

2002-04

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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:

*Customs Act 1901*—Customs (Prohibited Exports) Regulations 1958—Permissions granted under regulation 7—

1 January to 30 June 2003.

1 July to 31 December 2003.

**3 DEPARTMENT OF PARLIAMENTARY SERVICES—PARLIAMENTARY LIBRARIAN—STATEMENT BY PRESIDENT**

The President made a statement relating to the appointment of a parliamentary librarian as a statutory officer.

**4 CONSIDERATION OF LEGISLATION**

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), 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 following bills, allowing them to be considered during this period of sittings:

Greater Sunrise Unitisation Agreement Implementation Bill 2004

Customs Tariff Amendment (Greater Sunrise) Bill 2004.

Debate ensued.

Question put.

The Senate divided—

**AYES, 41**

Senators—

Bishop	Evans	Lundy	Santoro
Boswell	Ferguson	Macdonald, Sandy	Scullion
Brandis	Ferris	Mackay	Sherry
Buckland	Forshaw	Mason	Stephens
Campbell, George	Hogg	McGauran	Tchen
Campbell, Ian	Humphries	McLucas	Troeth
Carr	Hutchins	Moore	Watson
Chapman	Johnston	O'Brien	Webber
Crossin	Kirk	Patterson	
Denman	Knowles	Payne	
Eggleston (Teller)	Ludwig	Ray	

**NOES, 12**

Senators—

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

Question agreed to.

Senator Ian Campbell amended government business notice of motion no. 2 by leave and, pursuant to notice, moved—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Higher Education Legislation Amendment Bill 2004  
Telecommunications (Interception) Amendment Bill 2004.

Question put and passed.

**5 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Greater Sunrise Unitisation Agreement Implementation Bill 2004 and a related bill.

Question put and passed.

**6 GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004  
CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That these bills be now read a second time.

Debate resumed.

Senator Stott Despoja moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) condemns the Government’s withdrawal from the United Nations Convention on the Law of the Sea and the jurisdiction of the International Court of Justice relating to maritime boundaries; and
- (b) calls on the Government to:
  - (i) work towards the permanent delimitation of maritime boundaries between Australia and East Timor expeditiously and in good faith,
  - (ii) pending the permanent delimitation of maritime boundaries between Australia and East Timor, hold any revenue that might otherwise have been collected under the *Petroleum Resource Rent Tax Assessment Act 1987* from the area to which the Greater Sunrise International Unitisation Agreement applies, in a nominated interest bearing escrow account, and
  - (iii) upon the permanent delimitation of maritime boundaries between Australia and East Timor, ensure that all monies and interest held in the escrow account be distributed between Australia and East Timor in accordance with the permanent maritime boundaries”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

Senators—

Allison (Teller)  
Brown  
Cherry

Greig  
Harris  
Lees

Murray  
Nettle

Ridgeway  
Stott Despoja

## NOES, 41

Senators—			
Abetz	Conroy	Lightfoot	Santoro
Barnett	Cook	Ludwig	Scullion
Bishop	Crossin	Macdonald, Sandy	Sherry
Boswell	Denman	Mackay	Stephens
Brandis	Eggleston	Mason	Tchen
Buckland	Ferguson	McGauran (Teller)	Watson
Calvert	Forshaw	McLucas	Webber
Campbell, George	Hill	Murphy	Wong
Chapman	Hogg	O'Brien	
Colbeck	Johnston	Payne	
Collins	Kirk	Ray	

Question negatived.

Main question put.

The Senate divided—

## AYES, 43

Senators—			
Abetz	Conroy	Lightfoot	Santoro
Barnett	Cook	Ludwig	Scullion
Bishop	Crossin	Macdonald, Sandy	Sherry
Boswell	Denman	Mackay	Stephens
Brandis	Eggleston	Mason	Tchen
Buckland	Ferguson	McGauran (Teller)	Tierney
Calvert	Forshaw	McLucas	Troeth
Campbell, George	Harradine	Murphy	Watson
Chapman	Hill	O'Brien	Webber
Colbeck	Hogg	Payne	Wong
Collins	Kirk	Ray	

## NOES, 11

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

Question agreed to.

Bills read a second time.

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At 12.45 pm—

## 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 Agriculture, Fisheries and Forestry (Senator Troeth) the sitting of the Senate was suspended till 2 pm.

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At 2 pm—

**8 QUESTIONS**

Questions without notice were answered.

**9 QUESTION ON NOTICE—ANSWER**

Senator Forshaw, pursuant to standing order 74, asked the Minister representing the Minister for Science (Senator Vanstone) for an explanation of an answer not being provided to question on notice no. 2453 (notice given 8 December 2003) relating to the Australian Nuclear Science and Technology Organisation.

The Minister was not present and an explanation was not provided.

**10 TAXATION—DEDUCTIBLE GIFT RECIPIENT STATUS—ANSWER TO QUESTION**

Senator Mackay moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Mackay today relating to the deductible gift recipient status of the Constitutional Education Fund.

Debate ensued.

Question put and passed.

**11 TAXATION—PUBLIC BENEVOLENT INSTITUTIONS—ANSWER TO QUESTION**

Senator Cherry moved—That the Senate take note of the answer given by the Minister for Revenue and Assistant Treasurer (Senator Coonan) to a question without notice asked by Senator Stott Despoja today relating to the taxation of public benevolent institutions.

Question put and passed.

**12 PETITIONS**

The following 2 petitions, lodged with the Clerk by Senator Stott Despoja, were received:

From 39 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.

From 116 petitioners, requesting that the Senate reject the proposed changes to higher education, as outlined in the Nelson Review.

**13 NOTICES**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Crossin): To move on the next day of sitting—That the following matters be referred to the Standing Committee for the Scrutiny of Bills for inquiry and report by the first sitting day in March 2005:

- (1) The Government's responses to the committee's *Fourth Report of 2000: Entry and Search Provisions in Commonwealth Legislation* and, in particular, whether there has been any resultant impact on the practices and drafting of entry and search provisions.
- (2) A review of the fairness, purpose, effectiveness and consistency of entry and search provisions in Commonwealth legislation made since the committee tabled its Fourth Report of 2000 on 6 April 2000.

- (3) A review of the provisions in Commonwealth legislation that authorise the seizure of material and, in particular:
- (a) the extent and circumstances surrounding the taking of material that is not relevant to an investigation and the use and protection of such material; and
  - (b) whether the rights and liberties of individuals would be better protected by the development of protocols governing the seizure of material.

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

- (a) notes that:
- (i) Taiwan is a thriving democracy of 23 million people, with a world-class healthcare system, its achievements in the area of health include the highest life expectancy in Asia, very low maternal and infant mortality rates, the eradication of diseases such as cholera, smallpox, and the plague, and it was one of the first countries in our region to eradicate polio and provide children with hepatitis B vaccinations,
  - (ii) Taiwan has a strong commitment to international health security through provision of development aid in the form of funds and expertise, and, while this is limited by its exclusion from key international health bodies like the World Health Organization (WHO), this commitment has included sending emergency response medical teams to assist after the 2001 El Salvador earthquake, contributing over US\$120 million in medical and/or humanitarian relief to 78 countries spanning five continents between 1995 and 2001, and maintaining permanent medical assistance programmes in Burkina Faso, Malawi, Chad and the Republic of São Tomé and Príncipe,
  - (iii) the experience of SARS in 2003 shows the vital importance of seamless global coordination in responding to international health emergencies, as a matter of global security,
  - (iv) Taiwan's efforts in containment and management of the SARS epidemic in 2003 were severely hampered by its inability to access the expertise and coordination of the WHO, including the WHO's Global Outbreak Alert and Response Network (GOARN), endangering the people of Taiwan, of whom 73 were killed by the disease, and also undermining the WHO's own efforts to stop the further spread of the disease,
  - (v) the Rules of Procedure of the World Health Assembly (WHA) formally allow, through several mechanisms, for the participation of observers, as distinct from states, in the activities of the organization, and current observers include the Palestine Liberation Organisation, the Holy See, the Order of Malta, and the International Red Cross and Red Crescent,
  - (vi) Taiwan's participation in the WHA as an observer, like the abovementioned precedents, will not involve the issue of sovereignty,
  - (vii) the WHO's objective, as expressed in Article 1 of its Constitution, is the attainment by all peoples of the highest possible level of health, and as a specialised agency of the United Nations, is an essential non-political organ for international coordination of health issues,
  - (viii) support for Taiwan's previous bids has come from many other governments, including the United States of America, in the May 2003 Summit of the World Health Assembly in Geneva, and the European Parliament, Central American Parliament, Belgian Chamber of Representatives, Dominican Republic House of Representatives,

Uruguayan Chamber of Representatives, and the Philippine House of Representatives have all passed official resolutions in support of Taiwan obtaining observer status of the WHA,

- (ix) public support of Taiwan's participation in the WHO has, in recent years, come from major professional medical organisations such as the:
  - World Medical Association,
  - International Paediatric Association,
  - British Medical Association,
  - *Lancet*, Britain's premier medical journal,
  - Standing Committee of European Doctors,
  - World Congress of Traditional Medicine, and
  - Philippine Medical Association, and
- (x) in 2003, a private member's motion was passed in the Australian House of Representatives supporting Taiwan in its 2003 bid to gain observer status in the WHA;
- (b) commends Taiwan for its contributions to international health, particularly in assisting in developing countries;
- (c) acknowledges the need for a fully integrated global healthcare system and recognises the appropriateness of Taiwan's cooperation with WHO activities;
- (d) recognises that Taiwan's participation as an observer in the WHO would be consistent with a fully-integrated global healthcare system; and
- (e) looks forward to Taiwan's participation in the WHA as an observer, through consensus of all members. (*general business notice of motion no. 823*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That the Senate expresses its deep concern at the continuing politicisation of the public sector by the Howard Government. (*general business notice of motion no. 824*)

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

- (a) opposes the recent recommendation of the Joint Standing Committee on Treaties against ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (b) concludes that the reluctance to ratify the optional protocol is caused by the Australian Government's indifference to human rights in Australia and that this indifference includes, but is not limited to:
  - (i) the existence of immigration detention centres in Australia and in the Pacific region that imprison over 1 000 men, women and children,
  - (ii) the acquiescence by the Australian Government to the indefinite detention of David Hicks and Mamdouh Habib at Guantanamo Bay by the United States of America, and
  - (iii) the human rights abuses being committed in Afghanistan and Iraq;
- (c) expresses concern that not ratifying this protocol would obviate a system of regular visits to be undertaken by independent international and national bodies to places of detention in order to monitor conditions and ensure that torture and other cruel, inhuman or degrading treatment or punishment is not used; and
- (d) calls on the Australian Government to ratify this protocol immediately. (*general business notice of motion no. 825*)

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

- (a) notes that:
  - (i) in the week beginning 14 March 2004, Burma's military government refused entry to United Nations (UN) Human Rights Special Rapporteur, Mr Paulo Sergio Pinheiro,
  - (ii) Mr Pinheiro released a report into the state of human rights in Burma in January 2004, which recommended that all restrictions on freedom of expression, movement, assembly and information be lifted, and that there be no further arrests for participation in peaceful political activities, and
  - (iii) Mr Pinheiro was seeking to enter Burma to conduct follow-up investigations before reporting on the state of human rights in the country ahead of a meeting of the UN Human Rights Commission in Geneva in the week beginning 28 March 2004;
- (b) acknowledges that the human rights situation in Burma remains extremely grave, with severe restrictions on political freedoms and continued use of forced labour, torture, child soldiers and other serious abuses; and
- (c) calls on the Government to use all diplomatic means to ensure that the Government of Burma:
  - (i) cooperates fully with the UN investigation,
  - (ii) heeds the recommendations of the UN Special Rapporteur's report, and
  - (iii) restores the rule of law to Burma. (*general business notice of motion no. 826*)

Senator Harris: To move on the next day of sitting—

- (1) That a select committee, to be known as the Select Committee on the Lindeberg Grievance, be appointed to inquire into and report by 5 October 2004 on the following matters:
  - (a) whether any false or misleading evidence was given to the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases or the Committee of Privileges in respect of the matters considered in its 63rd and 71st reports, and whether any contempt was committed in that regard, having regard to previous inquiries by Senate committees relating to the shredding of the Heiner documents, the fresh material that has subsequently been revealed by the Dutney Memorandum, and Exhibits 20 and 31 tabled at the Forde Commission of Inquiry into the Abuse of Children in Queensland Institutions, and any other relevant evidence; and
  - (b) the implications of this matter for measures which should be taken:
    - (i) to prevent the destruction and concealment by government of information which should be available in the public interest,
    - (ii) in relation to the protection of children from abuse, and
    - (iii) for the appropriate protection of whistleblowers.
- (2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Democrats and 1 nominated by the One Nation Party.
- (3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

- (4) That:
- (a) the chair of the committee be elected by and from the members of the committee;
  - (b) in the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate;
  - (c) the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair;
  - (d) the deputy chair act as chair when there is no chair or the chair is not present at a meeting; and
  - (e) in the event of the votes on any question before the committee being equally divided, the chair, or deputy chair when acting as chair, have a casting vote.
- (5) That the quorum of the committee be a majority of the members of the committee.
- (6) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken, and such interim recommendations as it may deem fit.
- (7) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of the subcommittee be a majority of the members appointed to the subcommittee.
- (8) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint investigative staff and persons, including senior counsel, with specialist knowledge for the purposes of the committee, with the approval of the President.
- (9) That the committee have access to, and have power to make use of, the evidence and records of the Select Committee on Public Interest Whistleblowing, the Select Committee on Unresolved Whistleblower Cases and the Committee of Privileges in respect of its 63rd and 71st reports.
- (10) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 827*)

#### 14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 5 OF 2004

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

##### SELECTION OF BILLS COMMITTEE REPORT NO. 5 OF 2004

1. The committee met on Tuesday, 23 March 2004.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report on 30 June 2004;
  - (b) the *provisions* of the Sex Discrimination Amendment (Teaching Profession) Bill 2004 be *referred immediately* to the Legal and

Constitutional Legislation Committee for inquiry and report on 11 May 2004; and

- (c) the following bills *not* be referred to committees:  
Higher Education Legislation Amendment Bill 2004  
Telstra (Transition to Full Private Ownership) Bill 2003 [No. 2].

***The committee recommends accordingly.***

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

*Bill deferred from meeting of 28 October 2003*

Intelligence Services Amendment Bill 2003.

*Bills deferred from meeting of 10 February 2004*

Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003

Corporations (Fees) Amendment Bill (No. 2) 2003

Racial and Religious Hatred Bill 2003 [No. 2].

*Bill deferred from meeting of 23 March 2004*

Resale Royalty Bill 2004.

Jeannie Ferris

Chair

24 March 2004.

Senator Colbeck 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. 2 standing in the name of Senator Forshaw for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 30 March 2004.

**16 PRIVILEGES—STANDING COMMITTEE—REFERENCE**

Senator Mackay, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges:

Whether any false or misleading evidence was given by witnesses representing Telstra in relation to the matter of the network fault rate and deterioration of the network, and whether any contempt was committed in that regard.

Question put and passed.

**17 SUPERANNUATION—DEPARTING TEMPORARY RESIDENTS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Sherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 819—That there be laid on the table, by the Minister for Revenue and Assistant Treasurer, no later than 5 pm on Wednesday, 24 March 2004, the document detailing the actual revenue collected during the 2002-03 financial year from the measure, ‘allowing departing temporary residents access to their superannuation’, referred to on page 1-25 of the document *Budget strategy and outlook 2002-03* (Budget Paper No. 1).

Question put and passed.

**18 AUSTRALIAN FEDERAL POLICE COMMISSIONER—MINISTERS AND MINISTERIAL STAFF**

The Leader of the Opposition in the Senate (Senator Faulkner), also on behalf of the Leader of the Australian Democrats (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 820—That the Senate—

(a) notes:

- (i) the inappropriate and unacceptable public and private pressure applied by Federal Government ministers and ministerial staff to the Australian Federal Police Commissioner, Mr Keelty, following his comments regarding security risks in Australia, and
- (ii) that this constitutes ministerial interference at the highest level of Government; and

(b) calls for:

- (i) the Government to respond immediately to the recommendations of the Finance and Public Administration References Committee inquiry into staff employed under the *Members of Parliament (Staff) Act 1984*, and
- (ii) the implementation of the recommendations of the Finance and Public Administration References Committee report into staff employed under the *Members of Parliament (Staff) Act 1984*, in particular the recommendation that ministerial staff should be required to appear before parliamentary committees where critical or important information or instructions have emanated from a minister's office but not from the minister.

Question put and passed.

**19 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 816—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the 2003-04 additional estimates be extended to 25 March 2004.

Question put and passed.

**20 AUSTRALIAN FEDERAL POLICE COMMISSIONER—STATEMENT—ORDER FOR PRODUCTION OF DOCUMENTS**

The Leader of the Opposition in the Senate (Senator Faulkner), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 822—That there be laid on the table, by the Leader of the Government in the Senate, no later than 4 pm on Tuesday, 30 March 2004, copies of all drafts of the clarifying statement which was negotiated between the Australian Federal Police Commissioner, Mr Keelty, and the Secretary of the Department of the Prime Minister and Cabinet, Dr Shergold, and any other members or representatives of the Government and which was issued by the Commissioner on Tuesday, 16 March 2004.

Question put and passed.

**21 EDUCATION—FUNDING**

Senator Nettle amended general business notice of motion no. 815 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
  - (i) the call by international student leaders on 22 March 2004 for international students to join the country-wide student protest on 31 March 2004 that is calling for free education,
  - (ii) the growing fee burden experienced by international students, who were the first students to face upfront fees, and
  - (iii) the move of some universities to allow for an increase in the yearly tuition fees paid by international students during the length of their courses;
- (b) condemns the Government for its policies, which have resulted in spiralling student debt; and
- (c) calls on the Government to reverse its regressive user-pays policies which are under-funding universities and driving international and Australian students further into debt.

Question put and passed.

**22 SPORT—BENITA JOHNSON**

Senator Ridgeway, also on behalf of the Minister for the Arts and Sport (Senator Kemp) and Senator Lundy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 812—That the Senate—

- (a) congratulates Australian distance runner, Benita Johnson, who won gold in the women's 8 kilometre race at the World Cross Country Championships in Brussels on 20 March 2004;
- (b) notes that:
  - (i) Ms Johnson is the first Australian in the 32-year history of the event to win any medal in the race, and that she won by more than 50 metres,
  - (ii) the world cross country meet is the most competitive distance race in the world, as each country can send up to six representatives, and that this race comprised 100 runners,
  - (iii) Ms Johnson currently holds the Australian 2, 3, 5 and 10 kilometre records, and
  - (iv) Ms Johnson developed her talent at the Australian Institute of Sport (AIS);
- (c) notes the increased support the Government has given to sport and the AIS; and
- (d) calls on the Government to ensure that the AIS continues to be adequately supported so as to promote future Australian sporting excellence.

Question put and passed.

**23 EDUCATION—HIGHER EDUCATION CONTRIBUTION SCHEME**

Senator Ridgeway, 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. 817—That the Senate—

- (a) notes that:

- (i) the following nine universities have decided to increase their higher education contribution scheme (HECS) fees for 2005, most of them by the full 25 per cent across all disciplines: the University of Sydney, Griffith University, La Trobe University, Queensland University of Technology, Newcastle University, Deakin University, University of Southern Queensland, Swinburne University and Monash University,
  - (ii) only three universities have decided to decrease HECS fees for 2005 in a few disciplines,
  - (iii) increasing HECS fees will further deter students from low socio-economic backgrounds, and
  - (iv) 31 March 2004 will be the National Day of Action for university students who will be protesting against the Government's 'Backing Australia's Future: Our Universities' policy and specifically against HECS increases;
- (b) supports constructive attempts by students to prevent the remaining universities increasing HECS fees; and
  - (c) condemns the Government for under-funding universities for the past 7 years to such an extent that universities are now turning to students to provide a short-term increase in funding.

Question put and passed.

#### 24 EDUCATION—TUITION FEES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 821—That the Senate—

- (a) notes that:
  - (i) university students are faced with increased tuition fees, text book costs and living expenses,
  - (ii) Monash University has become the ninth university to increase its tuition fees since the Government passed legislation to allow universities to do so, and
  - (iii) on 22 March 2004, the students at Monash University exercised their right to direct non-violent action to protest against the university's decision to raise tuition fees; and
- (b) congratulates the students at Monash University for:
  - (i) rejecting the Government's user-pays model of higher education, and
  - (ii) their brave action in the week beginning 21 March 2004, undertaken in the interests of their fellow students and the broader interests of equity and accessibility of the higher education system.

Question put.

The Senate divided—

AYES, 6

Senators—

Allison (Teller)  
Brown

Cherry  
Nettle

Ridgeway

Stott Despoja

## NOES, 39

Senators—			
Abetz	Coonan	Ludwig	Santoro
Barnett	Crossin	Lundy	Scullion
Boswell	Denman	Mackay	Sherry
Brandis	Eggleston	Mason	Stephens
Buckland	Ferris (Teller)	McGauran	Tchen
Campbell, George	Forshaw	McLucas	Troeth
Carr	Hogg	Moore	Watson
Chapman	Humphries	O'Brien	Webber
Colbeck	Kirk	Patterson	Wong
Collins	Knowles	Payne	

Question negatived.

## 25 FOREIGN AFFAIRS—SHEIKH AHMED YASSIN

*Motion determined as not formal:* Senator Nettle requested that general business notice of motion no. 818 standing in her name for today, relating to the assassination of Sheikh Ahmed Yassin, 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 Nettle, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent her 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. 818.

Debate ensued.

Question put.

The Senate divided—

## AYES, 9

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

## NOES, 47

Senators—			
Barnett	Cook	Kirk	Patterson
Bishop	Crossin	Knowles	Payne
Boswell	Denman	Lightfoot	Ray
Brandis	Evans	Ludwig	Santoro
Buckland	Ferguson	Lundy	Scullion
Calvert	Ferris (Teller)	Macdonald, Sandy	Sherry
Campbell, George	Forshaw	Mackay	Stephens
Carr	Hogg	Mason	Tchen
Chapman	Humphries	McGauran	Troeth
Colbeck	Hutchins	McLucas	Watson
Collins	Johnston	Moore	Webber
Conroy	Kemp	O'Brien	

Question negatived.

**26 SCRUTINY OF BILLS—STANDING COMMITTEE—3RD AND 4TH REPORTS AND ALERT DIGEST NO. 4 OF 2004**

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

Scrutiny of Bills—Standing Committee—

3rd report of 2004—The quality of explanatory memoranda accompanying bills, dated 24 March 2004.

4th report of 2004, dated 24 March 2004.

Alert Digest No. 4 of 2004, dated 24 March 2004.

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

Senator Crossin moved—That the Senate take note of the 3rd report of 2004.

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

**27 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS**

Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following report:

Community Affairs Legislation Committee—Annual reports referred to legislation committees—Report No. 1 of 2004, dated March 2004.

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

**28 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—TRUTH IN FOOD LABELLING BILL 2003**

Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following report and documents:

Community Affairs Legislation Committee—Truth in Food Labelling Bill 2003—Report, dated March 2004, *Hansard* record of proceedings and submissions [583].

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

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

Question put and passed.

**29 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—CYBERCRIME**

Senator McGauran, on behalf of the Parliamentary Joint Committee on the Australian Crime Commission, tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Cybercrime—Report, dated March 2004, *Hansard* record of proceedings and submissions [31].

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

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

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

**30 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CORPORATIONS AMENDMENT REGULATIONS**

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Corporations Amendment Regulations 2003 (Batch 6); Draft regulations: Corporations Amendment Regulations 2003/04 (Batch 7); and Draft regulations: Corporations Amendment Regulations 2004 (Batch 8)—Report, dated March 2004, *Hansard* record of proceedings, documents presented to the committee and submissions [24].

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

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

Question put and passed.

**31 AUDITOR-GENERAL—AUDIT REPORT NO. 35 OF 2003-04—DOCUMENT**

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

Auditor-General—Audit report no. 35 of 2003-04—Business support process audit—Compensation payments and debt relief in special circumstances.

**32 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENT**

The Acting Deputy President (Senator Watson) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the extension of approval for the temporary vehicle barriers around Parliament House to remain until 31 March 2005.

*Notice of motion:* The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to extend the approval for temporary vehicle barriers around Parliament House.

**33 SUPERANNUATION—DEPARTING TEMPORARY RESIDENTS—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, made a statement relating to the order of the Senate agreed to earlier today for the production of documents concerning revenue collected from the measure, 'allowing temporary residents access to their superannuation' (*see entry no. 17*).

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

Question put and passed.

**34 DOCUMENTS**

The following documents were tabled by the Clerk:

Corporations Act—Declaration under sections 926A, 951B, 992B and 1020F, dated 23 February 2004.

Federal Court of Australia Act—Rules of Court—Statutory Rules 2004 No. 38.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2004 No. 39.

Quarantine Act—Guidelines for use of National Emergency Response Powers.

*Superannuation Act 1990*—Twentieth Amending Deed under section 5, dated 23 March 2004.

**35 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:

- Indexed lists of departmental and agency files for the period 1 July to 31 December 2003—Statements of compliance—
  - Department of Foreign Affairs and Trade.
  - Department of Transport and Regional Services.

**36 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That Senator Cook be discharged from and Senator Hutchins be appointed to the Foreign Affairs, Defence and Trade References Committee.

Question put and passed.

**37 DAIRY PRODUCE AMENDMENT BILL 2003**

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

Message no. 540, dated 23 March 2004—A Bill for an Act to amend legislation relating to the dairy industry, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) 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 Troeth moved—That this bill be now read a second time.

On the motion of Senator Crossin the debate was adjourned.

On the motion of Senator Troeth the resumption of the debate was made an order of the day for a later hour.

**38 HIGHER EDUCATION LEGISLATION AMENDMENT BILL 2004**

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

Message no. 541, dated 23 March 2004—A Bill for an Act to amend legislation relating to higher education, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) 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 Troeth moved—That this bill be now read a second time.

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

**39 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW**

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

18 March 2004—Message No. 8—*Health Legislation Amendment (Medicare) Act 2004* (Act No. 16, 2004).

**40 CORPORATIONS AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE**

Senator Conroy, pursuant to notice, moved business of the Senate notice of motion no. 1—That Schedule 3, items [1] to [4], [6], [8] and [9] of the Corporations Amendment Regulations 2003 (No. 8), as contained in Statutory Rules 2003 No. 282 and made under the *Corporations Act 2001*, be disallowed.

Debate ensued.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) moved the following amendment:

Omit “, [6], [8] and [9]”.

Debate ensued.

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

Main question put.

The Senate divided—

**AYES, 36**

Senators—

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

**NOES, 30**

Senators—

Abetz	Ellison	Lightfoot	Scullion
Barnett	Ferguson	Macdonald, Ian	Tchen
Boswell	Ferris	Macdonald, Sandy	Tierney
Brandis	Heffernan	Mason	Troeth
Calvert	Humphries	McGauran	Vanstone
Chapman	Johnston	Patterson	Watson
Colbeck	Kemp	Payne	
Eggleston (Teller)	Knowles	Santoro	

Question agreed to.

**41 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2003-04**

Pursuant to order, Senator Eggleston, at the request of the chairs of the respective committees, tabled the following reports, dated March 2004, and documents:

2003-04 additional estimates—

Community Affairs Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Economics Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Employment, Workplace Relations and Education Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

Finance and Public Administration Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Legal and Constitutional Legislation Committee—Report and *Hansard* record of proceedings [2 vols].

Rural and Regional Affairs and Transport Legislation Committee—Report and *Hansard* record of proceedings [3 vols].

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

**42 GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004  
CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2004**

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

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*In the committee*

**GREATER SUNRISE UNITISATION AGREEMENT IMPLEMENTATION BILL 2004—**

Bill, taken as a whole by leave, debated.

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*At 6.50 pm:* The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported progress.

**43 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

**44 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.31 pm till Thursday, 25 March 2004 at 9.30 am.

**45 ATTENDANCE**

Present, all senators except Senator Marshall.

**HARRY EVANS**  
Clerk of the Senate