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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 NOTICES

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—That the Iraq (Reconstruction and Repeal of Sanctions) Regulations 2003, as contained in Statutory Rules 2003 No. 97 and made under the *Customs Act 1901*, the *Air Navigation Act 1920*, the *Charter of the United Nations Act 1945* and the *Migration Act 1958*, be disallowed.

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

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to insist on better protection for United Nations personnel in Iraq. (*general business notice of motion no. 557*)

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business order of the day no. 7 (National Transport Commission Bill 2003 and a related bill) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

Senator Ian Campbell moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 13 (State Elections (One Vote, One Value) Bill 2001 [2002]); and
- (b) consideration of government documents.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Financial Services Reform Amendment Bill 2003, be postponed till a later hour.

Question put and passed.

4 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Knowles for the period 8 September 2003 to the end of the 2003 parliamentary sittings, on account of parliamentary business overseas.

Question put and passed.

5 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 8 September 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 8 September 2003.

6 MEDICARE—SELECT COMMITTEE—EXTENSIONS OF TIME TO REPORT

The Chair of the Select Committee on Medicare (Senator McLucas), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 552—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.

Statements by leave: Senators Knowles and Lees, the Parliamentary Secretary to the Treasurer (Senator Ian Campbell), Senators Barnett, Allison, Hutchins, Humphries, Forshaw, Stephens and McLucas, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 36

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

7 FOREIGN AFFAIRS—SOLOMON ISLANDS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 549—That the Senate—

- (a) notes that community, church, chamber of commerce, union and other non-government organisations are pushing for the establishment of a Truth and Reconciliation Commission in the Solomon Islands; and
- (b) calls on the Australian Government to offer the Solomon Islanders financial, technical and other support for the establishment of such a commission.

Question put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 48

Senators—

Barnett	Denman	Kirk	Patterson
Bishop	Eggleston (Teller)	Knowles	Payne
Boswell	Evans	Ludwig	Ray
Buckland	Ferguson	Lundy	Santoro
Calvert	Forshaw	Macdonald, Ian	Scullion
Campbell, George	Heffernan	Mackay	Stephens
Carr	Hill	Marshall	Tchen
Colbeck	Hogg	Mason	Troeth
Collins	Humphries	McGauran	Vanstone
Cook	Hutchins	McLucas	Watson
Coonan	Johnston	Moore	Webber
Crossin	Kemp	O'Brien	Wong

Question negatived.

8 LAW AND JUSTICE—DEATH PENALTY

The Leader of the Australian Democrats (Senator Bartlett) amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 547—That the Senate—

(a) notes that:

- (i) according to Amnesty International reports, at least 6 031 prisoners were executed between 2000 and 2002,
- (ii) Australia has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, thereby undertaking not to execute anyone within Australia, and
- (iii) the preamble to the Second Optional Protocol indicates the intention of the parties to undertake an international commitment to abolish the death penalty and sets out the belief of the parties that the 'abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights'; and

(b) calls on the Australian Government to reaffirm its commitment to work towards the international abolition of the death penalty.

Question put and passed.

9 QUARANTINE AMENDMENT (HEALTH) BILL 2003

The Minister for Defence (Senator Hill), at the request of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the *Quarantine Act 1908*, and for related purposes.

Question put and passed.

Senator Hill presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Hill tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

10 FOREIGN AFFAIRS—HONG KONG—HUMAN RIGHTS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 555—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.

Question put and passed.

11 TRADE—FREE TRADE AGREEMENT

Senator Nettle amended her notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 548—That the Senate—

- (a) notes:
 - (i) the strong campaign for 'fair trade' being conducted by the Australian Council of Trade Unions (ACTU) and its United States (US) counterpart, the American Federation of Labor-Congress of Industrial Organisations (AFL-CIO), in relation to the current free trade agreement being negotiated by the US and Australia,
 - (ii) the unanimous support at the ACTU Congress for freezing current Australian tariff levels, excluding public services, incorporating enforceable International Labour Organisation (ILO) standards and adopting anti-dumping provisions in any trade deals, and
 - (iii) that any free trade agreement with Australia must pass the US Congress; and

- (b) calls on the Federal Government to:
- (i) openly declare its exclusion of Australian cultural industries and standards from the Australian-US free trade agreement,
 - (ii) remove public services and other services of national or social significance from the free trade agreement negotiating table,
 - (iii) include enforceable ILO standards and environmental standards in all trade deals with Australia, and
 - (iv) bring any free trade agreement to the Parliament for ratification.

Statements by leave: Senators Cook and Nettle, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 40

Senators—

Barnett	Crossin	Knowles	Santoro
Bishop	Denman	Ludwig	Scullion
Brandis	Evans	Lundy	Sherry
Buckland	Heffernan	Mackay	Stephens
Calvert	Hill	Marshall	Tchen
Campbell, George	Hogg	Mason	Tierney
Carr	Humphries	McGauran (Teller)	Troeth
Colbeck	Hutchins	McLucas	Watson
Collins	Johnston	Moore	Webber
Cook	Kirk	Payne	Wong

Question negatived.

12 FOREIGN AFFAIRS—MINE BAN TREATY

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 545—That the Senate—

- (a) notes that:
- (i) the Fifth Meeting of States Parties to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the ‘Mine Ban Treaty’), will be held in Bangkok from 15 September to 19 September 2003,
 - (ii) not more than half the countries in the Asia-Pacific region have banned landmines, while about twelve countries continue to produce and use them, making the Asia-Pacific region the most prolific producer and user of landmines of any region in the world, and
 - (iii) mine casualties were recorded in 13 of the 16 mine-affected countries within the Asia-Pacific region in 2002;
- (b) welcomes the Australian Government’s ongoing financial commitment to landmine clearing within the Asia-Pacific region; and

- (c) calls on the Australian Government to increase efforts to encourage other Asia-Pacific countries to sign and ratify the Mine Ban Treaty, through its bilateral discussions with the relevant countries and through its dialogue with forums such as the Association of South East Asian Nations.

Question put and passed.

13 SUPERANNUATION—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, at the request of the Chair of the Select Committee on Superannuation (Senator Watson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 551—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.

Question put and passed.

14 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 554—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.

Question put and passed.

15 NATIONAL LANDCARE WEEK

Senator Buckland, at the request of Senator O'Brien and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 556—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.

Question put and passed.

16 HEALTH—HEARING AWARENESS WEEK

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 553—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.

Question put and passed.

17 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2003

The Chair of the Procedure Committee (Senator Hogg) tabled the following report:

Procedure—Standing Committee—Second report of 2003—Publication of questions on notice and answers: protection by parliamentary privilege, dated August 2003.

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

Senator Hogg, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

18 PUBLICATIONS—STANDING COMMITTEE—10TH REPORT

The Chair of the Standing Committee on Publications (Senator Colbeck) tabled the following report:

PUBLICATIONS COMMITTEE

10TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents tabled since 25 June 2003, recommends that the following be printed:

Aboriginal Land Commissioner—Report and recommendations to the Minister for Immigration and Multicultural and Indigenous Affairs and to the Administrator of the Northern Territory—No. 65—Lower Roper River land claim no. 70.

Australian Competition and Consumer Commission—Telecommunications reports for 2001-02—Report 1: Telecommunications competitive safeguards; Report 2: Changes in prices paid for telecommunications services in Australia; Report 3: Telstra's compliance with price control arrangements.

Judge Advocate General—Report for 2002.

Murray-Darling Basin Commission—Report for 2001-02.

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

Senator Richard Colbeck
Chairman
21 August 2003.

Senator Colbeck moved—That the report be adopted.

Question put and passed.

**19 EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES)
AMENDMENT BILL 2003**

COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 3) 2003

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

Message no. 371, dated 20 August 2003—A Bill for an Act to amend the *Education Services for Overseas Students (Registration Charges) Act 1997*, and for related purposes.

Message no. 372, dated 20 August 2003—A Bill for an Act to amend legislation related to communications, and for related purposes.

The Minister for Defence (Senator Hill) 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 Hill moved—That these bills be now read a second time.

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

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

Question put and passed.

20 CIVIL AVIATION LEGISLATION AMENDMENT BILL 2003

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

Message no. 373, dated 20 August 2003—Civil Aviation Legislation Amendment Bill 2003.

**21 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAXATION LAWS
AMENDMENT BILL (NO. 5) 2003**

Pursuant to order, Senator McGauran, 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 Taxation Laws Amendment Bill (No. 5) 2003—Report, dated August 2003, *Hansard* record of proceedings, additional information, documents presented to the committee and submissions [7].

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

22 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Defence (Senator Hill) moved—That government business notice of motion no. 2 standing in the name of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) for today, relating to consideration of legislation, be postponed till the next day of sitting.

Question put and passed.

**23 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—**

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.

Senator Lundy moved the following amendment:

Schedule 1, item 12, page 5 (line 3), 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.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 13.

Schedule 1, item 13 agreed to.

On the motion of Senator Lees, also on behalf of Senator Allison, the following amendment was debated and agreed to:

Schedule 1, item 12, page 5 (lines 1 to 6), omit the item, substitute:

12 Subparagraphs 27(7)(d)(i) and (ii) of Schedule 3

Repeal the subparagraphs, substitute:

- (i) included in the National Heritage List or Commonwealth Heritage List, within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*; or

- (ii) included in the Register of the National Estate, within the meaning of the *Australian Heritage Council Act 2003*; or

Senator Lundy moved the following amendment:

Schedule 2, page 6 (line 2) to page 9 (line 5), omit the Schedule, substitute:

Schedule 2—Transitional provisions

1 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, the regulations may prescribe arrangements to deal with any issues of a transitional nature that may arise as a result of the repeal by this Act of the *Australian Heritage Commission Act 1975*.

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

Bill, as amended, agreed to.

Bills to be reported with amendments.

The Acting Deputy President (Senator Lightfoot) resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported accordingly.

The Minister for Defence (Senator Hill) moved—That the report from the committee be adopted.

Senator Allison moved the following amendment in respect of the Environment and Heritage Legislation Amendment Bill (No. 1) 2002:

At the end of the motion, add “but the Senate is of the view that this bill still provides too little scope for public scrutiny of the Minister’s refusal to list politically contentious places on the Heritage List, thereby denying those sites the new heritage protections provided by this legislation”.

Debate ensued.

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

Main question put and passed.

Senator Hill moved—That these bills be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 39

Senators—

Abetz	Coonan	Knowles	Ridgeway
Allison	Eggleston	Lightfoot	Santoro
Alston	Ferguson	Macdonald, Ian	Scullion
Barnett	Ferris (Teller)	Macdonald, Sandy	Stott Despoja
Bartlett	Greig	Mason	Tchen
Boswell	Harradine	McGauran	Tierney
Brandis	Harris	Murphy	Troeth
Chapman	Heffernan	Murray	Vanstone
Cherry	Johnston	Patterson	Watson
Colbeck	Kemp	Payne	

NOES, 25

Senators—

Bishop	Crossin (Teller)	Mackay	Sherry
Bolkus	Denman	Marshall	Stephens
Brown	Faulkner	McLucas	Webber
Campbell, George	Forshaw	Moore	Wong
Carr	Hogg	Nettle	
Collins	Hutchins	O'Brien	
Cook	Ludwig	Ray	

Question agreed to.

Bills read a third time.

24 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—and on the amendment moved by Senator Nettle:

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 to overseas research and teaching positions 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 resumed.

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

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) the failure of its policies to tackle the real issues facing higher education in Australia, including in the following areas:
 - (i) the increasing financial burden its policies are placing on students and their families, and the related growth of student debt,
 - (ii) the continuing inability of universities to enrol qualified students who wish to take up a publicly-funded place,
 - (iii) the inadequate provision for growth in higher education, especially in the period 2004-07,
 - (iv) the inadequate planning for meeting key areas of skill shortage through higher education, including teaching and nursing,
 - (v) inadequate indexation of university funding,
 - (vi) inattention to the links between higher education and technical and further education, and
 - (vii) a lack of focus on quality, innovation and global changes in higher education; and
- (b) underfunding the rebuilding of the Mt Stromlo observatory”.

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

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

Schedule 2, item 15, page 6 (line 29), after “determination.”, insert “A range specified for a category must be specified as a range of percentages of the funding cap with reference to a single percentage (the *specified percentage*) of the cap, so the lower end of the range is not more than 5% (of the cap) less than the specified percentage and the higher end of the range is not more than 5% (of the cap) greater than the specified percentage.”.

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

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

At 12.45 pm—

**25 NATIONAL TRANSPORT COMMISSION BILL 2003
NATIONAL TRANSPORT COMMISSION (CONSEQUENTIAL AMENDMENTS AND
TRANSITIONAL PROVISIONS) BILL 2003**

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

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) the bills were read a third time.

Suspension of sitting: On the motion of Senator Troeth the sitting of the Senate was suspended till 2 pm.

At 2 pm—

26 QUESTIONS

Questions without notice were answered.

27 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Harris, pursuant to standing order 74, asked the Minister for Revenue and Assistant Treasurer (Senator Coonan) for an explanation of answers not being provided to the following questions on notice:

- No. 450 (notice given 11 July 2002)
- No. 451 (notice given 11 July 2002)
- No. 1014 (notice given 10 December 2002)
- No. 1340 (notice given 20 March 2003)
- No. 1341 (notice given 20 March 2003)
- No. 1342 (notice given 20 March 2003)
- No. 1343 (notice given 20 March 2003)
- No. 1548 (notice given 17 June 2003)
- No. 1549 (notice given 17 June 2003)
- No. 1558 (notice given 19 June 2003)
- No. 1559 (notice given 19 June 2003)
- No. 1594 (notice given 27 June 2003).

Senator Coonan provided an explanation.

Senator Harris moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

28 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—FUNDING—ANSWER TO QUESTION

Senator Mackay moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Hogg today relating to funding for the Australian Broadcasting Corporation.

Debate ensued.

Question put and passed.

29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—SMALL BUSINESS EMPLOYMENT

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

Employment, Workplace Relations and Education References Committee—Small business employment—Government response, dated August 2003.

30 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—ANNUAL REPORT 2001-02

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

ASIO, ASIS and DSD—Joint Statutory Committee—Annual report 2001-02—Government response.

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

Question put and passed.

31 AUSTRALIAN AND PACIFIC PRESIDING OFFICERS AND CLERKS CONFERENCE—DOCUMENT

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

Australian and Pacific Presiding Officers and Clerks Conference, 34th, Nuku'alofa, Tonga, 28 June to 5 July 2003—Report by Senator the Honourable Paul Calvert, President of the Senate, dated August 2003.

32 ENVIRONMENT—FISHING—THREATENED SPECIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 20 August 2003, the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth) tabled the following document:

Environment—Fishing—Threatened species—Response to Senator Bartlett's notice of motion of Wednesday, 20 August 2003.

33 ECONOMICS LEGISLATION COMMITTEE—REPORT—PROVISIONS OF THE FINANCIAL SERVICES REFORM AMENDMENT BILL 2003

Senator Ferris, 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 Financial Services Reform Amendment Bill 2003—Report, dated August 2003, *Hansard* record of proceedings, additional information and submissions [8].

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

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

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Budget estimates 2003-04—vol. 1 and attachments).

35 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Troeth), by leave, moved—That senators be discharged from and appointed to committees as follows:

Environment, Communications, Information Technology and the Arts Legislation Committee—

Appointed—

Participating member: Senator Moore

Substitute members: Senators Allison and O'Brien to replace Senators Bartlett and Mackay for the committee's inquiry into the provisions of the Fuel Quality Standards Amendment Bill 2003

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Brandis to replace Senator Heffernan for the committee's inquiry into staff employed under the *Members of Parliament (Staff) Act 1984* on 2 September and 3 September 2003

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—Substitute member: Senator Allison to replace Senator Ridgeway for the committee's inquiry into the provisions of the Non-Proliferation Legislation Amendment Bill 2003

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Substitute member: Senator Sandy Macdonald to replace Senator Colbeck for the committee's inquiry into the application and expenditure of funds by Australian Wool Innovation Ltd on 28 August 2003.

Question put and passed.

36 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2003

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

Message no. 374, dated 21 August 2003—A Bill for an Act to amend the *Telstra Corporation Act 1991*, and for other 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 Mackay the debate was adjourned till the next day of sitting.

General business was called on.

37 STATE ELECTIONS (ONE VOTE, ONE VALUE) BILL 2001 [2002]

Order of the day read for the adjourned debate on the motion of Senator Murray—That this bill be now read a second time.

Debate resumed.

Proposed reference to committee: The Leader of the Opposition in the Senate (Senator Faulkner) moved the following amendment:

Omit all words after "That", substitute "the bill be referred to the Legal and Constitutional References Committee for inquiry and report by 30 October 2003".

Debate ensued.

At 6 pm: Debate was interrupted while Senator Murray was speaking.

38 GOVERNMENT DOCUMENTS—CONSIDERATION

The following orders of the day relating to government documents were considered:

Housing Assistance Act 1996—Report for 2000-2001 on the operation of the 1999 Commonwealth-State Housing Agreement. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document agreed to.

Higher education—Report for the 2003-05 triennium. Motion of Senator Bartlett to take note of document agreed to.

Advance to the Finance Minister—Statement for March and April 2003—Motion of Senator Ludwig to take note of document agreed to.

Advance to the Finance Minister—Supporting applications for funds for March and April 2003—Motion of Senator Ludwig to take note of document agreed to.

Advance to the Finance Minister—Statement for May 2003—Motion of Senator Ludwig to take note of document agreed to.

Advance to the Finance Minister—Supporting applications for funds for May—Motion of Senator Ludwig to take note of document agreed to.

General business orders of the day nos 3 to 15 and 20 relating to government documents were called on but no motion was moved.

General business concluded.

39 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION 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 Transport and Regional Services (Senator Boswell), by leave, moved—That Senator Humphries replace Senator Tchen on the Environment, Communications, Information Technology and the Arts Legislation Committee for the committee's inquiry into the Communications Legislation Amendment Bill (No. 2) 2003 on 5 September 2003.

Question put and passed.

40 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Legal and Constitutional Legislation Committee—Report—Australian Protective Service Amendment Bill 2003. Motion of Senator Ludwig to take note of report agreed to.

Finance and Public Administration References Committee—Report—A funding matter under the Dairy Regional Assistance Program. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Interim report—Proposed importation of fresh apple fruit from New Zealand—Government response. Motion of Senator O'Brien to take note of document agreed to.

41 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 38 of 2002-03—Performance audit—Referrals, assessments and approvals under the *Environment Protection and Biodiversity Conservation Act 1999*. Motion of the Leader of the Australian Democrats (Senator Bartlett) to take note of document agreed to.

Auditor-General—Audit report no. 41 of 2002-03—Performance audit—Annual reporting on ecologically sustainable development. Motion of Senator Bartlett to take note of document agreed to.

Auditor-General—Audit report no. 62 of 2002-03—Performance audit—Management of selected aspects of the Family Migration Program: Department of Immigration and Multicultural and Indigenous Affairs. Motion of Senator Bartlett to take note of document agreed to.

Auditor-General—Audit report no. 1 of 2003-04—Performance audit—Administration of three key components of the Agriculture—Advancing Australia (AAA) package: Department of Agriculture, Fisheries and Forestry—Australia; Centrelink; Australian Taxation Office. Motion of Senator Stephens to take note of document agreed to.

42 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 6.45 pm till Monday, 8 September 2003 at 12.30 pm.

43 ATTENDANCE

Present, all senators except Senator Conroy.

HARRY EVANS
Clerk of the Senate