

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 116

MONDAY, 24 NOVEMBER 2003

**Contents**

1	Meeting of Senate .....	2679
2	Higher Education Support Bill 2003 Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003 .....	2679
3	Ministry and Ministerial Arrangements—Statement by Leave .....	2679
4	Questions .....	2679
5	Trade—Free Trade Agreement—Australian Film and Television Industry— Answers to Questions.....	2679
6	Death of Former Senator Cyril Graham Primmer .....	2680
7	Death of Former Member John David Jess, CBE .....	2680
8	Petitions .....	2680
9	Notices .....	2680
10	Postponements.....	2685
11	Economics References Committee—Leave to Meet During Sitting.....	2685
12	Parliament House—Bogong Moths—Death of Birdlife.....	2685
13	Department of the Parliamentary Library—Report for 2002-03—Document ...	2686
14	Department of the Parliamentary Reporting Staff—Report for 2002-03— Document .....	2686
15	Economics Legislation Committee—Report—International Tax Agreements Amendment Bill 2003 .....	2686
16	Employment, Workplace Relations and Education References Committee— Report—Bridging the Skills Divide .....	2686
17	Scrutiny of Bills—Standing Committee—13th Report and Alert Digest No. 14 of 2003.....	2686
18	Employment, Workplace Relations and Education References Committee— Report—Hacking Australia’s Future .....	2687
19	Government Documents .....	2687
20	Auditor-General—Audit Report No. 13 of 2003-04—Document.....	2688
21	Hours of Meeting and Routine of Business—Variation .....	2688
22	Law and Justice—Pauline Hanson and David Ettridge—Resolution of the Legislative Assembly of Queensland—Document .....	2688

23	Children—Domestic Violence—Document .....	2689
24	Health—Tobacco—Order for Production of Document—Document .....	2689
25	Animal Welfare—Cattle Transportation—Document .....	2689
26	Health—Tobacco—Document .....	2689
27	Trade—Free Trade Agreement—Foreign Television Programming— Document .....	2689
28	Auditor-General—Audit Reports Nos 11 and 12 of 2003-04—Documents .....	2689
29	Foreign Affairs, Defence and Trade—Joint Standing Committee—Report— Visit to RAAF Williamtown, Darwin Establishments, East Timor and RAAF Tindal .....	2690
30	Community Affairs Legislation Committee—Additional Information— Budget Estimates 2003-04 .....	2690
31	Environment, Communications, Information Technology and the Arts Legislation Committee—Additional Information—Budget Estimates 2003-04 .....	2690
32	Economics Legislation Committee—Report—Energy Grants (Cleaner Fuels) Scheme Bill 2003 and Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003—Documents .....	2690
33	Documents .....	2690
34	Migration Amendment Regulations 2003 (No. 8)— Motion for Disallowance .....	2692
35	Committees—Changes in Membership .....	2693
36	Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment Bill 2003 Ozone Protection (Licence Fees—Imports) Amendment Bill 2003 Ozone Protection (Licence Fees—Manufacture) Amendment Bill 2003 .....	2694
37	Non-Proliferation Legislation Amendment Bill 2003 Trade Practices Legislation Amendment Bill 2003 Financial Services Reform Amendment Bill 2003 .....	2694
38	Financial Sector Legislation Amendment Bill (No. 2) 2002 Farm Household Support Amendment Bill 2003 Communications Legislation Amendment Bill (No. 1) 2002 .....	2695
39	Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003 .....	2695
40	Australian Protective Service Amendment Bill 2003 .....	2695
41	Governor-General's Messages—Assent to Laws .....	2695
42	Treaties—Joint Standing Committee—Change in Membership .....	2696
43	Notices of Motion Withdrawn .....	2696
44	Higher Education Support Bill 2003 Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003 .....	2696
45	Adjournment .....	2696
46	Attendance .....	2696

**1 MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 HIGHER EDUCATION SUPPORT BILL 2003**

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

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

Debate resumed.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate deplors the fact that important features of the nation’s higher education system are being fundamentally reshaped and redefined by the Higher Education Support Bill 2003 and that such a radical assault of the fundamentals of the system was neither foreshadowed nor discussed during the review process, and notes:

- (a) further shifting of the cost of university education onto students and their families by allowing the Higher Education Contribution Scheme to increase by 30 per cent and doubling the number of full-fee paying places;
- (b) that the education sector and the broader community do not support discarding university autonomy and academic freedom;
- (c) that these bills will initiate a regime which will shift costs to students, stifle student choice and impose a heavy burden on families; and
- (d) that these bills will deepen inequalities in society, and undermine economic and social prosperity”.

Debate ensued.

*At 2 pm:* Debate was interrupted while Senator George Campbell was speaking.

**3 MINISTRY AND MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE**

The Leader of the Government in the Senate (Senator Hill), by leave, informed the Senate of changes to ministerial representation in the third Howard Ministry.

---

*Document:* Senator Hill tabled a document showing the third Howard Ministry and ministerial representation, dated 24 November 2003.

**4 QUESTIONS**

Questions without notice were answered.

**5 TRADE—FREE TRADE AGREEMENT—AUSTRALIAN FILM AND TELEVISION INDUSTRY—ANSWERS TO QUESTIONS**

Senator Lundy moved—That the Senate take note of the answers given by the Minister for the Arts and Sport (Senator Kemp) to questions without notice asked by Senators Ridgeway and Lundy today relating to the Australian film and television industry and the proposed Australia-United States free trade agreement.

Debate ensued.

Question put and passed.

**6 DEATH OF FORMER SENATOR CYRIL GRAHAM PRIMMER**

The Deputy President (Senator Hogg) informed the Senate of the death, on 1 November 2003, of Cyril Graham Primmer, a senator for the state of Victoria from 1971 to 1985.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 1 November 2003, of Cyril Graham Primmer, former senator for the state of Victoria, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

**7 DEATH OF FORMER MEMBER JOHN DAVID JESS, CBE**

The Deputy President (Senator Hogg) informed the Senate of the death, on 18 October 2003, of John David Jess, CBE, a member of the House of Representatives for the division of La Trobe from 1960 to 1972.

**8 PETITIONS**

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Forshaw, from 140 petitioners, requesting that the Senate take action to facilitate a debate at the United Nations to declare that suicide bombing is a crime against humanity.

Senator Ludwig, from 380 petitioners, requesting that the Senate take action to restore bulk billing by general practitioners.

Senator Stott Despoja, from 110 petitioners, requesting that the Senate take action to ensure the principle of equitable access to universities remains fundamental to higher education policy and that any bill to further increase fees is rejected.

**9 NOTICES**

*Notices of motion:*

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That the days of meeting of the Senate for 2004 shall be as follows:

**Autumn sittings:**

Tuesday, 10 February to Thursday, 12 February

Monday, 1 March to Thursday, 4 March

Monday, 8 March to Thursday, 11 March

Monday, 22 March to Thursday, 25 March

Monday, 29 March to Thursday, 1 April

**Budget sittings:**

Tuesday, 11 May to Thursday, 13 May

**Winter sittings:**

Tuesday, 15 June to Thursday, 17 June

Monday, 21 June to Thursday, 24 June

**Spring sittings:**

Tuesday, 3 August to Thursday, 5 August  
 Monday, 9 August to Thursday, 12 August  
 Monday, 30 August to Thursday, 2 September  
 Monday, 6 September to Thursday, 9 September  
 Monday, 27 September to Thursday, 30 September  
 Tuesday, 5 October to Thursday, 7 October  
 Monday, 25 October to Thursday, 28 October

**Summer sittings:**

Monday, 22 November to Thursday, 25 November  
 Monday, 29 November to Thursday, 2 December.

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 25 November 2003, from 7 pm, to take evidence for the committee's inquiry into the provisions of the Taxation Laws Amendment (Superannuation Contributions Splitting) Bill 2003 and associated regulations. (*general business notice of motion no. 687*)

Senator Ferguson: To move on the next day of sitting—That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 27 November 2003, from noon to 1.30 pm, in relation to its inquiries on the Intelligence Services Amendment Bill 2003 and on the accuracy of pre-war intelligence in Iraq. (*general business notice of motion no. 688*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 26 November 2003, from 11.30 am to 1.30 pm, to take evidence for the committee's inquiry into the Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002. (*general business notice of motion no. 689*)

The Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—That the Senate—

## (a) notes:

- (i) the finding of the Australian Bureau of Statistics that 99 900 people, including 9 941 Australian children under 12 years of age, were homeless in Australia on census night 2001,
- (ii) the Australian Council of Social Service and National Shelter report that found that 330 000 rent assistance recipients paid more than 30 per cent of their income in rent and that one in ten recipients paid more than half their income in rent,
- (iii) that there were 223 290 households waiting to be housed in public housing on 30 June 2002 and only 36 877 housed during 2001, and
- (iv) that the level of funding for public and community housing decreased by 28 per cent in real terms over the past decade and continues to reduce under the terms of the current Commonwealth State Housing Agreement; and

- (b) calls on the Federal Government to implement a national housing strategy that includes strategies to ensure low income Australians are housed in affordable and appropriate housing. (*general business notice of motion no. 690*)

The Leader of the Australian Democrats (Senator Bartlett): To move on the next day of sitting—

- (1) That the Senate—

(a) notes:

- (i) the opinion of the Reserve Bank of Australia that deposit bonds are likely to have encouraged the over-development of inner city rental units,
- (ii) that deposit bonds have been a factor contributing to the current housing boom, and
- (iii) that deposit bonds are issued by a range of organisations, some of which are not regulated by the Australian Prudential Regulation Authority; and

(b) calls on the Government:

- (i) to review the regulation of deposit bonds and related instruments and to include both the Australian Prudential Regulation Authority and Australian Securities and Investment Commission in the review, and
- (ii) to develop a regulatory scheme that will protect consumers and take some pressure from the housing boom and that will ensure:
  - (A) deposit bond applications are subject to the same eligibility and prudential requirements as mortgages, and
  - (B) all deposit bond providers are regulated.

- (2) That there be laid on the table, no later than 3.30 pm on 1 December 2003, any documents prepared by the Australian Securities and Investment Commission in relation to deposit bonds. (*general business notice of motion no. 691*)

Senator Ludwig: To move on 1 December 2003—That the following bill be introduced: A Bill for an Act to amend the *Crimes Act 1914*, and for related purposes. ***Racial and Religious Hatred Bill 2003***. (*general business notice of motion no. 692*)

The Chair of the Community Affairs Legislation Committee (Senator Humphries): To move on the next day of sitting—That the report of the Community Affairs Legislation Committee on the Truth in Food Labelling Bill 2003 be presented by 11 March 2004. (*general business notice of motion no. 693*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—

- (1) That the Legal and Constitutional Legislation Committee reconvene to resume its consideration of the 2003-04 Budget estimates on 25 November 2003, during the sitting of the Senate from 6.50 pm, for the purpose of further examination of the Department of Immigration and Multicultural and Indigenous Affairs and the Attorney-General's Department, with particular reference to migration zone excision matters and the *Minasa Bone*.
- (2) That officers and staff representing all of the responsibilities of the People Smuggling Task Force, and relevant officers with responsibility for the abovementioned matters and outputs from the above departments and agencies, including officers attending or advising in any court proceedings, appear before the committee to answer questions. (*general business notice of motion no. 694*)

The Chair of the Economics References Committee (Senator Stephens): To move on the next day of sitting—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 2 December 2003, from 7.30 pm, to take evidence for the committee's inquiry into the structure and distributive effects of the Australian taxation system. (*general business notice of motion no. 695*)

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 26 November 2003, from 4 pm, to take evidence in relation to its duties to inquire into, and report on, the activities of the Australian Securities and Investments Commission and to examine its annual report. (*general business notice of motion no. 696*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Maritime Transport Security Bill 2003 be extended to 26 November 2003. (*general business notice of motion no. 697*)

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

- (a) notes that:
  - (i) 25 November is the International Day for the Elimination of Violence against Women and marks the beginning of the global campaign called '16 days of activism against gender violence',
  - (ii) the campaign highlights all forms of gender violence, sexual violence and physical violence: violence against mothers, violence against daughters, violence against women in their homes, violence in the community, violence by loved ones, violence by the state, violence against women in the armed forces, violence against refugees, violence in times of peace and violence in times of war, and
  - (iii) violence is a reality for millions of women around the world, irrespective of their race, culture or age; and
- (b) urges the Government to sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. (*general business notice of motion no. 698*)

Senator Brown: To move on 26 November 2003—That the following matters, related to the entry into Australian Territory, including Melville Island, of asylum seekers in November 2003, be referred to the Legal and Constitutional References Committee for inquiry and report by 2 March 2004:

- (a) the propriety and legality of the treatment of the asylum seekers while in effective Australian custody;
- (b) how and why government ministers misled the Australian people about the claiming of refugee status by asylum seekers;
- (c) whether regulations excising the islands were legally in force for the entire time the 14 asylum seekers were in Australian territory;
- (d) whether international law was upheld by the actions of the Government in returning the asylum seekers to Indonesia and refusing to hear their claim for refugee status;
- (e) the legality of the Government's decision to retrospectively excise various islands from the migration zone; and
- (f) any other related matters.

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

- (a) the Select Committee on Medicare, appointed by resolution of the Senate on 15 May 2003, be reappointed with the same powers and membership, except as otherwise provided by this resolution;
- (b) the committee inquire into and report on the Government's proposed amendments to the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003, and the Government's proposal to increase the patient rebate for concession card holders and children under 16 years of age;
- (c) the committee have power to consider and use for its purposes the minutes of evidence and records of the select committee appointed on 15 May 2003; and
- (d) the committee report by 22 March 2004. (*general business notice of motion no. 699*)

Senator Brown: To move on the next day of sitting—That the Migration Amendment Regulations 2003 (No. 8), as contained in Statutory Rules 2003 No. 283 and made under the *Migration Act 1958*, be disallowed.

Senator Brown: To move on 2 December 2003—That the Senate, noting that the Australia-United States free trade agreement is in the final stages of negotiation, calls on the Government to:

- (a) carry out an environmental impact assessment of the agreement prior to its signing and ratification; and
- (b) ensure that the agreement does not inhibit Australia's ability to reduce greenhouse gas emissions, including by giving United States coal and electricity companies the right to challenge or seek compensation from Australian governments which act to ameliorate global warming. (*general business notice of motion no. 700*)

Senator Greig: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to prohibit discrimination on the ground of sexuality, transgender identity or intersex status, and for related purposes. ***Sexuality and Gender Identity Discrimination Bill 2003***. (*general business notice of motion no. 701*)

Senator Lees: To move on 1 December 2003—That the following bill be introduced: A Bill for an Act to amend the *Broadcasting Services Act 1992* to require commercial TV licence holders to provide locally produced and locally relevant news and current affairs, and for related purposes. ***Broadcasting Services (Safeguarding Local Content and Local Audience Needs) Amendment Bill 2003***. (*general business notice of motion no. 702*)

Senator Brown: To move on the next day of sitting—That, in the opinion of the Senate, any legislation that implements any of the proposed Australia-United States free trade agreement (FTA) should not be supported if the FTA does not contain an exclusion clause protecting present and future Australian cultural content. (*general business notice of motion no. 703*)

*Intention to withdraw:*

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to standing order 78, gave notice of Senator Tchen's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing his name for 6 sitting days after today for the disallowance of the Child Disability Assessment Amendment Determination 2003, made under section 38D of the *Social Security Act 1991*.

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



Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to standing order 78, gave notice of Senator Tchen's intention, when business is called on today, to withdraw business of the Senate notices of motion nos 1 to 4 standing in his name for today for the disallowance of the following instruments:

Determination No. 4 of 2003—Reporting Standards for Superannuation Entities, made under paragraph 13(1)(a) of the *Financial Sector (Collection of Data) Act 2001*.

Migration Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 154 and made under the *Migration Act 1958*.

Retirement Savings Accounts Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 195 and made under the *Retirement Savings Accounts Act 1997*.

Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 No. 196 and made under the *Superannuation Industry (Supervision) Act 1993*.

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

#### 10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 646 standing in the name of Senator Allison for today, relating to a resolution concerning the ethanol industry, adopted at the National Party's Federal Conference, postponed till 1 December 2003.

#### 11 ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Mackay, by leave and at the request of the Chair of the Economics References Committee (Senator Stephens), moved—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee's inquiry into whether the *Trade Practices Act 1974* adequately protects small business.

Question put and passed.

#### 12 PARLIAMENT HOUSE—BOGONG MOTHS—DEATH OF BIRDLIFE

Senator Lees, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 686—That the Senate—

(a) notes:

- (i) the death of at least 14 currawongs around Parliament House during the last 2 weeks of October 2003, and the subsequent absence of most magpies and currawongs,
- (ii) that the likely cause of the bird deaths is their consumption of contaminated bogong moths,
- (iii) that the contamination of the bogong months is most likely due to the application of Cislin, a pyrethrum-based spray, around Parliament House, to kill bogong moths, and
- (iv) that the data sheet prepared by the manufacturers of Cislin notes that it is highly toxic to fish, aquatic organisms and bees and also toxic for birds in various concentrations; and

- (b) asks that the Joint House Department cease any further spraying of Cislin, or other substances toxic to birds, in any concentration, in 2003 or in future years.

Question put and passed.

**13 DEPARTMENT OF THE PARLIAMENTARY LIBRARY—REPORT FOR 2002-03—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document received on 31 October 2003:

Department of the Parliamentary Library—Report for 2002-03.

**14 DEPARTMENT OF THE PARLIAMENTARY REPORTING STAFF—REPORT FOR 2002-03—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document received on 31 October 2003:

Department of the Parliamentary Reporting Staff—Report for 2002-03.

**15 ECONOMICS LEGISLATION COMMITTEE—REPORT—INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 2003**

The Deputy President (Senator Hogg) tabled the following report and documents received on 3 November 2003:

Economics Legislation Committee—Provisions of the International Tax Agreements Amendment Bill 2003—Report, dated November 2003, *Hansard* record of proceedings and submissions [6].

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

**16 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—BRIDGING THE SKILLS DIVIDE**

The Deputy President (Senator Hogg) tabled the following report and documents received on 6 November 2003:

Employment, Workplace Relations and Education References Committee—Bridging the skills divide—Report, dated November 2003, *Hansard* record of proceedings, document presented to the committee, answers to questions on notice and submissions [103].

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

Senator George Campbell, by leave, moved—That the Senate take note of the report.

Question put and passed.

**17 SCRUTINY OF BILLS—STANDING COMMITTEE—13TH REPORT AND ALERT DIGEST NO. 14 OF 2003**

The Deputy President (Senator Hogg) tabled the following report and document received on 7 November 2003:

Scrutiny of Bills—Standing Committee—

13th report of 2003, dated 7 November 2003.

Alert Digest No. 14 of 2003, dated 7 November 2003.

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

**18 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES  
COMMITTEE—REPORT—HACKING AUSTRALIA’S FUTURE**

The Deputy President (Senator Hogg) tabled the following report and documents received on the dates indicated:

Employment, Workplace Relations and Education References Committee—  
Hacking Australia’s future: Threats to institutional autonomy, academic freedom  
and student choice in Australian higher education—

Report, dated November 2003, *Hansard* record of proceedings, documents  
presented to the committee, answers to questions on notice and  
submissions [486]. [*Received 7 November 2003*]

Corrigenda and additional information. [*Received 12 November 2003*]

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

Senator Stott Despoja, by leave, moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Australian Democrats  
(Senator Bartlett) in continuation.

**19 GOVERNMENT DOCUMENTS**

The Deputy President (Senator Hogg) tabled the following documents received on  
31 October 2003:

Aboriginal and Torres Strait Islander Commission—Report for 2002-03.

Administrative Appeals Tribunal—Report for 2002-03.

Australian Government Solicitor—Report for 2002-03.

Australian Law Reform Commission—Report—No. 97—Report for 2002-03.

Commonwealth Ombudsman and Defence Force Ombudsman—Reports for  
2002-03, including a report pursuant to the *Complaints (Australian Federal Police)  
Act 1981*.

CrimTrac Agency—Report for 2002-03.

Defence—Report for 2002-03.

Family Court of Australia—Report for 2002-03.

Federal Court of Australia—Report for 2002-03.

Federal Magistrates Court—Report for 2002-03.

Federal Police Disciplinary Tribunal—Report for 2002-03.

Health Services Australia Ltd (HSA)—Report for 2002-03.

Migration Review Tribunal—Report for 2002-03.

Office of Parliamentary Counsel—Report for 2002-03.

Office of the Federal Privacy Commissioner—Report for 2002-03 on the operation  
of the *Privacy Act 1988*.

Refugee Review Tribunal—Report for 2002-03.

Veterans’ Review Board—Report for 2002-03.

**20 AUDITOR-GENERAL—AUDIT REPORT NO. 13 OF 2003-04—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document received on 7 November 2003:

No. 13—Performance audit—ATSIS Law and Justice Program: Aboriginal and Torres Strait Islander Services.

**21 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

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

- (1) On Monday, 24 November 2003:
  - (a) the hours of meeting shall be 12.30 pm to 11.30 pm; and
  - (b) the question for the adjournment of the Senate shall be proposed at 10.50 pm.
- (2) On Tuesday, 25 November 2003:
  - (a) the hours of meeting shall be 12.30 pm to adjournment;
  - (b) the consideration of government documents not be proceeded with; and
  - (c) the question for the adjournment of the Senate shall be proposed at 10.50 pm.
- (3) On Thursday, 27 November 2003:
  - (a) the hours of meeting shall be 9.30 am to 11.30 pm;
  - (b) divisions may take place after 6 pm; and
  - (c) the question for the adjournment of the Senate shall be proposed at 10.50 pm.
- (4) The Senate shall sit on Friday, 28 November 2003 and that:
  - (a) the hours of meeting shall be 9 am to 4.25 pm;
  - (b) the routine of business shall be:
    - (i) notices of motion, and
    - (ii) government business only; and
  - (c) the question for the adjournment of the Senate shall be proposed at 3.45 pm.

Question put and passed.

**22 LAW AND JUSTICE—PAULINE HANSON AND DAVID ETTRIDGE—RESOLUTION OF THE LEGISLATIVE ASSEMBLY OF QUEENSLAND—DOCUMENT**

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

Law and Justice—Pauline Hanson and David Ettridge—Resolution of the Legislative Assembly of Queensland—Letter to the President of the Senate from the Speaker of the Queensland Parliament (the Honourable Ray Hollis) forwarding a copy of the text of a resolution agreed to by the Legislative Assembly of Queensland on 11 November 2003, dated 13 November 2003.

**23 CHILDREN—DOMESTIC VIOLENCE—DOCUMENT**

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

Children—Domestic violence—Letter to the President of the Senate from the Minister for Family and Community Services (Senator Patterson) relating to the resolution of the Senate of 18 August 2003, dated 30 October 2003.

**24 HEALTH—TOBACCO—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**

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

Health—Tobacco—Letter to the President of the Senate from the Chairman, Australian Competition and Consumer Commission (Mr Samuel) responding to the resolutions of the Senate of 27 June and 12 November 2002, dated 28 October 2003.

**25 ANIMAL WELFARE—CATTLE TRANSPORTATION—DOCUMENT**

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

Animal Welfare—Cattle transportation—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Truss) responding to the resolution of the Senate of 11 August 2003, dated 5 November 2003.

Senator O'Brien, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

**26 HEALTH—TOBACCO—DOCUMENT**

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

Health—Tobacco—Letter to the President of the Senate from the Queensland Minister for Industrial Relations (Mr Nuttall) responding to the resolution of the Senate of 11 September 2003, dated 10 November 2003.

**27 TRADE—FREE TRADE AGREEMENT—FOREIGN TELEVISION PROGRAMMING—DOCUMENT**

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

Trade—Free Trade Agreement—Foreign television programming—Letter to the President of the Senate from the Minister for Trade (Mr Vaile) responding to the resolution of the Senate of 9 October 2003, dated 14 November 2003.

**28 AUDITOR-GENERAL—AUDIT REPORTS NOS 11 AND 12 OF 2003-04—DOCUMENTS**

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

Auditor-General—Audit reports for 2003-04—

No. 11—Performance audit—Annual performance reporting.

No. 12—Performance audit—The administration of telecommunications grants: Department of Communications, Information Technology and the Arts; Department of Transport and Regional Services.

**29 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
REPORT—VISIT TO RAAF WILLIAMTOWN, DARWIN ESTABLISHMENTS, EAST  
TIMOR AND RAAF TINDAL**

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Visit to RAAF Williamtown, Darwin establishments, East Timor and RAAF Tindal 14 to 17 July 2003—Report, dated October 2003.

Senator Ferguson, by leave, moved—That the Senate take note of the report.

Question put and passed.

**30 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—  
BUDGET ESTIMATES 2003-04**

Senator Eggleston, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries), tabled additional information received by the committee (Budget estimates 2003-04—vols 1 to 5).

**31 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS  
LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES  
2003-04**

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) tabled additional information received by the committee (Budget estimates 2003-04—vol. 2 and attachments, vol. 3 and attachments and vol. 4 and attachments).

**32 ECONOMICS LEGISLATION COMMITTEE—REPORT—ENERGY GRANTS (CLEANER  
FUELS) SCHEME BILL 2003 AND ENERGY GRANTS (CLEANER FUELS) SCHEME  
(CONSEQUENTIAL AMENDMENTS) BILL 2003—DOCUMENTS**

Senator Eggleston, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following documents:

Economics Legislation Committee—Provisions of the Energy Grants (Cleaner Fuels) Scheme Bill 2003 and the Energy Grants (Cleaner Fuels) Scheme (Consequential Amendments) Bill 2003—Report—Errata and additional information.

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

**33 DOCUMENTS**

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) Act—  
Family Assistance (Exemption from Immunisation Requirements)  
Determination 2003.  
Family Assistance (Meeting the Immunisation Requirements) Amendment  
Determination 2003 (No. 1).  
Family Assistance (Vaccination Schedules) Determination 2003.

Aboriginal and Torres Strait Islander Commission Act—Torres Strait Regional  
Authority Amendment Rules 2003 (No. 1).

- Australian Capital Territory (Planning and Land Management) Act—  
Amendment 45.  
Approval of Amendment 45.
- Australian Land Transport Development Act—Determination of charge rate under section 10 for the financial year 2002-03.
- Australian Meat and Live-stock Industry Act—Regulations—Statutory Rules 2003 No. 274.
- Australian Meat and Live-stock (Quotas) Act—Regulations—Statutory Rules 2003 No. 275.
- Australian Research Council Act—Determination No. 18—Determinations under section 51, dated 7 October 2003 [5].
- Civil Aviation Act—  
Civil Aviation Regulations—  
Civil Aviation Amendment Order (No. 7) 2003.  
Civil Aviation Amendment Order (No. 8) 2003.  
Exemptions Nos CASA EX21/2003-CASA EX23/2003.  
Instruments Nos CASA 441/03 and CASA 483/03.  
Civil Aviation Safety Regulations—Airworthiness Directives—Part—  
105, dated 19, 25 [3] and 30 September; and 9, 13 [10], 14 [14] and 17 [8] October 2003.  
106, dated 13 [2] and 14 [8] October 2003.  
107, dated 13, 14 and 17 [2] October 2003.
- Class Rulings CR 2003/94 (Erratum) and CR 2003/95-CR 2003/102.
- Corporations Act—Regulations—Statutory Rules 2003 No. 282.
- Criminal Code Act—  
Revised explanatory statement to Statutory Rules 2003 No. 184 (*in substitution for explanatory statement tabled with Statutory Rules 2003 No. 184 on 11 August 2003*).  
Regulations—Statutory Rules 2003 No. 285.
- Currency Act—Currency (Royal Australian Mint) Determination 2003 (No. 7).
- Dairy Produce Act—Regulations—Statutory Rules 2003 No. 276.
- Defence Act—Determination under section—  
58B—Defence Determinations 2003/28-2003/32.  
58H—Defence Force Remuneration Tribunal—Determinations Nos 22 and 24 of 2003.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 12 November 2003 [2].
- Environment Protection and Biodiversity Conservation Act—Instruments amending list of exempt native specimens under section 303DB, dated 27 and 30 October 2003.
- Federal Magistrates Act—Rules of Court—Statutory Rules 2003 Nos 272 and 273.
- Fisheries Management Act—Southern Bluefin Tuna Fishery Management Plan 1995—2004 SBT Final TAC Determination.
- Goods and Services Tax Rulings GSTR 2003/13 and GSTR 2003/14.
- Higher Education Funding Act—Guidelines for special capital projects, dated 4 November 2003.

International Transfer of Prisoners Act—Regulations—Statutory Rules 2003 No. 278.

Migration Act—Regulations—Statutory Rules 2003 No. 283.

National Health Act—

Declarations Nos PB 13, 14 and 16 of 2003.

Determination—

No. PB 15 of 2003.

Under Schedule 1—PHS 22/2003 and PHS 23/2003.

Under section 5D—PHS 22/2003 and PHS 23/2003.

Occupational Health and Safety (Commonwealth Employment) Act—Regulations—Statutory Rules 2003 No. 286.

Ozone Protection Act—Regulations—Statutory Rules 2003 No. 279.

Ozone Protection (Licence Fees—Imports) Act—Regulations—Statutory Rules 2003 No. 280.

Ozone Protection (Licence Fees—Manufacture) Act—Regulations—Statutory Rules 2003 No. 281.

Privacy Act—Tax File Number Guidelines (Amendment 2003 No. 1).

Product Ruling—

PR 2001/38 (Notice of Withdrawal).

PR 2002/133 (Notice of Withdrawal).

PR 2003/65-PR 2003/68.

States Grants (Primary and Secondary Education Assistance) Act—Regulations—Statutory Rules 2003 No. 277.

Taxation Determination—

TD 95/15 (Notice of Withdrawal).

TD 2003/24-TD 2003/27.

Taxation Ruling TR 2003/14.

Veterans' Entitlements Act—Instruments under section 196B—Instruments Nos 51-58 of 2003.

#### 34 **MIGRATION AMENDMENT REGULATIONS 2003 (NO. 8)—MOTION FOR DISALLOWANCE**

*Suspension of standing orders:* The Leader of the Australian Democrats (Senator Bartlett), pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bartlett immediately moving a motion to disallow the Migration Amendment Regulations 2003 (No. 8) tabled by the Clerk (*see entry no. 33*).

Question put and passed.

Senator Bartlett moved—That the Migration Amendment Regulations 2003 (No. 8), as contained in Statutory Rules 2003 No. 283 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put.



The Senate divided—

AYES, 34

Senators—

Allison	Crossin	Lees	Ray
Bartlett	Denman	Lundy	Ridgeway
Bishop	Evans	Mackay	Sherry
Brown	Forshaw	Marshall	Stephens
Buckland (Teller)	Greig	McLucas	Stott Despoja
Cherry	Harradine	Moore	Webber
Collins	Hogg	Murphy	Wong
Conroy	Hutchins	Murray	
Cook	Kirk	Nettle	

NOES, 29

Senators—

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

Question agreed to.

*Suspension of sitting:* On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) the sitting of the Senate was suspended till 7.30 pm.

—  
At 7.30 pm—

*Notice of motion withdrawn:* Senator Brown withdrew the notice of motion he gave earlier today, relating to the disallowance of the regulations.

35 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 Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Economics References Committee—**

Appointed—Substitute member: Senator Murray to replace Senator Ridgeway for the committee's inquiry into whether the *Trade Practices Act 1974* adequately protects small business

**Foreign Affairs, Defence and Trade References Committee—**

Appointed—Substitute member: Senator Evans to replace Senator Marshall for the committee's inquiry into the effectiveness of the Australian military justice system.

Question put and passed.

**36 OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS LEGISLATION  
AMENDMENT BILL 2003  
OZONE PROTECTION (LICENCE FEES—IMPORTS) AMENDMENT BILL 2003  
OZONE PROTECTION (LICENCE FEES—MANUFACTURE) AMENDMENT BILL 2003**

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

Message no. 437, dated 4 November 2003—A Bill for an Act to amend legislation relating to ozone protection and synthetic greenhouse gas, and for related purposes.

Message no. 438, dated 4 November 2003—A Bill for an Act to amend the *Ozone Protection (Licence Fees—Imports) Act 1995*, and for related purposes.

Message no. 439, dated 4 November 2003—A Bill for an Act to amend the *Ozone Protection (Licence Fees—Manufacture) Act 1995*, and for related purposes.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

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

**37 NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2003  
TRADE PRACTICES LEGISLATION AMENDMENT BILL 2003  
FINANCIAL SERVICES REFORM AMENDMENT BILL 2003**

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

Message no. 442, dated 5 November 2003—A Bill for an Act to amend laws about non-proliferation of nuclear and chemical weapons, and for related purposes.

Message no. 443, dated 6 November 2003—A Bill for an Act to amend the *Trade Practices Act 1974* and other legislation, and for related purposes.

Message no. 445, dated 24 November 2003—A Bill for an Act to amend the law relating to financial services and markets, and for other purposes.

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

---

*Explanatory memorandum:* Senator Ian Campbell tabled a revised explanatory memorandum relating to the Financial Services Reform Amendment Bill 2003.

---

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

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

Question put and passed.

**38 FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (NO. 2) 2002**  
**FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2003**  
**COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 1) 2002**

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

Message no. 434, dated 4 November 2003—Financial Sector Legislation Amendment Bill (No. 2) 2002.

Message no. 435, dated 4 November 2003—Farm Household Support Amendment Bill 2003.

Message no. 441, dated 5 November 2003—Communications Legislation Amendment Bill (No. 1) 2002.

**39 FAMILY ASSISTANCE LEGISLATION AMENDMENT (EXTENSION OF TIME LIMITS) BILL 2003**

A message from the House of Representatives was reported acquainting the Senate that the House has not made the requested amendments to the following bill:

Message no. 433, dated 3 November 2003—Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

**40 AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003**

A message from the House of Representatives was reported agreeing to the following bill with amendments:

Message no. 444, dated 6 November 2003—Australian Protective Service Amendment Bill 2003.

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

**41 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS**

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

7 November 2003—Message No. 43—*Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Act 2003* (Act No. 109, 2003).

12 November 2003—Message No. 44—

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003* (Act No. 110, 2003)

*Superannuation (Government Co-contribution for Low Income Earners) (Consequential Amendments) Act 2003* (Act No. 111, 2003)

*Superannuation (Surcharge Rate Reduction) Amendment Act 2003* (Act No. 112, 2003)

*Telecommunications Interception and Other Legislation Amendment Act 2003* (Act No. 113, 2003).

**42 TREATIES—JOINT STANDING COMMITTEE—CHANGE IN MEMBERSHIP**

A message from the House of Representatives was reported acquainting the Senate with a change in the membership of the Joint Standing Committee on Treaties, as follows:

Message no. 436, dated 4 November 2003—Dr Southcott in place of Ms JI Bishop.

**43 NOTICES OF MOTION WITHDRAWN**

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given earlier today (*see entry no. 9*), withdrew business of the Senate notices of motion nos 1 to 4 standing in the name of Senator Tchen for today for the disallowance of the following instruments:

Determination No. 4 of 2003—Reporting Standards for Superannuation Entities, made under paragraph 13(1)(a) of the *Financial Sector (Collection of Data) Act 2001*.

Migration Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 154 and made under the *Migration Act 1958*.

Retirement Savings Accounts Amendment Regulations 2003 (No. 2), as contained in Statutory Rules 2003 No. 195 and made under the *Retirement Savings Accounts Act 1997*.

Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 4), as contained in Statutory Rules 2003 No. 196 and made under the *Superannuation Industry (Supervision) Act 1993*.

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

Order of the day read for the adjourned debate on the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell)—That these bills be now read a second time—*and on the amendment moved by Senator Carr (see entry no. 2)*.

Debate resumed.

*At 10.50 pm:* Debate was interrupted while Senator Lundy was speaking.

**45 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 11.23 pm till Tuesday, 25 November 2003 at 12.30 pm.

**46 ATTENDANCE**

Present, all senators except Senators Knowles\* and Sandy Macdonald (\* on leave).

**HARRY EVANS**  
Clerk of the Senate