerk of the Senate