

2002-03

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:

Australia-Japan Foundation—Report for 2002-03.

Australian Federal Police—Report—A review of professional standards in the Australian Federal Police, February 2003.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2003-04.

Australian Security Intelligence Organisation—Report for 2002-03.

General Practice Education and Training—Report for the period 5 March 2001 to 30 June 2002.

Medical Training Review Panel—Report for 2002-03.

Pharmaceutical Benefits Pricing Authority—Report for 2002-03.

Telecommunications Act 1997—Funding of consumer representation grants and research grants in relation to telecommunications 2002-03—Report for 2002-03.

Torres Strait Protected Zone Joint Authority—Report for 2001-02.

Treaties—*Multilateral*—

Text, together with national interest analysis, regulation impact statement and annexures—Protocol against the Smuggling of Migrants by Land, Sea and Air (People Smuggling Protocol), supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000).

Text, together with national interest analysis and annexures—

Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships of 2 November 1973, as Modified by the Protocol of 17 February 1978 (London, 26 September 1997).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000).

United Nations Convention Against Transnational Organized Crime (New York, 15 November 2000).

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Age Discrimination Bill 2003 and a related bill) and government business notice of motion no. 1 (relating to the consideration of legislation).

Question put and passed.

4 AGE DISCRIMINATION BILL 2003**AGE DISCRIMINATION (CONSEQUENTIAL PROVISIONS) BILL 2003**

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

Debate resumed.

Question put and passed.

Bills read a second time.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the bills in committee of the whole was made an order of the day for a later hour.

5 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) and pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the ASIO Legislation Amendment Bill 2003, allowing it to be considered during this period of sittings.

Debate ensued.

Question put.

The Senate divided—

AYES, 38

Senators—

Bishop	Denman	Hutchins	Payne
Brandis	Eggleston (Teller)	Johnston	Ray
Buckland	Ellison	Kirk	Sherry
Campbell, George	Faulkner	Ludwig	Stephens
Campbell, Ian	Ferguson	Lundy	Tchen
Carr	Ferris	Mackay	Tierney
Chapman	Forshaw	Marshall	Watson
Collins	Harradine	Mason	Webber
Cook	Hogg	McLucas	
Crossin	Humphries	O'Brien	

NOES, 8

Senators—

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

Question agreed to.

6 ASIO LEGISLATION AMENDMENT BILL 2003

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

Message no. 470, dated 2 December 2003—A Bill for an Act to amend the law relating to the Australian Security Intelligence 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.

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

Leave refused: Senator Ellison sought leave to incorporate the second reading speech in *Hansard*.

An objection was raised and leave was not granted.

Document: Senator Ellison tabled the following document:

Second reading speech relating to the bill.

Debate ensued.

Question put and passed. Senators Brown and Nettle, by leave, recorded their votes for the noes.

Bill read a second time.

On the motion of Senator Ellison consideration of the bill in committee of the whole was made an order of the day for a later hour.

7 **HIGHER EDUCATION SUPPORT BILL 2003**
HIGHER EDUCATION SUPPORT (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2003

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

In the committee

HIGHER EDUCATION SUPPORT BILL 2003—

Bill taken as a whole by leave.

Explanatory memoranda: The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

Higher Education Support Bill 2003—

Additional supplementary explanatory memorandum (government amendments).

Revised supplementary explanatory memorandum (government amendments and requests for amendments), including corrections to the explanatory memorandum.

Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003—Supplementary explanatory memorandum and additional supplementary explanatory memorandum (government amendments and requests for amendments).

Senator Vanstone moved the following amendments together by leave:

Clause 3-5, page 5 (after line 15), at the end of the clause, add:

- (2) Higher education providers will be universities, self-accrediting providers or non self-accrediting providers.

Clause 8-1, page 7 (line 9), after “higher education providers”, insert “(universities, self-accrediting providers and non self-accrediting providers)”.

Clause 13-1, page 9 (line 7), after “Listed providers”, insert “(universities and certain self-accrediting providers)”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 35

Senators—

Abetz	Coonan	Johnston	Payne
Alston	Eggleston	Lees	Santoro
Barnett	Ferguson	Lightfoot	Scullion
Boswell	Ferris (Teller)	Macdonald, Sandy	Tchen
Brandis	Harradine	Mason	Tierney
Calvert	Harris	McGauran	Troeth
Campbell, Ian	Heffernan	Minchin	Vanstone
Chapman	Hill	Murphy	Watson
Colbeck	Humphries	Patterson	

NOES, 33

Senators—

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

Question agreed to.

After 12.45 pm: The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported progress.

8 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

9 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Austria led by the President of the Senate, Senator Hans Ager, and, with the concurrence of honourable senators, invited Senator Ager to take a seat on the floor of the chamber.

Further questions without notice were answered.

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 Senator Sherry today relating to superannuation.

Debate ensued.

Question put and passed.

11 PRIMARY INDUSTRIES—SUGAR INDUSTRY—ANSWER TO QUESTION

Senator Cherry moved—That the Senate take note of the answer given by the Minister for the Arts and Sport (Senator Kemp) to a question without notice asked by Senator Cherry today relating to the sugar industry, the closure of the mill at Nambour and the sugar reform package.

Question put and passed.

12 SCIENCE AND TECHNOLOGY—ASSISTED REPRODUCTIVE TECHNOLOGY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

Senator Harradine, by leave, made a statement relating to the order of the Senate of 28 October 2003 for the production of documents prepared for the Council of Australian Governments concerning assisted reproductive technology (*see entry no. 9, 28 October 2003*).

Statement by leave: The Minister for Defence (Senator Hill), by leave, made a statement relating to the matter.

13 PETITIONS

The following 9 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senator Bartlett, from 4 and 63 646 petitioners, respectively, requesting that the Senate establish an inquiry into all aspects of live animal exports from Australia.

Senator Bartlett, from 20 petitioners, requesting that the Senate ensure the powers and responsibilities of the Senate are protected in the interests of ensuring good governance on behalf of the Australian people.

Senator Bartlett, from 19 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003

Senator Bartlett, from 1 650 petitioners, requesting that the Senate take action to end the live animal export trade and develop a chilled and frozen carcass trade using humane slaughtering practices.

Senator Bartlett, from 1 224 petitioners, requesting that the Senate take action to immediately ban the live export of Australian livestock.

Senator Lees, from 366 petitioners, requesting that the Senate take action to place a licence condition on all TV broadcasters which requires that a service is relevant to the local community.

Senator Stott Despoja, from 1 928 petitioners, requesting that the Senate take action to ensure the principle of equitable access to universities remains fundamental to higher education policy and that any bill to further increase fees is rejected.

Senator Stott Despoja, from 915 petitioners, requesting that the Senate oppose the proposed changes to Medicare and the introduction of up-front fees for general practitioner consultations.

14 NOTICES

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That, upon their introduction in the House of Representatives, the provisions of the following bills be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report on 1 March 2004:

Military Rehabilitation and Compensation Bill 2003

Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Bill 2003.

The Chair of the Employment, Workplace Relations and Education References Committee (Senator George Campbell): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on the exposure draft of the Building and Construction Industry Improvement Bill 2003 be extended to 13 May 2004. (*general business notice of motion no. 741*)

The Chair of the Economics References Committee (Senator Stephens): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on whether the *Trade Practices Act 1974* adequately protects small business be extended to 11 February 2004. (*general business notice of motion no. 742*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Australian Crime Commission Act 2002*, and for related purposes. ***Australian Crime Commission Amendment Bill 2003.***

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to integrate the Australian Protective Service into the Australian Federal Police, and for other purposes. ***Australian Federal Police and Other Legislation Amendment Bill 2003.***

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation about fisheries, and for related purposes. ***Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003.***

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to Norfolk Island, and for related purposes. ***Norfolk Island Amendment Bill 2003.***

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

- (a) congratulates musician and entertainer, Mr Jimmy Little, on receiving the prestigious Red Ochre Award (2003) from the Australia Council for his outstanding contribution to the national and international recognition of Aboriginal and Torres Strait Islander arts;

- (b) notes that some of Jimmy Little's contributions include:
- (i) a musical career that spans more than 50 years,
 - (ii) being Australia's first Aboriginal pop star, recording his first popular release record in 1956, which reached the 'top ten' in the popular music chart,
 - (iii) achieving a number one hit in 1963 with the song 'Royal Telephone', which sold more than 75 000 copies and achieved 'gold' status twice,
 - (iv) many years as a mentor/teacher for Indigenous adult students at Eora College in Redfern,
 - (v) being named Aboriginal of the Year at the 1989 National Aboriginal and Islander Day Observance Committee awards; elevated to the Australian Country Music Role of Renown in Tamworth in 1994; and inducted into the Australian Record Industry Association Australian Music Hall of Fame in 1999, and
 - (vi) continuing his role as an ambassador for the National Literacy and Numeracy Strategy in Indigenous education; and
- (c) recognises that Jimmy Little is as much a statesman as a musician, who has been an outstanding advocate for his people and a true gentleman and family man. (*general business notice of motion no. 743*)

Senator Forshaw: To move on the next day of sitting—That the order of the Senate of 20 June 2001, as amended on 27 September 2001, 18 June 2003 and 26 June 2003, for the production of documents relating to departmental and agency contracts, be amended as follows:

Paragraph (5), omit "within 6 months after each day mentioned in paragraph (1)", insert "by not later than 30 September each year". (*general business notice of motion no. 744*)

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

- (a) notes that:
- (i) currently, only G-rated material can be broadcast between 4.30 pm and 7.30 pm on weekdays and from 6 am to 7.30 pm on weekends,
 - (ii) the draft for the revision of the commercial television industry's code of practice proposes a drastic reduction in G-rated television programming, from 57 hours weekly to 22 hours,
 - (iii) if the draft proposals are adopted, the afternoon G-rated period would be cut to one hour, from 4 pm to 5 pm, and on weekends to two hours, from 6.30 am to 8.30 am, and
 - (iv) the Australian Parents Council, which represents hundreds of thousands of parents, has written to the Office of Film and Literature Classification, the Australian Broadcasting Authority and the Federal Attorney-General, condemning these proposals; and
- (b) calls on the Government to ensure that the G-rated viewing times remain at current levels. (*general business notice of motion no. 745*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That, on Thursday, 4 December 2003:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
- (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) not be proceeded with;

- (c) the routine of business from not later than 4.30 pm shall be government business only;
- (d) divisions may take place after 6 pm; and
- (e) the question for the adjournment of the Senate shall not be proposed till after the Senate has finally considered the bills listed below and any messages from the House of Representatives:
 - Higher Education Support Bill 2003 and the Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003
 - ASIO Legislation Amendment Bill 2003
 - Financial Services Reform Amendment Bill 2003
 - Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2003.

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

- (1) The following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 30 June 2004:
 - (a) an examination of provisions contained in the Sexuality and Gender Identity Discrimination Bill 2003; and
 - (b) investigation of alternatives for recognising significant relationships, including same-sex relationships, within Commonwealth law.
- (2) The committee, in considering these matters, call for public submissions and hold public hearings.

Senators Humphries and Stott Despoja: To move on the next day of sitting—That the Senate—

- (a) expresses concerns over reports of the continued imprisonment of people including religious leaders, on matters of conscience in the Socialist Republic of Vietnam;
- (b) notes that:
 - (i) the International Covenant on Civil and Political Rights applies to the treatment of Buddhist practitioners worldwide, and
 - (ii) the Republic of Vietnam still requires religious organisations to be affiliated with state-sponsored umbrella organisations;
- (c) expresses its support for a formal, open and effective dialogue between Australia and Vietnam on human rights issues; and
- (d) calls on the Government of Vietnam to:
 - (i) unconditionally release Patriarch Thich Huyen Quang, Most Venerable Thich Quang Do, Venerables Thich Tue Sy, Thich Vien Dinh, Thich Nguyen Ly and other religious leaders in Vietnam from house custody and administrative detention,
 - (ii) recognise that the practice of religion should not form the basis of the incarceration of any individual, and
 - (iii) remove restrictions placed on officially sanctioned religions, and the prohibition on church-led private education and charitable work. (*general business notice of motion no. 746*)

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

- (a) notes that:
 - (i) the current Deed of Grant for the Regional Arts Fund expires on 30 June 2004 and that the fund can not operate properly in 2004 without an immediate commitment from the Government, and

- (ii) more than one million people in regional Australia have participated in the funds' programs and that almost 2 300 artists have gained employment through the scheme; and
- (b) calls on the Government to immediately commit to establishing the Regional Arts Fund as a permanent recurrent fund with an increased allocation of funds. (*general business notice of motion no. 747*)

Senators Nettle and Greig: To move on the next day of sitting—That the provisions of the Disability Discrimination Amendment Bill 2003 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 25 March 2004.

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to halt the destruction caused by clear fell logging for woodchip in the old-growth forest of Tasmania's north-east highlands, including the Blue Tier. (*general business notice of motion no. 748*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the Designs (Consequential Amendments) Bill 2003, allowing it to be considered during this period of sittings.

Document: Senator Ian Campbell tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2003 spring sittings.

15 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 16 OF 2003

Senator McGauran, at the request of the Chairman of the Selection of Bills Committee (Senator Ferris), tabled the following report:

SELECTION OF BILLS COMMITTEE REPORT NO. 16 OF 2003

1. The committee met on Tuesday, 2 December 2003.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Building and Construction Industry Improvement Bill 2003 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003 be *referred immediately* for inquiry and report on 4 March 2004 but was unable to reach agreement on which committee to refer the bills to;
 - (b) the *provisions* of the Superannuation Safety Amendment Bill 2003 be *referred immediately* to the Economics Legislation Committee for inquiry and report on 19 February 2004; and
 - (c) the following bills *not* be referred to committees:
 - ASIO Legislation Amendment Bill 2003
 - National Animal Welfare Bill 2003
 - National Residue Survey Customs Levy Rate Correction (Lamb Exports) Bill 2003
 - National Residue Survey Excise Levy Rate Correction (Lamb Transactions) Bill 2003
 - Primary Industries (Excise) Levies Amendment (Wine Grapes) Bill 2003
 - Sexuality and Gender Identity Discrimination Bill 2003.

The committee recommends accordingly.

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

Bill deferred from meeting of 12 August 2003

Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003.

Bill deferred from meeting of 28 October 2003

Intelligence Services Amendment Bill 2003.

Bill deferred from meeting of 25 November 2003

Workplace Relations Amendment (Better Bargaining) Bill 2003.

Bill deferred from meeting of 2 December 2003

Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003.

Jeannie Ferris

Chair

3 December 2003.

Senator McGauran moved—That the report be adopted.

Senator Collins moved the following amendment:

At the end of the motion, add “and, in respect of the Building and Construction Industry Improvement Bill 2003 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003, the provisions of the bills be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report, together with the committee’s inquiry into the exposure draft of the Building and Construction Industry Improvement Bill 2003”.

Debate ensued.

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

Main question, as amended, put and passed.

16 ROUTINE OF BUSINESS—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That—

- (a) consideration of government documents not be proceeded with today; and
- (b) valedictory statements relating to Senator Alston may be made from 6 pm to 7.20 pm today.

Question put and passed.

17 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 721 standing in the name of Senator Harris for today, relating to the establishment of a select committee on the Lindeberg Grievance, postponed till 4 December 2003.

General business notice of motion no. 734 standing in the name of Senator Allison for today, relating to the use of ethanol and other alternative fuels, postponed till 4 December 2003.

18 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the report of the committee on the provisions of the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003 and associated regulations be extended to 4 December 2003.

Question put and passed.

19 BROADCASTING SERVICES (SAFEGUARDING LOCAL CONTENT AND LOCAL AUDIENCE NEEDS) AMENDMENT BILL 2003

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 702—That the following bill be introduced:

A Bill for an Act to amend the *Broadcasting Services Act 1992* to require commercial TV licence holders to provide locally produced and locally relevant news and current affairs, and for related purposes.

Question put and passed.

Senator Lees presented the bill and 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 Lees moved—That this bill be now read a second time.

Debate adjourned till the next day of sitting, Senator Lees in continuation.

20 INDUSTRIAL RELATIONS—NATIONAL MATERNITY LEAVE SCHEME

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 709—That the Senate—

- (a) notes that 11 December 2003 marks 12 months since the federal Sex Discrimination Commissioner reported on the need for a national maternity leave scheme and recommended a modest model for such a scheme;
- (b) further notes that Australia remains one of only two Organisation for Economic Co-operation and Development countries without a national paid maternity leave scheme and that a growing number of foreign countries are now providing paid leave for fathers; and
- (c) calls on the Prime Minister (Mr Howard) to commit to introduce a national paid maternity leave scheme for women and provide more support for fathers at the time a baby is born.

Question put and passed.

21 IMMIGRATION—DETENTION CENTRES—NAURU AND MANUS ISLAND

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 732—That the Senate calls on the Government to:

- (a) immediately close the detention centres on Nauru and Manus Island and bring all detainees to mainland Australia;
- (b) immediately release children and their families from asylum-seeker detention centres in Australia;

- (c) end the temporary protection visa system, and instead provide permanent protection for proven refugees; and
- (d) introduce a process involving humanitarian visa solutions for those stuck in limbo in long-term detention.

Statements by leave: Senators Mackay and Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 36

Senators—

Barnett	Cook	Johnston	Payne
Boswell	Crossin	Kirk	Scullion
Brandis	Denman	Lightfoot	Sherry
Buckland	Eggleston	Lundy	Stephens
Campbell, George	Ferguson	Mackay	Tchen
Carr	Ferris (Teller)	Marshall	Tierney
Chapman	Forshaw	McGauran	Watson
Colbeck	Hill	McLucas	Webber
Collins	Hogg	O'Brien	Wong

Question negatived.

22 HEALTH—PHARMACEUTICAL BENEFITS SCHEME—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 738—That there be laid on the table, by 3 pm on 4 December 2003, the following:

- (a) all correspondence and documents, including e-mails, between the Department of Health and Ageing (the department) and the National Prescribing Service (NPS) and/or the Minister for Health and Ageing and/or the pharmaceutical drug companies Lilly and GlaxoSmithKline concerning the recent Pharmaceutical Benefits Scheme listing of Thiazolidinediones (Actos – Pioglitazone, and Avandia – Rosiglitazone) and the role of the NPS in conducting an education campaign about the drugs;
- (b) all correspondence and documents, including e-mails, between the department, the NPS and their new drug working group concerning a departmental request that the NPS should not conduct an education campaign about the Thiazolidinedione group of drugs; and
- (c) reports and/or correspondence from the Australian Adverse Drug Reaction Committee and/or the Therapeutic Goods Administration concerning adverse effects of Pioglitazone and Rosiglitazone directed at health practitioners, the department, the Pharmaceutical Benefits Advisory Committee, and the Minister.

Question put and passed.

23 SOCIAL ISSUES—PEOPLE WITH DISABILITIES

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 735—That the Senate—

- (a) notes that in October 1992, the United Nations General Assembly declared 3 December to be the International Day of Disabled Persons, which has since been renamed in Australia as the International Day of People with a Disability;
- (b) notes further:
 - (i) the enormous contribution that people with disabilities, their families and carers make to their individual communities and the development of the entire Australian community, and
 - (ii) that this often occurs within a context of ongoing discrimination, disadvantage, and economic and social hardship; and
- (c) calls on the Government to undertake a leadership role by ending all forms of discrimination against people with disabilities through the development of a comprehensive International Human Rights Convention for People with Disabilities.

Question put and passed.

24 ENVIRONMENT—SEPON MINE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 739—That there be laid on the table, by 3 pm on 4 December 2003, those parts of the audit report on the Sepon mine project in Laos referred to by the Minister for Finance and Administration in his statement to the Senate on 25 November 2003 which relate to the environmental and social impacts of the project.

Question put and passed.

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

Senator McGauran, 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. 733—That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport Legislation Committee be extended to 11 March 2004:

- (a) the administration of the Civil Aviation Safety Authority;
- (b) the import risk assessment on New Zealand apples; and
- (c) the administration of AusSAR in relation to the search for the *Margaret J.*

Question put and passed.

26 STANDING ORDERS—AMENDMENT—CONSIDERATION OF BILLS IN COMMITTEE OF THE WHOLE

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That paragraph (1) of standing order 115 be amended to read as follows:

- 115** (1) After the second reading, a bill shall be considered in a committee of the whole immediately, unless:

- (a) the bill is referred to a standing or select committee; or
- (b) no senator has:
 - (i) circulated in the Senate a proposed amendment or request for amendment of the bill, or
 - (ii) required in debate or by notification to the chair that the bill be considered in committee of the whole.

Question put and passed.

27 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business no. 3—

- (1) That estimates hearings by legislation committees for the year 2004 be scheduled as follows:

2003-04 additional estimates:

Monday, 16 February and Tuesday, 17 February and, if required, Friday, 20 February (*Group A*)

Wednesday, 18 February and Thursday, 19 February and, if required, Friday, 20 February (*Group B*)

2004-05 Budget estimates:

Monday, 24 May to Thursday, 27 May and, if required, Friday, 28 May (*Group A*)

Monday, 31 May to Thursday, 3 June and, if required, Friday, 4 June (*Group B*)

Monday, 1 November and Tuesday, 2 November (*supplementary hearings—Group A*)

Wednesday, 3 November and Thursday, 4 November (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts
 Finance and Public Administration
 Legal and Constitutional
 Rural and Regional Affairs and Transport

Group B:

Community Affairs
 Economics
 Employment, Workplace Relations and Education
 Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
 Wednesday, 24 March 2004 in respect of the 2003-04 additional estimates, and
 Thursday, 17 June 2004 in respect of the 2004-05 budget estimates.

Question put and passed.

28 ENVIRONMENT—TARKINE—LOGGING

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 740 standing in his name for today, relating to logging of the Tarkine, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

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 a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 740.

Debate ensued.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Barnett	Denman	Lightfoot	Ray
Bishop	Eggleston	Lundy	Santoro
Boswell	Evans	Macdonald, Sandy	Scullion
Brandis	Ferguson	Mackay	Sherry
Buckland	Ferris	Marshall	Stephens
Campbell, George	Forshaw	Mason	Tchen
Chapman	Harris	McGauran (Teller)	Watson
Colbeck	Hogg	McLucas	Webber
Collins	Humphries	O'Brien	Wong
Cook	Johnston	Patterson	
Crossin	Kirk	Payne	

Question negatived.

29 SCRUTINY OF BILLS—STANDING COMMITTEE—15TH REPORT AND ALERT DIGEST NO. 16 OF 2003

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

15th report of 2003, dated 3 December 2003.

Alert Digest No. 16 of 2003, dated 3 December 2003.

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

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

Question put and passed.

30 ECONOMICS LEGISLATION COMMITTEE—REPORT—FINANCIAL SERVICES REFORM AMENDMENT BILL 2003

Pursuant to order, the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Financial Services Reform Amendment Bill 2003 and certain associated regulations—Report, dated December 2003, *Hansard* record of proceedings and submissions [7].

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

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

Debate ensued.

Question put and passed.

31 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2003-04

Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Budget estimates 2003-04—vol. 3).

32 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—GOVERNANCE ON NORFOLK ISLAND

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) tabled the following report:

National Capital and External Territories—Joint Standing Committee—*Quis custodiet ipsos custodes?*: Inquiry into governance on Norfolk Island—Report, dated December 2003.

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

Debate adjourned till the next day of sitting, Senator Hogg in continuation.

33 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—PRESIDENT'S REPORT ON GOVERNMENT RESPONSES OUTSTANDING

The Special Minister of State (Senator Abetz) tabled the following document:

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 26 June 2003.

34 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—

Australian Meat and Live-stock Industry (Export of Cattle) Amendment Order 2003 (No. 1).

Australian Meat and Live-stock Industry (Export of Live Sheep and Goats to the Middle East) Amendment Order 2003 (No. 1).

Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2003.

Census and Statistics Act—Australian Bureau of Statistics—Statement No. 2 of 2003.

Great Barrier Reef Marine Park Act—Great Barrier Reef Marine Park Zoning Plan 2003.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2003 No. 271.

Superannuation Act 1990—Nineteenth Amendment Deed under section 5, dated 26 November 2003.

35 AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY ORDER—GREAT BARRIER REEF MARINE PARK ZONING PLAN—CONSIDERATION

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the following documents tabled earlier today (*see entry no. 34*):

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2003.

Great Barrier Reef Marine Park Act—Great Barrier Reef Marine Park Zoning Plan 2003.

Question put and passed.

36 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

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

The Special Minister of State (Senator Abetz), by leave, moved—That Senator Heffernan be discharged from and Senator Barnett be appointed to the Community Affairs Legislation Committee.

Question put and passed.

37 NEW BUSINESS TAX SYSTEM (TAXATION OF FINANCIAL ARRANGEMENTS) BILL (NO. 1) 2003

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

Message no. 469, dated 2 December 2003—New Business Tax System (Taxation of Financial Arrangements) Bill (No. 1) 2003.

**38 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2003
TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003
TAXATION LAWS AMENDMENT BILL (NO. 5) 2003**

Messages from the House of Representatives were reported disagreeing to the amendments made by the Senate to the following bills:

Message no. 467, dated 2 December 2003—Trade Practices Legislation Amendment Bill 2003.

Message no. 468, dated 2 December 2003—Trade Practices Amendment (Personal Injuries and Death) Bill 2003.

Message no. 471, dated 3 December 2003—Taxation Laws Amendment Bill (No. 5) 2003.

On the motion of the Special Minister of State (Senator Abetz) consideration of each message in committee of the whole was made an order of the day for a later hour.

**39 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE)
AMENDMENT BILL 2003**

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

Message no. 466, dated 2 December 2003—States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003.

Ordered, on the motion of the Special Minister of State (Senator Abetz), that the message be considered in committee of the whole immediately.

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

In the committee

Senator Abetz moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Bolkus) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 466 from the House of Representatives relating to the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the report from the committee was adopted.

**40 HIGHER EDUCATION SUPPORT BILL 2003
HIGHER EDUCATION SUPPORT (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL
AMENDMENTS) BILL 2003**

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

In the committee

HIGHER EDUCATION SUPPORT BILL 2003—

Consideration resumed of the bill, as amended.

Senator Crossin moved the following amendments together by leave:

Page 1 (line 1) to page 208 (line 20), omit “higher education provider” (wherever occurring), substitute “university/listed higher education institution”.

Page 1 (line 1), to page 208 (line 20), omit “higher education providers” (wherever occurring), substitute “universities/listed higher education institutions”.

Page 1 (line 1), to page 208 (line 20), omit “providers” (wherever occurring), substitute “institutions”.

At 6 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Bolkus) reported progress.

41 VALEDICTORY STATEMENTS

Pursuant to order, senators made statements relating to the retirement of Senator Alston.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That valedictory statements may continue beyond 7.20 pm, and that the question for the adjournment be proposed at the conclusion of valedictory statements.

Question put and passed.

Statements continued.

42 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.09 pm till Thursday, 4 December 2003 at 9.30 am.

43 ATTENDANCE

Present, all senators except Senators Knowles*, Ian Macdonald and Moore (* on leave).

HARRY EVANS
Clerk of the Senate