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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginal Land Commissioner—Report and explanatory statement by the Minister for Immigration and Multicultural and Indigenous Affairs—No. 65—Lower Roper River land claim no. 70.

Torres Strait Protected Zone Joint Authority—Report for 2000-01.

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 1 (Environment and Heritage Legislation Amendment Bill (No. 1) 2002 and two related bills) be postponed till a later hour.

Question put and passed.

4 HIGHER EDUCATION LEGISLATION AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That this bill be now read a second time.

Debate resumed.

Document: Senator Stott Despoja, by leave, tabled the following document:

Higher Education Legislation Amendment Bill 2003—Australian Museum Eureka Prizes—List of recipients of 2003 Eureka Prizes.

Debate continued.

Senator Nettle moved the following amendment:

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

(a) condemns the Government for:

(i) under-funding the university system in Australia for the past 7 years and as a result:

(A) leaving students and parents to pay one of the highest proportions of fees for their education in Organisation for Economic Co-operation and Development countries,

(B) discouraging older and poorer students from seeking a place at university,

(C) allowing completion rates of Aboriginal students to suffer through lack of appropriate financial and structural support,

(D) presiding over a haemorrhaging of talent from Australian universities due to lack of opportunity and suitable remuneration at home, and

- (E) undermining staff morale and effectiveness as a consequence of massively increased workloads, and reduced administrative support, and
- (ii) attacking the freedom of academics and general staff to be represented by their unions; and
- (b) calls on the Government to:
 - (i) repeal the \$4 a week average income tax cuts announced in the budget in order to reinvest that money in the public higher education system enabling the abolition of student fees, both upfront and the higher education contribution scheme, and
 - (ii) invest the currently promised \$1.4 billion, together with savings made from a restoration of fair company tax rates, in the sector to achieve:
 - (A) the financing of real indexation for core funding that reflects the actual cost of providing higher education services, thereby ensuring the sustainability of the sector into the future,
 - (B) increasing the core funding of universities by 20 per cent per equivalent full-time student unit to reflect the need for infrastructure and staffing investment to meet current and future demand, and
 - (C) a guarantee that students accessing tertiary education receive adequate financial support from the Federal Government to cover their living costs so they can focus on their education”.

Debate ensued.

On the motion of the Minister for Defence (Senator Hill) the debate was adjourned till a later hour.

5 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL
PROVISIONS) BILL 2002

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

In the committee

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002—

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.

The following amendments moved by the Minister for Defence (Senator Hill) were reconsidered (*see entry no. 25, 19 August 2003*):

Schedule 1, item 8, page 13 (after line 35), at the end of subitem (1), add:

Note: So far as those Subdivisions have effect in relation to places and actions outside the Australian jurisdiction, those Subdivisions apply only to persons with a jurisdictional connection with Australia or the external Territories. See subsection 5(3) of that Act.

Schedule 1, item 31, page 24 (lines 10 to 15), omit subsection 324D(3), substitute:

- (3) The regulations must prescribe criteria for the following:
 - (a) natural heritage values of places;
 - (b) indigenous heritage values of places;
 - (c) historic heritage values of places.

The regulations may prescribe criteria for other heritage values of places.

- (4) To avoid doubt, a criterion prescribed by the regulations may relate to one or more of the following:
 - (a) natural heritage values of places;
 - (b) indigenous heritage values of places;
 - (c) historic heritage values of places;
 - (d) other heritage values of places.

Schedule 1, item 31, page 25 (after line 12), after subsection 324E(7), insert:

- (7A) If the place is wholly or partly in a foreign country, the Minister must inform the following of the fact that the nomination has been made, unless the Minister rejects the nomination under this section:
 - (a) the Minister responsible for foreign affairs;
 - (b) if another Minister has administrative responsibilities relating to the place (if it is wholly in a foreign country) or to a part of the place that is in a foreign country—that other Minister.

Schedule 1, item 31, page 25 (line 23), after “place”, insert “wholly in the Australian jurisdiction”.

Schedule 1, item 31, page 27 (line 4), after “place”, insert “wholly in the Australian jurisdiction”.

Schedule 1, item 31, page 27 (after line 29), at the end of section 324G, add:

- (6) If the Minister requests the Australian Heritage Council to assess whether a place meets any of the National Heritage criteria, and the place is wholly or partly in a foreign country and not the subject of a nomination, the Minister must inform the following of the fact that the Council is making the assessment:
 - (a) the Minister responsible for foreign affairs;
 - (b) if another Minister has administrative responsibilities relating to the place (if it is wholly in a foreign country) or to a part of the place that is in a foreign country—that other Minister.

Schedule 1, item 31, page 29 (after line 9), after subsection (2), insert:

- (2A) The Minister must not include in the National Heritage List a place that is wholly or partly in a foreign country unless:
 - (a) the Minister is satisfied that the national government of the foreign country has agreed to the inclusion in the List of the place so far as it is in the country; and
 - (b) the Minister has informed:
 - (i) the Minister responsible for foreign affairs; and
 - (ii) if another Minister has administrative responsibilities relating to the place (if it is wholly in a foreign country) or to a part of the place that is in a foreign country—that other Minister;

of the proposal to include the place in the List and given the Ministers informed a reasonable opportunity to comment in writing whether the place should be included in the List; and

- (c) the Minister responsible for foreign affairs has agreed to the inclusion in the List of the place.

Schedule 1, item 31, page 29 (line 14), after “place”, insert “in the Australian jurisdiction”.

Schedule 1, item 31, page 30 (after line 20), after subsection (5), insert:

- (5B) The Minister must not alter the boundary of the listed place under subparagraph (5)(a)(ii) so as to include within the altered boundary an area in a foreign country unless:
 - (a) the Minister is satisfied that the national government of the foreign country has agreed to the inclusion in the List of the place including the area; and
 - (b) the Minister has informed:
 - (i) the Minister responsible for foreign affairs; and
 - (ii) if another Minister has administrative responsibilities relating to all or part of the area—that other Minister;
 of the proposal to alter the boundary in that way and given the Ministers informed a reasonable opportunity to comment in writing whether the boundary should be altered in that way; and
 - (c) the Minister responsible for foreign affairs has agreed to the inclusion in the List of the place including the area.

Schedule 1, item 32, page 44 (line 31) to page 45 (line 4), omit subsection 341D(3), substitute:

- (3) The regulations must prescribe criteria for the following:
 - (a) natural heritage values of places;
 - (b) indigenous heritage values of places;
 - (c) historic heritage values of places.
 The regulations may prescribe criteria for other heritage values of places.
- (4) To avoid doubt, a criterion prescribed by the regulations may relate to one or more of the following:
 - (a) natural heritage values of places;
 - (b) indigenous heritage values of places;
 - (c) historic heritage values of places;
 - (d) other heritage values of places.

Question—That the amendments be agreed to—put again, by leave.

The committee divided—

AYES, 35

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Bill, as amended, further debated.

Senator Allison moved the following amendments together by leave:

Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

At the time the Act that establishes
the Director of Indigenous Heritage
Protection receives the Royal Assent

Clause 2, page 2 (cell at table item 3, column 2), omit the cell, substitute:

At the time when section 9 of the Act
that establishes the Director of
Indigenous Heritage Protection
commences

Clause 2, page 2 (line 10) to page 3 (line 1), omit subclause (3).

Debate ensued.

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

Bill, as amended, agreed to.

AUSTRALIAN HERITAGE COUNCIL BILL 2002—

Bill taken as a whole by leave.

On the motion of Senator Lees, also on behalf of Senator Allison, the following amendments, taken together by leave, were debated and agreed to:

Clause 5, page 4 (line 28), omit “and conservation”, substitute “, conservation and monitoring”.

Clause 5, page 4 (lines 31 to 33), omit paragraph 5(g), substitute:

- (g) to organise and engage in research and investigations necessary for the performance of its functions;
- (h) to provide advice directly to any person or body or agency either of its own initiative or at the request of the Minister;
- (i) to prepare reports in accordance with Part 5A;
- (j) to perform any other functions conferred on the Council by the *Environment Protection and Biodiversity Conservation Act 1999*.

Clause 7, page 5 (lines 12 to 26), omit “experience” (wherever occurring), substitute “substantial experience”.

Clause 7, page 5 (after line 26), at the end of the clause, add:

- (5) The Minister may not appoint as the Chair or as a member, other than as an associate member, an employee of the Department administered by the Minister.

Page 6 (after line 20), after clause 10, insert:

10A No conflict with a member’s duty

For the purposes of section 10, membership of an organisation with similar goals and interests to those of the Council shall not be taken to conflict with the proper performance of a member’s duties.

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

Page 14 (after line 16), after Part 5, insert:

Part 5A—Reports

24A Reports

- (1) The Council may prepare a report on any matters related to the functions of the Council and provide the report to the Minister.
- (2) A report prepared under subsection (1) may include the following matters:
 - (a) the activities of the Council;
 - (b) the protection and conservation of heritage;
 - (c) how a place included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate, is being managed or conserved;
 - (d) the effectiveness of any measures intended to protect or conserve the heritage values of a place or places included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate;
 - (e) the provisions of grants and other financial assistance related to heritage;
 - (f) policies, plans and programs of the Commonwealth or of a State or self-governing Territory that relate to or have an impact on heritage;
 - (g) how the National Heritage List, Commonwealth Heritage List or Register of the National Estate are being maintained;
 - (h) how the condition of a place included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate is being monitored.

- (3) The Minister must cause a copy of a report provided to the Minister under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Senator Allison moved the following amendment:

Page 14 (after line 16), after Part 5, insert:

Part 5A—Reports

24A Reports

- (1) The Council may prepare a report on any matters related to the functions of the Council and provide the report to the Minister.
- (2) The matters to which a report prepared under subsection (1) may relate include:
- (a) the activities of the Council;
 - (b) the protection and conservation of heritage;
 - (c) how a place included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate is being managed or conserved;
 - (d) the effectiveness of any measures intended to protect or conserve the heritage values of a place or places included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate;
 - (e) the provisions of grants and other financial assistance related to heritage;
 - (f) policies, plans and programs of the Commonwealth or of a State or self-governing Territory that relate to or have an impact on heritage;
 - (g) how the National Heritage List, Commonwealth Heritage List or Register of the National Estate are being maintained;
 - (h) how the condition of a place included in the National Heritage List, Commonwealth Heritage List or Register of the National Estate is being monitored.
- (3) The Minister must cause a copy of a report provided to the Minister under subsection (1) to be laid before each House of Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Debate ensued.

Senator Allison, by leave, withdrew the amendment.

Senator Lundy moved the following amendments together by leave:

Title, page 1 (line 2), omit “**Council**”, substitute “**Commission**”.

Clause 1, page 1 (line 7), omit “*Council*”, substitute “*Commission*”.

Clause 3, page 2 (lines 16 to 18), omit “Council” (wherever occurring), substitute “Commission”.

Part 2, clauses 4 and 5, page 4 (lines 2 to 33), omit the Part, substitute:

Part 2—Establishment of the Commission

4 Establishment

The Australian Heritage Commission is established by this section.

5 Functions

These are the functions of the Commission:

- (a) to make assessments under Divisions 1A and 3A of Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*;
- (b) to advise the Minister, at its own initiative or at the request of the Minister, on matters relating to heritage places and their associated values, including advice relating to:
 - (i) action to identify, conserve, improve and present heritage places and their associated values; and
 - (ii) heritage expenditure by the Commonwealth for the identification, conservation, improvement and presentation of heritage places and their associated values; and
 - (iii) grants and other financial assistance by the Commonwealth for heritage places and their associated values; and
 - (iv) the monitoring of the condition of national and Commonwealth heritage places; and
 - (v) the Commonwealth's responsibilities for historic shipwrecks;
- (c) to further training and education and to encourage public interest in, and understanding of, issues relevant to national and Commonwealth heritage places and their associated values;
- (d) to identify places for inclusion on the National or Commonwealth Heritage Lists and to prepare a register of those places and other places in accordance with Part 5;
- (e) to administer any grants program devised for the grant by the Commonwealth of financial assistance to the States and internal Territories and to approved bodies for expenditure on projects relating to heritage places and their associated values;
- (f) to manage places included in the National or Commonwealth Heritage Lists that are given or bequeathed to the Commission;
- (h) to organise and engage in research and investigation necessary for the performance of its other functions;
- (i) to perform any other functions conferred on the Commission by the *Environment Protection and Biodiversity Conservation Act 1999*.

Heading to Part 3, page 5 (line 2), omit “**Council**”, substitute “**Commission**”.

Clause 6, page 5 (lines 4 to 8), omit “Council” (wherever occurring), substitute “Commission”.

Clause 7, page 5 (line 10), omit “Council”, substitute “Commission”.

Clause 7, page 5 (lines 9 to 26), omit “Minister” (wherever occurring), substitute “Governor-General”.

Clause 7, page 5 (lines 16 to 19), omit “experience or expertise concerning” (wherever occurring), substitute “qualifications relevant to, or special experience, expertise or interest in”.

Clause 7, page 5 (lines 20 to 22), omit paragraph (3)(c), substitute:

- (c) there are 2 members who have qualifications relevant to, or special experience, expertise or interest in, indigenous heritage, one of whom is a representative nominated by the Aboriginal and Torres Strait Islander Commission.

Clause 7, page 5 (after line 26), at the end of the clause, add:

- (5) The Governor-General must not appoint a person who is an APS employee within the meaning of the *Public Service Act 1999* as a member of the Commission.

Clause 9, page 6 (line 7), omit “Minister”, substitute “Governor-General”.

Clause 10, page 6 (line 19), omit “Minister”, substitute “Governor-General”.

Clause 12, page 7 (line 3), omit “Minister”, substitute “Governor-General”.

Clause 13, page 7 (lines 4 to 24), omit “Minister” (wherever occurring), substitute “Governor-General”.

Clause 13, page 7 (line 15), omit “Minister’s”, substitute “Governor-General’s”.

Clause 13, page 7 (line 18), omit “Council”, substitute “Commission”.

Heading to Part 4, page 8 (line 2), omit “**Council**”, substitute “**Commission**”.

Clause 14, page 8 (lines 5 to 8), omit “Council” (wherever occurring), substitute “Commission”.

Clause 14, page 8 (line 13), omit subclause (4).

Clause 15, page 8 (line 17), omit “Council’s”, substitute “Commission’s”.

Clause 19, page 9 (lines 6 to 22), omit “Council” (wherever occurring), substitute “Commission”.

Clause 20, page 9 (line 24), omit “Council”, substitute “Commission”.

Part 5, clauses 21 to 24, page 10 (line 2) to page 14 (line 16), omit the Part, substitute:

Part 5—Register of the National Estate

21 Commission must keep Register of the National Estate

- (1) The Commission must establish and maintain a Register of the National Estate.
- (2) The Commission must enter in the Register of the National Estate places:
 - (a) previously included in the Register of the National Estate kept under the *Australian Heritage Commission Act 1975*; and
 - (b) included on the National Heritage List under Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (c) included on the Commonwealth Heritage List under Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (d) included in the Register in accordance with section 23.

Note: Under Part 16 of the *Environment Protection and Biodiversity Conservation Act 1999*, the Minister administering that Act must have regard to information in the Register in making any decision under that Act to which the information is relevant.

22 Details to be kept on Register

- (1) The Commission must include in the Register the following details about a place entered on the Register:
 - (a) a description of the place sufficient to identify it; and
 - (b) the date on which the entry is made; and
 - (c) a note of any other list on which the place is entered.
- (2) The regulations may make provision in relation to:
 - (a) the Commission consulting or informing specified persons (other than those mentioned in section 23 or 24) about:
 - (i) the proposed or actual inclusion of a place in the Register; or
 - (ii) the proposed or actual removal of a place, part of a place or a heritage value from the Register; and
 - (b) the content of the Register; and
 - (c) the form in which the Register may be kept; and
 - (d) inspection, publication and copying of the Register.
- (3) Subsection (2) does not limit the regulations that may be made for the purposes of this Part.

23 Including places in the Register

- (1) The Commission may include a place in the Register only if the Commission:
 - (a) has taken all practicable steps:
 - (i) to identify each person who is an owner or occupier of all or part of the place; and
 - (ii) if the Commission considers the place has an indigenous heritage value—to identify each indigenous person who has rights or interests in all or part of the place; and
 - (b) has taken all practicable steps to advise each person identified that the Commission is considering whether to include the place in the Register; and
 - (c) has given persons advised a reasonable opportunity to comment in writing whether the place should be included in the Register; and
 - (d) considers the place meets the registration criterion.
- (2) A place *meets* the registration criterion if the place has a heritage value, whether for a reason described in subsection (3) or another reason.
- (3) A place may have a heritage value because of:
 - (a) the place's importance in the course, or pattern, of Australia's natural or cultural history; or
 - (b) the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history; or
 - (c) the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history; or
 - (d) the place's importance in demonstrating the principal characteristics of:
 - (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments; or

- (e) the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group; or
- (f) the place's importance in demonstrating a high degree of creative or technical achievement at a particular period; or
- (g) the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; or
- (h) the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

24 Removing places etc. from the Register

The Commission may remove a place, part of a place, or heritage value (the *lost value*) of a place from the Register only if the Commission:

- (a) has taken all practicable steps:
 - (i) to identify each person who is an owner or occupier of some or all of the place or part; and
 - (ii) if the Commission considers, in the case of the removal of the place or part, that the place had an indigenous heritage value or, in the case of removal of the lost value, that the lost value is an indigenous heritage value—to identify each indigenous person who has rights or interests in the place or part; and
- (b) has taken all practicable steps to advise each person identified that the Commission is considering whether to remove the place, part or lost value from the Register; and
- (c) has given persons advised a reasonable opportunity to comment in writing whether the place, part or lost value should be removed from the Register; and
- (d) considers:
 - (i) the place no longer meets the registration criterion; or
 - (ii) the part no longer contributes to the place meeting the registration criterion; or
 - (iii) the place no longer meets the registration criterion because of the lost value (whether or not the place meets the registration criterion for another reason).

24A Register must be publicly available

The Commission must ensure that:

- (a) up-to-date copies of the Register of the National Estate are available for free to the public on request; and
- (b) an up-to-date copy of the Register of the National Estate is available on the Internet.

Page 14 (after line 16), after Part 5, insert:

Part 5A—Protection of the national estate

24B Duties of Ministers and authorities

- (1) Each Minister shall give all such directions and do all such things as, consistent with any relevant laws, can be given or done by him or her for ensuring that the Department administered by him or her or any

authority of the Commonwealth in respect of which he or she has ministerial responsibility does not take any action that adversely affects, as part of the national estate, a place that is in the Register unless he or she is satisfied that there is no feasible and prudent alternative to the taking of that action and that all measures that can reasonably be taken to minimise the adverse effect will be taken and shall not himself or herself take any such action unless he or she is so satisfied.

- (2) Without prejudice to the application of subsection (1) in relation to action to be taken by an authority of the Commonwealth, an authority of the Commonwealth shall not take any action that adversely affects, as part of the national estate, a place that is in the Register unless the authority is satisfied that there is no feasible and prudent alternative, consistent with any relevant laws, to the taking of that action and that all measures that can reasonably be taken to minimise the adverse effect will be taken.
- (3) Before a Minister, a Department or an authority of the Commonwealth takes any action that might affect to a significant extent, as part of the national estate, a place that is in the Register, the Minister, Department or authority, as the case may be, shall inform the Commission of the proposed action and give the Commission a reasonable opportunity to consider and comment on it.
- (3A) Where the Commission is informed of a proposed action by a Minister, Department or authority, the Commission shall, as soon as practicable, provide its comments on the proposed action to the Minister, Department or authority (as the case may be).
- (4) For the purposes of this section, the making of a decision or recommendation (including a recommendation in relation to direct financial assistance granted, or proposed to be granted to a State), the approval of a program, the issue of a licence or the granting of a permission shall be deemed to be the taking of action and, in the case of a recommendation, if the adoption of the recommendation would adversely affect a place, the making of the recommendation shall be deemed to affect the place adversely.

Page 15 (after line 8), at the end of the bill, add:

Part 7—Reports

26 Reports

- (1) The Commission may report to the Minister from time to time at its discretion.
- (2) The Minister must cause a report received under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after receiving it.

Debate ensued.

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

Senator Hill moved the following amendment:

Clause 22, page 11 (lines 8 to 33), omit subclauses (2) and (3), substitute:

- (2) A place *meets* the registration criterion if the place has a significant heritage value because of one or more of the following:
- (a) the place's importance in the course, or pattern, of Australia's natural or cultural history;
 - (b) the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history;
 - (c) the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
 - (d) the place's importance in demonstrating the principal characteristics of:
 - (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments;
 - (e) the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
 - (f) the place's importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - (g) the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
 - (h) the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history;
 - (i) the place's importance as part of indigenous tradition.

Note: Under subsection 3(2), the expression *heritage value* has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*. Section 528 of that Act defines *heritage value* of a place as including the place's natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians.

Explanatory memorandum: Senator Hill tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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

Bill, as amended, agreed to.

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

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 MINISTER FOR DEFENCE—ANSWERS TO QUESTIONS

Senator Evans moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today.

Debate ensued.

Question put and passed.

9 TAXATION—NEGATIVE GEARING—ANSWER TO QUESTION

Senator Murray 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 Murray today relating to taxation and negative gearing.

Question put and passed.

10 NOTICES

Notices of motion:

The Chair of the Select Committee on Superannuation (Senator Watson): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Superannuation on the draft Superannuation Industry (Supervision) Amendment Regulations 2003 and the draft Retirement Savings Accounts Amendment Regulations 2003 be extended to 10 September 2003. (*general business notice of motion no. 551*)

The Chair of the Select Committee on Medicare (Senator McLucas): To move on the next day of sitting—That the time for the presentation of the following reports of the Select Committee on Medicare be extended to 30 October 2003:

- (a) initial terms of reference; and
- (b) Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003. (*general business notice of motion no. 552*)

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

- (a) notes that:
 - (i) the week beginning 24 August 2003 is Hearing Awareness Week, and
 - (ii) it is estimated that up to 2.7 million Australians need assistance for hearing loss, yet only one-fifth of those Australians who would benefit from a hearing aid have one;
- (b) recognises that although the Commonwealth Government funds Australian Hearing, it does not provide funding for Auslan interpreters for the thousands of Australians who rely on Auslan interpreters to communicate with their doctors and medical specialists;
- (c) notes that:
 - (i) on 14 August 2003 a petition was tabled in the Senate calling on the Federal Government to urgently fund interpreting services for deaf and deafblind Australians, and

- (ii) this petition was signed by 10 469 South Australians, highlighting the level of frustration and anger at the Government's thoughtlessness and discrimination; and
- (d) calls on the Government to provide urgent funding for Auslan interpreting services. (*general business notice of motion no. 553*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the Late Payment of Commercial Debts (Interest) Bill 2003 be extended to 16 October 2003. (*general business notice of motion no. 554*)

The Parliamentary Secretary to the Treasurer (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 *Quarantine Act 1908*, and for related purposes. ***Quarantine Amendment (Health) Bill 2003***.

The Parliamentary Secretary to the Treasurer (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 Quarantine Amendment (Health) 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 the Quarantine Amendment (Health) Bill 2003 in the 2003 spring sittings.

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

- (a) expresses its concern that the draft legislation prepared in accordance with Hong Kong's requirement to introduce national security legislation could encroach on the rights and liberties of the people of Hong Kong;
- (b) notes that, pursuant to the Sino-British Declaration of 1984, the People's Republic of China pledged to preserve the rights and freedoms of the people of Hong Kong for a period of 50 years from 1 July 1997;
- (c) recalls that the Australian Government has previously expressed its support for the Sino-British Joint Declaration;
- (d) welcomes the improvements to the Article 23 legislation announced by the Hong Kong Special Administrative Region (SAR) Government on 3 June 2003 and 5 July 2003, but considers that further amendments and clarifications are necessary to show how the legislation will be implemented;
- (e) looks forward to the enactment and implementation of commitments by the People's Republic of China regarding democratic governance in the Hong Kong Legislative Council; and
- (f) welcomes the Hong Kong SAR Government's decision to further consult with the people of Hong Kong regarding the proposed legislation, urging it to recognise that while national security legislation may affect the civil liberties of offenders, it should not be used to diminish the individual rights and liberties that are fundamental to the democratic process. (*general business notice of motion no. 555*)

Notice of motion withdrawn: Senator Stott Despoja withdrew general business notice of motion no. 528 standing in her name for today, relating to human rights in Hong Kong.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2003

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2003

1. The committee met on Tuesday, 19 August 2003.
2. The committee resolved to recommend—That—
 - (a) the Communications Legislation Amendment Bill (No. 2) 2003 be **referred immediately** to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report on 9 September 2003;
 - (b) the **provisions** of the Fuel Quality Standards Amendment Bill 2003 be **referred immediately** to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report on 28 October 2003;
 - (c) the **provisions** of the Migration Legislation Amendment (Identification and Authentication) Bill 2003 be **referred immediately** to the Legal and Constitutional Legislation Committee for inquiry and report on 11 September 2003;
 - (d) the **provisions** of the Non-Proliferation Legislation Amendment Bill 2003 be **referred immediately** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report on 11 September 2003;
 - (e) the order of the Senate of 18 June 2003 adopting the committee's 6th report of 2003 be varied to provide that the Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003 be **referred immediately** to the Employment, Workplace Relations and Education Legislation Committee, together with the **provisions** of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003, for inquiry and report on 13 October 2003; and
 - (f) the following bills **not** be referred to committees:
 - Australian National Training Authority Amendment Bill 2003
 - Family and Community Services (Closure of Student Financial Supplement Scheme) Bill 2003
 - Statistics Legislation Amendment Bill 2003
 - Student Assistance Amendment Bill 2003.

The committee recommends accordingly.

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

Bills deferred from meeting of 12 August 2003

Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003
Social Security Amendment (Supporting Young Carers) Bill 2003.

Bill deferred from meeting of 19 August 2003
National Animal Welfare Bill 2003.

Jeannie Ferris
Chair
20 August 2003.

Senator Ferris moved—That the report be adopted.

Debate ensued.

Question put and passed.

12 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 542 standing in the name of Senator Mackay for today, relating to the cancellation of the ABC program *Behind the News*, postponed till 21 August 2003.

General business notice of motion no. 544 standing in the name of Senator Ridgeway for today, relating to the free trade agreement negotiations between Australia and the United States of America, postponed till 21 August 2003.

General business notice of motion no. 545 standing in the name of Senator Stott Despoja for today, relating to the Mine Ban Treaty, postponed till 21 August 2003.

13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Mackay, at the request of the Chair of the Community Affairs References Committee (Senator Hutchins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 543—That the time for the presentation of the report of the Community Affairs References Committee on poverty and financial hardship be extended to 27 November 2003.

Question put and passed.

14 ENVIRONMENT—FISHING—THREATENED SPECIES—ORDER FOR PRODUCTION OF DOCUMENTS

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. 546—That there be laid on the table by the Minister representing the Minister for the Environment and Heritage (Senator Hill), no later than 3 pm on 21 August 2003, the following documents:

A copy of any correspondence from the Minister for the Environment and Heritage (Dr Kemp) to the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) in which the Minister for the Environment and Heritage indicated a willingness not to prosecute fishers under the *Environment Protection and Biodiversity Conservation Act 1999* for the incidental capture of members of listed threatened species, listed migratory species and listed marine species in Commonwealth areas if the fishers were operating in accordance with fishing concessions granted under the *Fisheries Management Act 1991*.

Question put and passed.

15 FOREIGN AFFAIRS—SOLOMON ISLANDS

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 549 standing in his name for today, relating to the establishment of a Truth and Reconciliation Commission in the Solomon Islands, be taken as formal.

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

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

Postponement: Senator Brown, by leave, moved—That general business notice of motion no. 549 be postponed till the next day of sitting.

Question put and passed.

16 ANIMAL WELFARE—SOLOMON ISLANDS—INDO-PACIFIC BOTTLENOSE DOLPHINS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 550—That the Senate—

- (a) recognises that as many as 170 Indo-Pacific bottlenose dolphins are being held in primitive sea pens in the Solomon Islands;
- (b) notes that a recent inspection by Solomon Island non-government organisations and Australian diplomatic staff indicates that six of these dolphins have died from starvation in the past week and the remaining dolphins are lying motionless in overcrowded and shallow pools contaminated by faeces, and a number have blistered due to exposure to the sun; and
- (c) calls on the Australian Government:
 - (i) to provide immediate veterinary attention to the dolphins, and
 - (ii) after the dolphins have received veterinary attention, to press the Solomon Islands' authorities for their immediate release.

Question put and passed.

Document: The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) tabled the following document:

Animal welfare—Solomon Islands—Indo-Pacific bottlenose dolphins—Copy of notes.

17 INDIGENOUS AUSTRALIANS—STOLEN WAGES

Senator Cherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 530—That the Senate—

- (a) notes that thousands of Indigenous workers in Queensland suffered the economic injustice of having their wages stolen, or of being underpaid, as the direct result of Government policy up to the 1970s;
- (b) endorses the view of the Queensland Council of Unions that the issue of stolen wages is a legitimate issue of wage and workers' justice; and
- (c) calls on the Beattie Labor Government to withdraw its paltry \$2 000 and \$4 000 compensation caps and negotiate a full, just and proper settlement of stolen wages.

Question put and negatived.

18 PRIVILEGES—STANDING COMMITTEE—114TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report:

Privileges—Standing Committee—114th report—Execution of search warrants in senators' offices: Senator Harris—Matters arising from the 105th report of the Committee of Privileges, dated August 2003.

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

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

Debate ensued.

Question put and passed.

19 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—395TH REPORT

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

Public Accounts and Audit—Joint Statutory Committee—395th report—Inquiry into the draft Financial Framework Legislation Amendment Bill, dated August 2003.

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

Question put and passed.

20 TREATIES—JOINT STANDING COMMITTEE—53RD REPORT

Senator Kirk, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—53rd report—Treaties tabled in May and June 2003, dated August 2003, *Hansard* record of proceedings and minutes of proceedings.

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

Debate ensued.

Question put and passed.

21 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 9 OF 2003

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

Scrutiny of Bills—Standing Committee—

8th report of 2003, dated 20 August 2003.

Alert Digest No. 9 of 2003, dated 20 August 2003.

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

22 NOTICE

Senator O'Brien, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) 18 August to 24 August 2003 is National Landcare Week,

(ii) Labor established Landcare in 1989,

- (iii) Landcare is a program of community-based land care projects directed by landholders, community groups and individuals who contribute to grass roots conservation activity,
 - (iv) Landcare has made an invaluable contribution to tackling the decline in Australia's land and water quality, but significant challenges remain, and
 - (v) the 2003 National Landcare Awards recognise organisations and individuals making an outstanding contribution to the protection and rehabilitation of Australia's land and waterways;
- (b) congratulates finalists in the 2003 National Landcare Awards and thanks all Landcare volunteers for their magnificent contribution to our environment;
- (c) notes that:
- (i) Landcare's contribution and future are being undermined by the fact that the Howard Government has not organised the Natural Heritage Trust 2 (NHT2) appropriately and, as a result, up to 600 Landcare and Coastcare coordinators across Australia were moved to short-term contracts on 7 July 2003 when their Commonwealth-funded contracts expired, and
 - (ii) as a result, 600 highly skilled Landcare and Coastcare workers are at increased risk of leaving these programs to find more stable employment, and that the programs may face a skills shortage and therefore be less effective in the future; and
- (d) condemns the Howard Government for its mismanagement of NHT2 and therefore its lack of commitment to Landcare. (*general business notice of motion no. 556*)

23 INDUSTRY—BIOTECHNOLOGY AUSTRALIA—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Communications, Information Technology and the Arts (Senator Alston), by leave, made a statement relating to the order of the Senate of 25 June 2003 for the production of documents relating to work undertaken by the public relations company Turnbull Porter Novelli for Biotechnology Australia and the Department of Industry, Tourism and Resources and, pursuant to that order, tabled the following documents:

Industry—Biotechnology Australia—Copies of Department of Industry, Science and Resources files—

Biotechnology Australia—

Consumer attitudes survey: Quantum market research (Part 1).

Contract with Turnbull Porter Novelli: Administration (Parts 1 to 5).

Development of communications strategy of public awareness program (Parts 1 to 3).

Public awareness strategy: Rural and regional component (Parts 1 to 5).

Biotechnology issues: Rural media coverage (Parts 1 and 2).

Consultancy agreement: Turnbull Porter Novelli (previously Turnbull Fox Phillips): \$1,289,500 S & EI division: C4655 (Part 1).

Gene technology information service (Part 3).

Media and spokesperson (Part 1).

24 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—5TH, 6TH AND 7TH REPORTS OF 2003

Senator McGauran, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

5th report of 2003—Redevelopment of the Australian Institute of Sport, Bruce, Australian Capital Territory, dated August 2003.

6th report of 2003—Provision of facilities for the collocation and re-equipping of the 1st Aviation Regiment at Robertson Barracks, Darwin, NT, dated August 2003.

7th report of 2003—RAAF Base Tindal perimeter security fence, Katherine, Northern Territory, dated August 2003.

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

Question put and passed.

25 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

Senator McGauran, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, March to June 2003.

26 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) Act—Family Assistance (Meeting the Immunisation Requirements) Determination 2003.

Defence Act—Determination under section 58B—Defence Determination 2003/23.

Environment Protection and Biodiversity Conservation Act—Instruments amending list of threatened species under section 178, dated 4 March 2002; and 3 June and 21 July 2003.

Migration Act—Instrument of Approval of Primary Reporting System (Aircraft Passengers), dated 23 June 2003.

Social Security Act—Child Disability Assessment Amendment Determination 2003.

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2003—Statements of compliance—

Aboriginal and Torres Strait Islander Commission.

Department of Health and Ageing.

28 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Cherry) 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:

Community Affairs Legislation Committee—

Appointed—Substitute member: Senator Tchen to replace Senator Knowles from 22 August to 19 December 2003

Community Affairs References Committee—

Appointed—

Participating member: Senator Knowles from 22 August to 19 December 2003

Substitute member: Senator Tchen to replace Senator Knowles from 22 August to 19 December 2003

Privileges—Standing Committee—

Appointed—Senator McGauran from 22 August 2003, and Senator Knowles from 22 December 2003

Discharged—Senator Knowles from 22 August 2003, and Senator McGauran from 22 December 2003.

Question put and passed.

29 WORKPLACE RELATIONS AMENDMENT (CODIFYING CONTEMPT OFFENCES)**BILL 2003****FAMILY LAW AMENDMENT BILL 2003**

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

Message no. 369, dated 19 August 2003—A Bill for an Act to amend laws relating to workplace relations, and for related purposes.

Message no. 370, dated 19 August 2003—A Bill for an Act to amend the *Family Law Act 1975*, and for related 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.

Explanatory memorandum: Senator Alston tabled a revised explanatory memorandum relating to the Family Law Amendment Bill 2003.

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

Consideration of legislation: Senator Alston moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

30 WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002

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

Message no. 368, dated 19 August 2003—Workplace Relations Amendment (Transmission of Business) Bill 2002.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

31 MIGRATION AGENTS 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 items [2] to [6] of Schedule 1 of the Migration Agents Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 92 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put and negatived.

32 PARLIAMENTARY ENTITLEMENTS AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That item 3, Schedule 1 of the Parliamentary Entitlements Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 149 and made under the *Parliamentary Entitlements Act 1990*, be disallowed.

Debate ensued.

Documents: Senator Murray, by leave, tabled the following documents:

Parliamentary Entitlements Amendment Regulations 2003 (No. 1)—Disallowance—Copies of extracts from audit report no. 5 of 2001-02—Parliamentarians' entitlements 1999-2000: pages 27 and 182.

Debate continued.

The Special Minister of State (Senator Abetz) moved the following amendment:

Omit "item 3", substitute "items 3, 7, 9, 204, 205 and 208".

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 28

Senators—

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

NOES, 33

Senators—

Allison	Denman	Ludwig	Ray
Bartlett	Evans	Lundy	Ridgeway
Bishop	Greig	Mackay (Teller)	Stephens
Bolkus	Harradine	Marshall	Stott Despoja
Brown	Harris	McLucas	Webber
Buckland	Hogg	Moore	Wong
Cherry	Hutchins	Murphy	
Collins	Kirk	Murray	
Cook	Lees	O'Brien	

Question negatived.

Main question put.

The Senate divided—

AYES, 33

Senators—

Allison	Denman	Ludwig	Ray
Bartlett	Evans	Lundy	Ridgeway
Bishop	Greig	Mackay (Teller)	Stephens
Bolkus	Harradine	Marshall	Stott Despoja
Brown	Harris	McLucas	Webber
Buckland	Hogg	Moore	Wong
Cherry	Hutchins	Murphy	
Collins	Kirk	Murray	
Cook	Lees	O'Brien	

NOES, 28

Senators—

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

Question agreed to.

**33 ECONOMICS LEGISLATION COMMITTEE—REPORT—TRADE PRACTICES
AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003**

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

Economics Legislation Committee—Provisions of the Trade Practices Amendment (Personal Injuries and Death) Bill 2003—Report, dated August 2003, *Hansard* record of proceedings [2 vols], additional information and submissions [6].

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

34 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 2002
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL
PROVISIONS) BILL 2002

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

In the committee

**AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL
PROVISIONS) BILL 2002—**

Bill taken as a whole by leave.

Senator Lundy moved the following amendments together by leave:

Title, page 1 (line 3), omit “*Council*”, substitute “*Commission*”.

Clause 1, page 1 (line 6), omit “*Council*”, substitute “*Commission*”.

Schedule 1, item 2, page 3 (line 10), omit the item, substitute:

2 Subsection 9(3)

Repeal the subsection, substitute:

Australian Heritage Commission Act 2003 does not apply

- (3) The making of a decision, or the giving of an approval, under this Act is not an action for the purposes of section 24B of the *Australian Heritage Commission Act 2003*.

Debate ensued.

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

Senator Brown, at the request of Senator Nettle, moved the following amendment:

Schedule 1, item 4, page 3 (line 19), after “1999”, add “, or the Register of the National Estate, under the *Australian Heritage Council Act 2003*”.

Debate ensued.

Senator Brown, by leave, withdrew the amendment.

Senator Lundy moved the following amendment:

Schedule 1, item 4, page 3 (line 19), after “included in”, insert “the Register of the National Estate, under the *Australian Heritage Commission Act 2003*, or”.

Debate ensued.

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

Senator Lees, also on behalf of Senator Allison, moved the following amendments together by leave:

Schedule 1, item 4, page 3 (lines 16 to 19), omit the item, substitute:

4 Section 30-15 (cell at table item 6, column headed “Type of gift or contribution”)

Repeal the cell, substitute:

A gift of a place included in:

- (a) the National Heritage List, or the Commonwealth Heritage List, under the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (b) the Register of the National Estate under the *Australian Heritage Council Act 2003*.

Schedule 1, item 5, page 3 (line 24), at the end of the item, add “and Part 5 of the *Australian Heritage Council Act 2003*.”.

Debate ensued.

Document: The Minister for Defence (Senator Hill) tabled the following document:

Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002—EPBC Act—Norfolk Island land initiative.

Debate continued.

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

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

35 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (*see entry no. 2*) was considered:

Torres Strait Protected Zone Joint Authority—Report for 2000-01. Motion to take note of document moved by Senator O’Brien and agreed to.

36 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.31 pm till Thursday, 21 August 2003 at 9.30 am.

37 ATTENDANCE

Present, all senators except Senator Sherry.

HARRY EVANS
Clerk of the Senate