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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 SENATORS' INTERESTS—STANDING COMMITTEE—VARIATION

Pursuant to the order of the Senate of 11 September 2003, the questions were put on the motion of the Chair of the Standing Committee of Senators' Interests (Senator Denman)—That the following amendments to the resolutions relating to senators' interests and declaration of gifts be agreed to:

Resolution 1—Registration of senators' interests

Paragraph (1), omit—

“Within 14 sitting days after the adoption of this resolution by the Senate and 28 days of making and subscribing an oath or affirmation of allegiance as a senator”,

substitute—

“Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate”.

Resolution 3—Registrable interests

Paragraph (i), omit “\$5,000”, substitute “\$7,500”.

Paragraphs (k), (l) and (m), omit “\$500” wherever occurring, substitute “\$750”; omit “\$200” wherever occurring, substitute “\$300”.

Resolution 4—Register and Registrar of Senators' Interests

Paragraph (3), omit “the commencement of each Parliament”, substitute “receipt of statement of registrable interests in accordance with resolution 1(1)”.

[Consequential on amendment to paragraph 1(1)]

Resolution 5—Declaration of interest in debate and other proceedings

To be omitted.

Resolution relating to declaration of gifts to the Senate and the Parliament

Paragraph (1)(a), omit “practical”, substitute “practicable”.

Sub-paragraph (ba), omit “\$500”, substitute “\$750”; omit “\$200”, substitute “\$300”.

Sub-paragraph (d), line 2, omit “is to”, substitute “may”.

After sub-paragraph (h), insert—

- (i) When a senator who is using or displaying a gift ceases to be a senator, the senator may retain the gift:
 - (i) if its value does not exceed the stated valuation limits of \$750 for a gift received from an official government source, or \$300 from a private person or non-government body; or

- (ii) if the senator elects to pay the difference between the stated valuation limit and the value of the gift, as obtained from an accredited valuer selected from the list issued by the Committee for Taxation Incentives for the Arts. The Department of the Senate will be responsible for any costs incurred in obtaining the valuation.
- (j) If the senator does not retain the gift in accordance with paragraph (i), the senator must return the gift to the registrar, who shall:
 - (i) dispose of it in accordance with instructions from the Committee of Senators' Interests, as set out in paragraph 1(d) of this resolution; or
 - (ii) arrange its donation to a nominated non-profit organisation or charity, at the discretion of the senator who has returned the gift and the Committee of Senators' Interests.
- (k) Any senator subject to paragraph (j) must formally acknowledge relinquishment of the senator's claim to ownership of any surrendered gifts.

—*And on the amendment moved by Senator Brown:*

Omit:

Resolution 5—Declaration of interest in debate and other proceedings

To be omitted.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 13

Senators—

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

NOES, 52

Senators—

Abetz	Collins	Johnston	Payne
Barnett	Cook	Kemp	Ray
Bishop	Crossin	Kirk	Santoro
Bolkus	Denman	Lightfoot	Scullion
Boswell	Eggleston	Ludwig	Sherry
Brandis	Faulkner	Lundy	Stephens
Buckland	Ferguson	Mackay	Tchen
Calvert	Ferris (Teller)	Marshall	Tierney
Campbell, George	Forshaw	Mason	Troeth
Campbell, Ian	Heffernan	McGauran	Vanstone
Carr	Hogg	McLucas	Watson
Chapman	Humphries	Moore	Webber
Colbeck	Hutchins	Patterson	Wong

Question negatived.

Main question put.

The Senate divided—

AYES, 51

Senators—

Abetz	Collins	Johnston	Payne
Barnett	Cook	Kemp	Ray
Bishop	Crossin	Kirk	Scullion
Bolkus	Denman	Lightfoot	Sherry
Boswell	Eggleston	Ludwig	Stephens
Brandis	Faulkner	Lundy	Tchen
Bruckland	Ferguson	Mackay	Tierney
Calvert	Ferris (Teller)	Marshall	Troeth
Campbell, George	Forshaw	Mason	Vanstone
Campbell, Ian	Heffernan	McGauran	Watson
Carr	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wong
Colbeck	Hutchins	Patterson	

NOES, 13

Senators—

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

Question agreed to.

3 WORKPLACE RELATIONS AMENDMENT (FAIR TERMINATION) BILL 2002

Order of the day read for the further consideration of message no. 362 from the House of Representatives in committee of the whole (*see entry no. 25, 14 August 2003*).

In the committee

Consideration resumed of the message—and of the motion moved by the Minister for Justice and Customs (*Senator Ellison*)—That the committee does not insist on its amendments to which the House of Representatives has disagreed—and of the amendment moved by *Senator Murray*:

At the end of the motion, add “but agrees to the following further amendments:

Schedule 1, item 1, page 4 (line 25), omit ‘the employee’, substitute ‘subject to subsection (3A)—the employee’.

Schedule 1, item 1, page 4 (after line 31), after subsection (3), insert:

(3A) If:

- (a) a casual employee was engaged by a particular employer on a regular and systematic basis for a sequence of periods during a period (the first period of employment) of less than 12 months; and
- (b) at the end of the first period of employment, the casual employee ceased, on the employer’s initiative, to be so engaged by the employer; and
- (c) the employer subsequently again engages the employee on a regular and systematic basis for a further sequence of periods during a period (the second period of employment) that starts not

more than 3 months after the end of the first period of employment; and
 (d) the total length of the first period of employment and the second period of employment is at least 12 months;
 paragraph (3)(a) is taken to be satisfied in relation to the employment of the employee.”.

Debate resumed.

The question for the motion was divided—

Question—That the committee does not insist on amendments nos 1 and 5—put and passed.

Question—That the committee does not insist on amendments nos 2, 3 and 4—put and negatived.

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

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 362 from the House of Representatives relating to the Workplace Relations Amendment (Fair Termination) Bill 2002 and had resolved:

- (a) not to insist on amendments nos 1 and 5; and
- (b) to insist on amendments nos 2, 3 and 4,

made by the Senate to which the House had disagreed, and had agreed to further amendments.

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the report from the committee was adopted.

4 **TAXATION LAWS AMENDMENT BILL (NO. 3) 2003**

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

Message no. 392, dated 11 September 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary to the Treasurer (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.

Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the bill.

Debate ensued.

At 2 pm: Debate was interrupted while Senator Murray was speaking.

5 QUESTIONS

Questions without notice were answered.

6 MINISTER FOR HEALTH AND AGEING—ANSWERS TO QUESTIONS

Senator Collins moved—That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today.

Debate ensued.

Question put and passed.

7 SENATE—ROLE AND POWERS—ANSWER TO QUESTION

The Leader of the Australian Democrats (Senator Bartlett) 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 Bartlett today relating to the role and powers of the Senate.

Question put and passed.

8 SENATE—PAIRING ARRANGEMENTS—PERSONAL EXPLANATION

Senator Mackay, by leave, made a personal explanation relating to comments made by Senator Humphries on the ABC's *Stateline* (ACT) program of 12 September 2003 concerning pairing arrangements in the Senate.

Statement by leave: Senator Humphries, by leave, made a statement relating to the matter.

9 PETITIONS

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

Senator Stephens, from 735 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

Senator Webber, from 66 petitioners, requesting that the Senate oppose the Government's proposed crossroads reforms to the higher education sector and refer the implementing legislation to the Senate Employment, Workplace Relations and Education References Committee.

Senator Webber, from 586 petitioners, requesting that the Senate reject the proposed changes to higher education.

10 NOTICES

Notices of motion:

The Leader of the Australian Democrats (Senator Bartlett): To move 5 sitting days after today—That the Fisheries Management Amendment Regulations 2003 (No. 3), as contained in Statutory Rules 2003 No. 112 and made under the *Fisheries Management Act 1991*, be disallowed.

The Leader of the Australian Democrats (Senator Bartlett): To move on 9 October 2003—That clause 4(3) of the Housing Assistance (Form of Agreement) Determination 2003, made under section 5 of the *Housing Assistance Act 1996*, be disallowed.

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

- (a) notes that:
 - (i) a meeting of the World Trade Organization Ministerial Council is being held in Cancun, Mexico from 10 September to 14 September 2003, and
 - (ii) items on the agenda for this meeting include further liberalisation of trade in services (including public services), and proposals for future negotiations regarding trade and investment, competition policy and government procurement; and
- (b) urges the Government to:
 - (i) refrain from committing to any agreement that will compromise the Government's ability to provide essential public services or regulate in Australia's own national interest,
 - (ii) refrain from providing its support for future negotiations relating to trade and investment and government procurement and liberalisation of competition policy,
 - (iii) commit to a policy of full public disclosure and consultation with the Australian public with respect to any offers or commitments made as part of trade negotiations,
 - (iv) keep the Parliament informed of developments in trade negotiations, and
 - (v) bring any negotiated trade agreements to the Parliament for debate and ratification. (*general business notice of motion no. 585*)

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

- (a) notes that:
 - (i) the World Trade Organization Ministerial Council meeting in Cancun, Mexico comprises an essential stage of the Doha round of trade negotiations, which is known as the 'Development Round',
 - (ii) developing countries have expressed concern at the manner in which meetings such as these are conducted, with negotiations carried on in secret and significant time pressures placed on member nations to achieve consensus, and
 - (iii) finding a real solution for the removal of subsidies in agricultural trade is a key means by which the world trade process can help the developing world and, as United Nations Secretary General Kofi Annan has stated, 'no single change could make a greater contribution to eliminating poverty than fully opening up the markets of prosperous countries to the goods produced by poor ones'; and
- (b) urges the Government to use its influence to:
 - (i) ensure the Ministerial Council meeting is conducted in a transparent and democratic manner, with the full participation and free consent of all members, and
 - (ii) maintain pressure on developed countries to achieve a meaningful solution on agricultural trade reform and removal of agricultural subsidies, to open key agricultural markets to producers in the developing world. (*general business notice of motion no. 586*)

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

- (a) notes with dismay and deep sadness the brutal murder on Thursday, 11 September 2003, of Ms Anna Lindh, Foreign Minister for Sweden;
- (b) notes the many accomplishments of Ms Lindh, including:

- (i) as Foreign Secretary during the Swedish presidency of the European Union in 2001, she played a key role in uniting European foreign policy in order to avoid a conflict in Macedonia,
 - (ii) a distinguished record as a leader of the Social Democratic Youth Club and as a local councillor for the village of Enköping before entering national politics,
 - (iii) Vice Chairwoman of the International Union of Socialist Youth,
 - (iv) city councillor for culture in Stockholm from 1991 to 1994,
 - (v) Secretary of State for the Environment from 1994 to 1998 before being appointed as Foreign Secretary,
 - (vi) leading the ‘Yes’ vote campaign for the Euro referendum in Sweden, and
 - (vii) being widely tipped as a future Prime Minister of Sweden; and
- (c) offers its condolences to her husband Mr Bo Holmberg, her two sons, Filip and David, and the Government and people of Sweden. (*general business notice of motion no. 587*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move on the next day of sitting—That the Standing Committee on Regulations and Ordinances be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003 from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Legislative Instruments Bill 2003 and a related bill. (*general business notice of motion no. 588*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move on the next day of sitting—That the time for the presentation of the report of the Standing Committee on Regulations and Ordinances on the provisions of the Legislative Instruments Bill 2003 and a related bill be extended to 16 October 2003. (*general business notice of motion no. 589*)

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

- (a) recognises that Lauren Jackson was awarded the United States Women’s National Basketball Association (WNBA) most valuable player (MVP) award for the 2003 season on 15 September 2003;
- (b) notes the outstanding success of this achievement given that Ms Jackson:
 - (i) at 22 years of age, is the youngest player ever to be named MVP in the WNBA,
 - (ii) is the first international player ever to be named as MVP in the WNBA, and
 - (iii) is the first player from a team that did not make the WNBA finals play-offs to be honoured with the MVP award;
- (c) notes the outstanding contribution Ms Jackson has made to Australian sport, including:
 - (i) 1997: at age 16 became the youngest player ever to make the Australian National Women’s Basketball team,
 - (ii) 1998: World Championship Bronze medallist,
 - (iii) 1998-99, 1999-2000, 2001-02 and 2002-03 season Australian Women’s National Basketball League (WNBL) championships,
 - (iv) 1999, 2000 and 2002: awarded the Maher Medal as the Australian International Basketball Player of the Year,

- (v) 1999-2000 and 2002-03: named Australian WNBL most valuable player,
- (vi) 2000: Active Australia Day ambassador,
- (vii) 2000 Sydney Olympics: silver medallist,
- (viii) 2001: first pick in the WNBA draft, and first Australian ever to be picked first in any professional sporting draft,
- (ix) 2002: World Basketball Championship bronze medallist and championship leading points scorer,
- (x) 2003: became the youngest player ever to reach 1 000 points in the WNBA, and
- (xi) 2003: named the WNBA most valuable player; and

- (d) recognises the outstanding contribution Ms Jackson has made to sport in Australia through her personal sporting achievements, her work as a sporting ambassador, and her leadership as a role model for all females. (*general business notice of motion no. 590*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts References Committee be extended as follows:

- (a) the role of libraries as providers of public information in the online environment—to 16 October 2003;
- (b) environmental regulation of the Ranger, Jabiluka, Beverley and Honeymoon uranium operations—to 16 October 2003; and
- (c) Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002—to the last sitting day in March 2004. (*general business notice of motion no. 591*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the Government's foreign and trade policy strategy be extended to 15 October 2003. (*general business notice of motion no. 592*)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003, from 4.30 pm, to take evidence for the committee's inquiry into Australia's insolvency laws. (*general business notice of motion no. 593*)

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003, from noon to 2 pm, to take evidence for the committee's inquiry into the provisions of the Telstra (Transition to Full Private Ownership) Bill 2003. (*general business notice of motion no. 594*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Aviation Transport Security Bill 2003 and a related bill be extended to 7 October 2003. (*general business notice of motion no. 595*)

The Leader of the Australian Democrats (Senator Bartlett): To move 2 sitting days after today—That the Senate—

(a) notes that:

- (i) the *Cormo Express* shipment of 57 000 sheep rejected by Saudi Arabia 3 weeks ago, because of suspected scabby mouth, and subsequently rejected by a second unnamed country is now to be offered free to a third unnamed country in the region,
- (ii) originally the *Cormo Express* sailed with a shipment of 57 000 sheep in mid-August 2003 but, by 12 September 2003, after around 5 weeks at sea, the number had been reduced by at least 6 per cent,
- (iii) Saudi Arabia's rejection of Australian shipments because of disease concerns resulted in the cessation of the live sheep trade for a decade from 1989, and trade only resumed in 1999 after Australian exporters agreed to vaccinate all sheep against scabby mouth before shipment,
- (iv) throughout the period the *Cormo Express* has been at sea, Livecorp spokespeople have continually assured the Australian Government, media and community that the *Cormo Express* shipment of live sheep would soon find an alternative port,
- (v) on Wednesday, 10 September 2003, it was reported in the Australian media that the *Cormo Express* shipment of 57 000 were still stranded; and a day later Meat and Livestock Australia announced that Australia's live sheep exports were soaring, with reference made to exports to Saudi Arabia, Kuwait, Bahrain and Jordan all being on the increase, and
- (vi) Tuesday, 9 September 2003, saw the National Livestock Service announcing that the number of sheep slaughtered in Australia's eastern states was in decline due to the huge numbers of sheep euthanased and dead because of the drought;

(b) notes:

- (i) the Australian Bureau of Statistics export data for the 2002-03 financial year and the Australian Bureau of Agricultural and Resource Economics estimate, that the beef, veal, mutton and lamb carcass trade was worth \$4 964 million while the live cattle and sheep trade was worth in the vicinity of \$976 million, and
- (ii) the Federal Government and Livecorp are prepared to ignore the facts about pursuing a live sheep trade with Saudi Arabia and this nation's own animal welfare codes and practices, in favour of maintaining and expanding live export and international trade opportunities; and

(c) calls on the Government:

- (i) to provide details to the Senate by 3 pm on Thursday, 18 September 2003, on the number of mortalities aboard the *Cormo Express*, and identify the second and subsequent ports approached after the Saudi Arabian rejection of the shipment, and identify the port, if any, prepared to accept the sheep and at what cost, and

- (ii) to commence an immediate winding-back of the live sheep trade in favour of expanding a humane, halal certified frozen carcass trade. (*general business notice of motion no. 596*)

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

- (a) remembers that a welcome was extended to the Presidents of the United States in 1991 and 1996 to address the Australian Parliament;
- (b) notes that these addresses were unprecedented; and
- (c) favours this welcome being extended to heads of other states where a special relationship is recognised or a special occasion is to be honoured. (*general business notice of motion no. 597*)

Intention to withdraw: Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to standing order 78, gave notice of Senator Tchen's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in the name of Senator Tchen for 10 sitting days after today for the disallowance of the Iraq (Reconstruction and Repeal of Sanctions) Regulations 2003, as contained in Statutory Rules 2003 No. 97 and made under the *Customs Act 1901*, the *Air Navigation Act 1920*, the *Charter of the United Nations Act 1945* and the *Migration Act 1958*.

Senator Ferris, by leave, made a statement relating to the notice of intention.

11 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Sherry for today, relating to the disallowance of the Retirement Savings Accounts Amendment Regulations 2003 (No. 2) and the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 Nos 195 and 196, postponed till 16 September 2003.

General business notice of motion no. 582 standing in the name of Senator Brown for today, relating to disposable DVDs, postponed till 16 September 2003.

12 HISTORICAL EVENTS—NAZI REGIME

Senator Hutchins, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 581—That the Senate—

- (a) notes that:
 - (i) on 15 September, 68 years ago, the Nazi regime led by Adolf Hitler in Germany decreed the so-called Nuremburg Race Laws, which included the 'Reich Citizenship Law', designating Jews as subjects rather than citizens of the German Reich and 'The Law for the Protection of German Blood and German Honour', preventing Jews from marrying non-Jews, and
 - (ii) after the passing of the Nuremburg Laws, a dozen supplemental Nazi decrees were issued that eventually outlawed the Jews completely, depriving them of their rights as human beings;
- (b) recognises the legal importance of the Nuremburg Laws in allowing the Nazis to carry out and implement the unbelievably inhumane and despicable program, the *Shoah*;
- (c) takes this opportunity to remember the estimated 6 million Jews throughout Europe who lost their lives during the *Shoah*; and

- (d) reaffirms its opposition to anti-semitism and its commitment to combating and eliminating all forms of racism.

Question put and passed.

13 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 584—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 17 September 2003, from 6 pm to 8 pm, to take evidence for the committee's inquiry into the role of the National Capital Authority.

Question put and passed.

14 DEPARTMENT OF THE SENATE—REPORT FOR 2002-03—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Report for 2002-03.

Document ordered to be printed on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell).

15 AUDITOR-GENERAL—AUDIT REPORT NO. 6 OF 2003-04—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Auditor-General—Audit report—No. 6 of 2003-04—Performance audit—APRA's prudential supervision of superannuation entities: Australian Prudential Regulation Authority.

16 ANIMAL WELFARE—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Animal welfare—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Truss) responding to the resolution of the Senate of 12 August 2003, dated 11 September 2003.

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

17 EDUCATION—NATIONAL REPORT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), by leave, made a statement relating to the order of the Senate of 9 September 2003 for the production of documents concerning the *National Report on Australia's Higher Education Sector 2001* and, pursuant to that order, tabled the following document:

Education—National report—Copy of document relating to the *National Report on Australia's Higher Education Sector 2001*—Covering statement and attachments [10].

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

Debate ensued.

Question put and passed.

**18 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
REPORT—EXPANDING AUSTRALIA’S TRADE AND INVESTMENT RELATIONSHIP
WITH THE COUNTRIES OF CENTRAL EUROPE**

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report and documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Expanding Australia’s trade and investment relationship with the countries of central Europe—Report, dated August 2003, *Hansard* record of proceedings and submissions [3 vols].

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

Debate ensued.

Question put and passed.

19 DOCUMENTS

The following documents were tabled by the Clerk:

Bounty (Ships) Act—Return for 2002-2003.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105, dated 8 [3], 9 [4], 16, 17, 22 [6], 23 [2], 25 [10], 28 and 29 [3] July; and 1 [6], 6, 7 [5], 8, 12 [9], 14 [2], 19 [8], 20 [6], 21 [2] and 22 [2] August 2003.

106, dated 7 [2], 8, 11, 24 and 25 July; and 1, 19 [5], 20 [3] and 22 August 2003.

107, dated 22 and 25 [3] July; and 6, 8, 20 and 22 August 2003.

Parliamentary Service Act—Parliamentary Service Determination 2003/1.

Veterans’ Entitlements Act—Instrument under section 105—Veterans’ Entitlements (Vehicle Assistance Scheme – Increased Assistance) Instrument 10/2003.

**20 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF
DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June and 26 June 2003:

Departmental and agency contracts for 2002-03—Letters of advice—Transport and Regional Services portfolio agencies.

21 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics References Committee—

Appointed—Substitute member: Senator Murray to replace Senator Ridgeway for the committee’s inquiry into the structure and distributive effects of the Australian taxation system

House—Standing Committee—

Appointed—Senator Crossin

Discharged—Senator Collins.

Question put and passed.

**22 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—REPORT—COMMUNICATIONS LEGISLATION
AMENDMENT BILL (NO. 2) 2003**

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) tabled the following reports and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Communications Legislation Amendment Bill (No. 2) 2003—Report, dated September 2003, *Hansard* record of proceedings and submissions [3].

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

**23 FAMILY AND COMMUNITY SERVICES (CLOSURE OF STUDENT FINANCIAL
SUPPLEMENT SCHEME) BILL 2003
STUDENT ASSISTANCE AMENDMENT BILL 2003**

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

Message no. 390, dated 11 September 2003—A Bill for an Act to close the Student Financial Supplement Scheme to applications from 1 January 2004.

Message no. 391, dated 11 September 2003—A Bill for an Act to close the Student Financial Supplement Scheme to applications from 1 January 2004, and for other purposes.

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

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

24 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

6 September 2003—Message No. 30—

National Transport Commission Act 2003 (Act No. 81, 2003)

National Transport Commission (Consequential Amendments and Transitional Provisions) Act 2003 (Act No. 82, 2003)

Civil Aviation Legislation Amendment Act 2003 (Act No. 83, 2003).

25 MIGRATION AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

The Leader of the Australian Democrats (Senator Bartlett), pursuant to notice, moved business of the Senate notice of motion no. 1—That the Migration Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 57 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 43

Senators—

Barnett	Cook	Johnston	Santoro
Bishop	Crossin	Kirk	Scullion
Bolkus	Denman	Ludwig	Sherry
Brandis	Ferguson	Mackay	Stephens
Buckland	Ferris (Teller)	Marshall	Tchen
Campbell, George	Forshaw	Mason	Tierney
Campbell, Ian	Harradine	McLucas	Troeth
Carr	Heffernan	Moore	Watson
Chapman	Hogg	Patterson	Webber
Colbeck	Humphries	Payne	Wong
Collins	Hutchins	Ray	

Question negatived.

26 TAXATION LAWS AMENDMENT BILL (NO. 3) 2003

Order read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Sherry the following amendment was agreed to:

Clause 2, page 2 (table item 3, column 2), omit “29 June 2003”, substitute “The day on which this Act receives the Royal Assent”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 5, items 2, 3, 6, 13 and 20.

Schedule 5, items 2, 3, 6, 13 and 20 debated.

Question—That Schedule 5, items 2, 3, 6, 13 and 20 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time.

27 TAXATION LAWS AMENDMENT BILL (NO. 7) 2003

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the debate was adjourned till a later hour.

**28 ACIS ADMINISTRATION AMENDMENT BILL 2003
CUSTOMS TARIFF AMENDMENT (ACIS) BILL 2003**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Productivity Commission Inquiry into the industry in 2002 demonstrated that there was little or no justification provided by the Government for reducing the tariff levels in the industry from 10 per cent to 5 per cent in January 2010. As a result, the Senate is of the view that:

- (a) any decision to make further reductions in industry tariffs post-2009 should be determined by the review process into the industry that is to be undertaken in financial year 2007-08;
- (b) the automotive industry is at the core of Australia’s future as a knowledge nation, with high levels of research and development, a skilled workforce, strong upstream and downstream linkages, exports of \$5 billion and the prospects of doubling that by 2010 and therefore this is an industry that represents the future of manufacturing in this country; and
- (c) as the automotive industry is also a global industry, with high levels of excess capacity and significant levels of global support and intervention from government in other nations, it is appropriate that decisions on the industry’s future post-2009 are determined following the review in 2007-08”.

Debate ensued.

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

Senator Ridgeway moved the following amendment:

At the end of the motion, add “and the Senate recommends that in determining the parameters of how new research and development funding is to be allocated, preference be given to projects aimed at minimising the environmental impacts of automotive technology, particularly:

- (a) projects aimed at:
 - (i) the development, manufacture and marketing of low emission vehicles and zero emission vehicles,
 - (ii) incorporating the use of alternative (cleaner) fuels in vehicle design,
 - (iii) incorporating renewable materials in automobile production, and
 - (iv) developing more cost effective, safe lightweight materials aimed at improved fuel efficiency; and
- (b) projects which establish targets for reaching the above stated aims”.

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

Main question, as amended, put and passed.

Bills read a second time.

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

In the committee

ACIS ADMINISTRATION AMENDMENT BILL 2003—

Bill, taken as a whole by leave, debated.

At 9.50 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator McLucas) reported progress.

29 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.29 pm till Tuesday, 16 September 2003 at 12.30 pm.

30 ATTENDANCE

Present, all senators except Senators Conroy*, Evans*, Knowles*, Sandy Macdonald* and O’Brien* (* on leave).

HARRY EVANS
Clerk of the Senate