

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 115

FRIDAY, 7 NOVEMBER 2003

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## 1 MEETING OF SENATE

The Senate met at 9 am, at the request of an absolute majority of the whole number of senators, pursuant to standing order 55. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

*Documents:* The President tabled the following documents:

Meeting of Senate—Request to the President to fix a time for the Senate to meet—  
Letters from—

Leader of the Government in the Senate (Senator Hill).

Leader of the Opposition in the Senate (Senator Faulkner), dated 5 November 2003.

## 2 ECONOMICS REFERENCES COMMITTEE—FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the respective chairs, moved—That the following committees be authorised to hold public meetings during the sitting of the Senate today:

- (a) Economics References Committee to take evidence for the committee's inquiry into whether the *Trade Practices Act 1974* adequately protects small business; and
- (b) Joint Standing Committee on Foreign Affairs, Defence and Trade to take evidence for the committee's watching brief on the war on terrorism.

Question put and passed.

## 3 MIGRATION AMENDMENT REGULATIONS 2003 (NO. 8)

*Leave refused:* Senator Brown sought leave to table the Migration Amendment Regulations 2003 (No. 8), as contained in Statutory Rules 2003 No. 283.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving that the document be tabled.

Debate ensued.

Question put.

The Senate divided—

AYES, 9

Senators—

Brown  
Cherry  
Greig

Lees  
Murphy

Murray  
Nettle (Teller)

Ridgeway  
Stott Despoja

## NOES, 44

Senators—

Barnett	Eggleston	Kirk	Payne
Bishop	Ellison	Ludwig	Santoro
Bolkus	Faulkner	Lundy	Scullion
Boswell	Ferguson	Macdonald, Ian	Sherry
Brandis	Ferris (Teller)	Macdonald, Sandy	Stephens
Buckland	Forshaw	Mackay	Tchen
Calvert	Heffernan	Marshall	Tierney
Campbell, George	Hill	McGauran	Troeth
Chapman	Hogg	McLucas	Watson
Colbeck	Humphries	Minchin	Webber
Crossin	Johnston	Moore	Wong

Question negatived.

#### 4 CRIMINAL CODE AMENDMENT (HAMAS AND LASHKAR-E-TAYYIBA) BILL 2003

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

Message no. 440, dated 5 November 2003—A Bill for an Act to amend the *Criminal Code Act 1995* in relation to Hamas' Izz al-Din al-Qassam Brigades and the Lashkar-e-Tayyiba organisation, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

*Consideration of legislation:* Senator Ellison, by leave, moved—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

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*Document:* Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Bill 2003 in the 2003 spring sittings.

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Debate ensued.

Question put and passed.

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

Debate ensued.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Greig moved the following amendment:

Clause 2, page 1 (lines 9 and 10), omit the clause, substitute:

**2 Commencement**

This Act commences on the day on which it receives the Royal Assent.

Debate ensued.

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*Document:* Senator Ellison tabled the following document:

Criminal Code Amendment ( Hamas and Lashkar-e-Tayyiba ) Bill 2003—  
Copy of list of terrorist organisations—Extract from web site  
[<http://www.nationalsecurity.gov.au>], printed 7 November 2003.

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Debate continued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, item 8.

Schedule 1, item 8 agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of Senator Ellison the report from the committee was adopted and the bill read a third time.

**5 NOTICE**

*Contingent notice of motion:* The Leader of the Australian Democrats (Senator Bartlett): To move (contingent on the Migration Amendment Regulations 2003 (No. 8), as contained in Statutory Rules 2003 No. 283, being laid on the table)—That so much of the standing orders be suspended as would prevent the senator immediately moving a motion to disallow the regulations.

**6 ADJOURNMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate do now adjourn.

The Senate adjourned at 11.21 am till Monday, 24 November 2003 at 12.30 pm.

**7 ATTENDANCE**

Present, all senators except Senators Abetz, Alston, Bartlett, Ian Campbell, Carr, Collins, Conroy, Cook, Coonan, Denman, Evans, Harris, Hutchins, Kemp, Knowles\*, Lightfoot, Mason, O'Brien, Patterson, Ray and Vanstone (\* on leave).

**HARRY EVANS**  
Clerk of the Senate