

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 117

TUESDAY, 25 NOVEMBER 2003

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**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 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

- Administrative Review Council—Report for 2002-03.
- Air Passenger Ticket Levy (Collection) Act 2001*—Report for the period 1 April 2002 to 31 March 2003.
- Airservices Australia—Equity and diversity program—Report for 2002-03.
- Alcohol Education and Rehabilitation Foundation Ltd—Report for 2002-03.
- Army and Air Force Canteen Service Board of Management (trading as Frontline Defence Services)—Report for 2002-03, including report on the equal employment management program.
- Australia and the International Financial Institutions—Reports for 2002-03.
- Australian Dairy Corporation—Report for 2002-03. [Final report]
- Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2002-03.
- Australian Landcare Council—Report for 2002-03.
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2003.
- Australian Research Council—Report for 2002-03—Corrigendum.
- Australian Securities and Investments Commission—Report for 2002-03.
- Australian Sports Drug Agency—Report for 2002-03.
- Australian Wine and Brandy Corporation—Report for 2002-03.
- Bankstown Airport Limited—Report for 2002-03.
- Camden Airport Limited—Report for 2002-03.
- Civil Aviation Safety Authority—Report for 2002-03.
- Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2002-03.
- Department of Employment and Workplace Relations—Report for 2002-03—Corrigendum.
- Director of Public Prosecutions—Report for 2002-03.
- Financial Reporting Council and Australian Accounting Standards Board—Reports for 2002-03.
- Forest and Wood Products Research and Development Corporation and Forest and Wood Products Research and Development Corporation Selection Committee—Reports for 2002-03.
- Health Insurance Commission—Report for 2002-03.
- Hoxton Park Airport Limited—Report for 2002-03.
- Indigenous education and training—National report to Parliament 2002.
- Inspector-General of Intelligence and Security—Report for 2002-03.
- Migration Agents Registration Authority—Report for 2002-03.

- National Standards Commission—Report for 2002-03.
- Professional Services Review [Medical and pharmaceutical services]—Report for 2002-03.
- Regional Forest Agreements between the Commonwealth and Victoria—Reports—
- 2001.
  - 2002.
- Sugar Research and Development Corporation—Report for 2002-03.
- Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2003.
- Telstra Corporation Limited—Equal employment opportunity program—Report for 2002-03.
- United Nations—
- International Covenant on Civil and Political Rights—Human Rights Committee—Communications—
    - No. 776/1997—Decision.
    - No. 937/2000—Decision.
    - No. 978/2001—Decision.
    - No. 983/2001—Views.
    - No. 1053/2002—Decision.
  - International Convention on the Elimination of all Forms of Racial Discrimination—Report of the Australian Government under Article 9—Combined 13th and 14th periodic report for the period 1 July 1998 to 30 June 2002.

### 3 DAYS OF MEETING

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—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.

Question put and passed.

**4 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—

At the end of the motion, add “but the Senate deplores 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 resumed.

The Minister for the Arts and Sport (Senator Kemp) moved—That the debate be adjourned.

Question put.

The Senate divided—

AYES, 34

Senators—

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

## NOES, 31

## Senators—

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

Question agreed to.

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

**5 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Finance and Administration (Senator Minchin) moved—That government business order of the day no. 2 (Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003) be postponed till a later hour.

Question put and passed.

**6 PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003  
OFFSHORE PETROLEUM (SAFETY LEVIES) BILL 2003**

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

—————  
*In the committee*

**PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003—**

Consideration resumed of the bill—and of the amendment moved by Senator Brown:

Schedule 1, page 3 (before line 7), before item 1, insert:

**1A After subsection 33(1)**

Insert:

- (1A) It is a specific condition of a permit that seismic testing or other activities using sound to determine offshore petroleum or other mineral deposits are not permitted unless demonstrated to the Commonwealth Minister to not have a significant negative impact on ecosystems or living species.

—*and of the amendments moved by Senator Allison to Senator Brown's proposed amendment:*

After “deposits”, insert “that have, or are likely to have, a significant impact on ecosystems or living organisms”.

Omit all words after “unless”, substitute:

- : (a) there are no prudent and feasible alternatives to the testing or other activities; and  
(b) all reasonable measures have been taken to minimise the impacts of the testing or other activities on ecosystems and living organisms.

Debate resumed.

Senator Allison, by leave, withdrew the amendments to Senator Brown's proposed amendment.

Debate continued.

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*At 2 pm:* The President resumed the chair and the Temporary Chair of Committees (Senator Bolkus) reported progress.

## 7 QUESTIONS

Questions without notice were answered.

## 8 FAMILY AND COMMUNITY SERVICES—FAMILY TAX BENEFIT—ANSWER TO QUESTION

Senator Hutchins moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Hutchins today relating to the family tax benefit.

Debate ensued.

Question put and passed.

## 9 PETITIONS

The following 6 petitions, lodged with the Clerk by Senator Bartlett, were received:

From 20 petitioners, requesting that the Senate take action to release all children from immigration detention centres into the community, and to provide them with psychological counselling, education and medical services.

From 50 petitioners, requesting that the Senate take action to ensure the principle of equitable access to universities remains fundamental to higher education policy and that any bill to further increase fees is rejected.

From 36 petitioners, requesting that the Senate support the Australian Democrats' motion opposing Australia's involvement in pre-emptive military action or a first strike against Iraq and call on the Government to pursue diplomatic initiatives towards disarmament in Iraq, and worldwide.

From 94 petitioners, requesting that the Senate ensure the powers and responsibilities of the Senate are protected in the interests of ensuring good governance on behalf of the Australian people.

From 47 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

From 164 petitioners, requesting that the Senate call on the Government to initiate a Royal Commission into sexual assault and the abuse of children.

## 10 NOTICES

*Notices of motion:*

Senator Stott Despoja: To move on 27 November 2003—That the Senate—

- (a) notes that there are at least nine close relatives of Australian citizens currently being detained by the People's Republic of China on the basis that they practise Falun Gong;

- (b) expresses its support for the ongoing human rights dialogue between Australia and the People's Republic of China;
- (c) calls on the Australian Government, in the context of the human rights dialogue, to:
  - (i) raise the issue of the continued detention of Falun Gong practitioners with close family ties to Australia,
  - (ii) emphasise that the release of these practitioners would help to strengthen the existing ties between Australia and the People's Republic of China, and
  - (iii) discuss the possibility of these practitioners being reunited with their family members in Australia; and
- (d) reaffirms its commitment to freedom of belief within Australia and recognises the freedom of Australians to practise Falun Gong without fear of harassment. (*general business notice of motion no. 704*)

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

- (a) congratulates the following winners of the 9th National Aboriginal and Torres Strait Islander Sports Awards:

National Sportsman Award: Anthony Mundine, Sydney, New South Wales: WBA super middleweight champion;

National Sportswoman Award: Bo De La Cruz, Darwin, Northern Territory: Australian touch football representative since 1998;

National Junior Sportswoman Award: Kathleen Logue, Tennant Creek, Northern Territory: co-winner of world mixed pairs darts championship;

National Junior Sportsman Award: Kyle Anderson, Maddington, Western Australia: world darts champion;

National Disabled Sportsman Award: Troy Murphy, Kirwan, Queensland: national tenpin bowling champion;

National Disabled Sportswoman Award: Tegan Blanch, Stuarts Point, New South Wales: all rounder – member of the Australian deaf tennis squad, swimmer, shot-putter, javelin and discus thrower;

National Coach Award: John Roe, Australian Capital Territory: head coach of the Australian gridiron squad;

National Official Award: Stacey Campton, Australian Capital Territory: netball umpire; and

State Achievers:

Western Australia: Bianca Franklin: state netball representative;

Australian Capital Territory: Katrina Fanning: rugby league;

Victoria: Mungara Brown: Australian rules;

New South Wales: David Peachey: rugby league;

Northern Territory: Sarrita King: netball;

South Australia: Joseph Milera: Australian rules;

Queensland: Ashley Anderson: swimming;

Tasmania: Nathan Polley: boxing;

- (b) recognises the important role that sport and physical activity plays in the social well-being of Indigenous communities, especially among young people; and

- (c) recognises also that Indigenous sports champions are valuable role models for young Indigenous people and that their achievements are a source of pride for all Australians, particularly Indigenous communities. (*general business notice of motion no. 705*)

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

- (a) notes:
  - (i) the release of the Productivity Commission report, ‘Overcoming Indigenous Disadvantage’, which allows the Council of Australian Governments (COAG) to monitor outcomes and measure governments’ performance in addressing Indigenous disadvantage, and
  - (ii) that, for the first time, COAG will focus on whether Indigenous programs and funding are having an impact on the lives of Indigenous people;
- (b) recognises that this report provides policy-makers with a broad view of the current state of Indigenous disadvantage and what changes are needed to ensure that Indigenous people enjoy the same life expectancy and overall standard of living as other Australians; and
- (c) calls on:
  - (i) the Prime Minister, as Chairman of the Council of Australian Governments, to secure a commitment from COAG members regarding the timing and implementation of action plans that will provide the mechanism for achieving advances in the key indicators outlined in the report, and
  - (ii) the premiers and chief ministers of each state and territory to commit to the COAG Communiqué for Reconciliation, and ensure that realistic, sustainable and implementable action plans are prepared as soon as practicable but prior to the next COAG meeting. (*general business notice of motion no. 706*)

Senator Allison: To move on the next day of sitting—That the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003, the proposed government amendments to the bill and the implications for access and affordable health care coverage and safety nets be referred to the Community Affairs Legislation Committee for inquiry and report by 10 February 2004.

Senator Sherry: To move 15 sitting days after today—That the Superannuation Industry (Supervision) Amendment Regulations 2003 (No. 5), as contained in Statutory Rules 2003 No. 251 and made under the *Superannuation Industry (Supervision) Act 1993*, be disallowed.

Senator Ludwig: To move on the next day of sitting—That the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment be referred to the Joint Standing Committee on Treaties for inquiry and report by 23 March 2004. (*general business notice of motion no. 707*)

Senator Brown: To move on the next day of sitting—That the Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment Bill 2003, the Ozone Protection (Licence Fees—Imports) Amendment Bill 2003, and the Ozone Protection (Licence Fees—Manufacture) Amendment Bill 2003 be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 31 March 2004, with particular reference to:

- (a) the need to phase out ozone-depleting substances and synthetic greenhouse gases;

- (b) the means by which the use of air conditioning can be reduced and the transition to natural refrigerants can be encouraged;
- (c) the desirability of banning imports of split system refrigeration and air conditioning equipment ‘pre-charged’ with hydrofluorocarbons and hydrochlorofluorocarbons; and
- (d) standards for installation, operation and maintenance of refrigeration systems.

Senator Brown: To move on 27 November 2003—That the Senate—

- (a) notes the clear fell logging for woodchips in Tasmania’s Styx Valley, which has the world’s tallest hardwood forests and is habitat for Commonwealth-listed rare and endangered species such as the spotted-tailed quoll, Tasmanian wedge tailed eagle and white goshawk; and
- (b) calls on the Government to:
  - (i) protect such habitats, and
  - (ii) review the potential of the valley to provide more jobs and long-term local investment through tourism. (*general business notice of motion no. 708*)

Senator Nettle: To move on 3 December 2003—That the Senate—

- (a) notes that 11 December 2003 marks 12 months since the federal Sex Discrimination Commissioner reported on the need for a national maternity leave scheme and recommended a modest model for such a scheme;
- (b) further notes that Australia remains one of only two Organisation for Economic Co-operation and Development countries without a national paid maternity leave scheme and that a growing number of foreign countries are now providing paid leave for fathers; and
- (c) calls on the Prime Minister (Mr Howard) to commit to introducing a national paid leave scheme for women and men in Australia as a priority. (*general business notice of motion no. 709*)

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

- (a) notes that the official unemployment rate fell to 5.6 per cent in October 2003;
- (b) further notes the report released by the Australian Council of Social Service on 13 November 2003, which found the official unemployment rate gravely underestimates the true level of joblessness and insufficient hours of work, and that the real level of unemployment is double the official rate; and
- (c) calls on the Federal Government to change the official definition of unemployment from one hour a week to a more realistic measure that accurately captures the extent of joblessness and insufficient hours of work. (*general business notice of motion no. 710*)

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

- (a) notes the finding of the Australian Bureau of Statistics that 99 900 people were homeless in Australia on census night 2001;
- (b) further notes that there are 200 000 people on waiting lists for public and community housing;
- (c) condemns the Federal Government’s move away from public housing through a reduction in its financial commitment to the Commonwealth-State Housing Agreement and its increasing reliance on private rental subsidies over support for direct provision of housing; and
- (d) calls on the Federal Government to:

- (i) review rent assistance to ensure that it more adequately helps jobless tenants who are unable to access public or community housing and who cannot afford home ownership, and
- (ii) commission an independent review of the tax treatment of investment housing property with the aim of restructuring arrangements so that tax concessions are provided in a cost-effective way and only for investment in housing for low-income earners, as a means of addressing the need for affordable housing. (*general business notice of motion no. 711*)

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 Migration Amendment Regulations 2003 (No. 7), as contained in Statutory Rules 2003 No. 239 and made under the *Migration Act 1958*, be disallowed.

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

*Notice of motion withdrawn:* Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given on 24 November 2003, withdrew business of the Senate notice of motion no. 1 standing in his name for 5 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*.

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

Senator Ferris, 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. 687—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.

Question put and passed.

#### 12 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of Senator Ferguson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 688—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.

Question put and passed.

#### 13 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORTING DATE

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 693—That the report of the Community Affairs Legislation Committee on the Truth in Food Labelling Bill 2003 be presented by 11 March 2004.

Question put and passed.

**14 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—  
LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 696—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.

Question put and passed.

**15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), amended Senator Heffernan's 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. 697—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 27 November 2003.

Question put and passed.

**16 ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Mackay, at the request of the Chair of the Economics References Committee (Senator Stephens) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 695—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.

Question put and passed.

**17 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS  
REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

The Leader of the Australian Democrats (Senator Bartlett), at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 689—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.

Question put and passed.

**18 MEDICARE—SELECT COMMITTEE—REAPPOINTMENT**

Senator Nettle, also on behalf of Senator Evans, 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. 699—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 as previously agreed, except as otherwise provided by this resolution;
- (b) the committee inquire into and report on the Government's 'Medicare plus' package including, but not limited to:
  - (i) the Government's proposed amendments to the Health Legislation Amendment (Medicare and Private Health Insurance) Bill 2003,
  - (ii) the Government's proposed increase to the Medicare rebate for concession cardholders and children under 16 years of age, and
  - (iii) the Government's proposed workforce measures including the recruitment of overseas doctors;
- (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 11 February 2004.

Question put.

The Senate divided—

AYES, 34

Senators—

Allison	Cook	Lees	Nettle
Bartlett	Denman	Ludwig	Ray
Bishop	Evans	Lundy	Sherry
Bolkus	Greig	Mackay (Teller)	Stephens
Brown	Harradine	Marshall	Stott Despoja
Buckland	Harris	McLucas	Webber
Campbell, George	Hogg	Moore	Wong
Cherry	Hutchins	Murphy	
Collins	Kirk	Murray	

NOES, 28

Senators—

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

Question agreed to.

#### 19 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—BUDGET ESTIMATES 2003-04—DIRECTION TO MEET

Senator Ludwig, at the request of the Leader of the Opposition in the Senate (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 694—

- (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.

Question put and passed.

**20 TRADE—FREE TRADE AGREEMENT—AUSTRALIAN CULTURAL CONTENT**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 703—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.

Question put and passed.

**21 SEXUALITY AND GENDER IDENTITY DISCRIMINATION BILL 2003**

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 701—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.

Question put and passed.

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

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

**22 PARLIAMENT—COUNCIL OF AUSTRALIAN GOVERNMENTS**

Senator Harradine 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. 632—That the Senate—

- (a) notes that the Council of Australian Governments (COAG) is not directly accountable to the Australian people, yet determines many important policies that affect all Australians;
- (b) reaffirms the primacy of Australian parliaments over consultative and coordinating bodies like COAG and rejects any attempts to impose COAG's will on Australian parliaments; and
- (c) calls on the Australian Government and the state and territory governments through COAG to provide greater transparency and accountability to the Australian people by:
  - (i) reviewing freedom of information legislation as it applies to COAG,
  - (ii) establishing a detailed and dedicated COAG website,
  - (iii) providing notices of meetings and decisions on the website, and
  - (iv) providing other material on the website to inform the public on COAG's activities.

Question put and passed.

**23 FINANCE—DEPOSIT BONDS—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. 691—

- (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) issuers of deposit bonds must conduct appropriate checks on the credit worthiness and ability to repay of applicants, 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, the Australian Prudential Regulation Authority and the Department of the Treasury in relation to deposit bonds.

Question put and passed.

**24 FAMILY AND COMMUNITY SERVICES—PUBLIC AND COMMUNITY HOUSING**

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. 690—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.

Question put and passed.

**25 WOMEN—INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN**

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 698—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.

Question put and passed.

**26 LAW AND JUSTICE—MILITARY COMMISSIONS FOR GUANTANAMO BAY DETAINEES—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled the following document:

Law and justice—Government accepts military commissions for Guantanamo Bay detainees—Ministerial statement by the Attorney-General (Mr Ruddock).

Senator Brown, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

**27 ENVIRONMENT—SEPON MINE—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

The Minister for Finance and Administration (Senator Minchin), by leave, made a statement relating to the order of the Senate of 16 October 2003 for the production of documents concerning the Sepon Mine project in Laos (*see entry no. 26, 16 October 2003*).

*Statement by leave:* Senator Brown, by leave, made a statement relating to the matter.

**28 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION  
COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03,  
BUDGET ESTIMATES 2002-03, 2003-04**

Senator McGauran, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled additional information received by the committee—

Additional estimates 2002-03—vols 4 and 5.

Budget estimates—

2002-03—vols 6 and 7.

Supplementary—vol. 4.

2003-04—vols 5 and 6.

**29 DOCUMENT**

The following document was tabled by the Clerk:

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 11/03 [5 dispensations].

**30 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION  
OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended on 18 September 2002:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 January 2002 to 30 June 2003.

**31 COMMITTEES—APPOINTMENT OF MEMBER**

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received a letter nominating a senator to be a member of various committees.

The Minister for Finance and Administration (Senator Minchin), by leave, moved—That Senator Wong be appointed as a participating member of the Economics Legislation and References Committees.

Question put and passed.

**32 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—MIGRATION  
LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL  
2003 AND MIGRATION AGENTS REGISTRATION APPLICATION CHARGE  
AMENDMENT BILL 2003**

Pursuant to order, Senator McGauran, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and Migration Agents Registration Application Charge Amendment Bill 2003—Report, dated November 2003, *Hansard* record of proceedings, documents presented to the committee and submissions [26].

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

**33 PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003  
OFFSHORE PETROLEUM (SAFETY LEVIES) BILL 2003**

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

—————  
*In the committee*

**PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2003—**

Consideration resumed of the bill—and of the amendment moved by Senator Brown (see entry no. 6).

Debate resumed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 2

Senators—

Brown

Nettle (Teller)

NOES, 48

Senators—

Allison

Barnett

Bartlett

Bishop

Boswell

Brandis

Buckland

Campbell, George

Chapman

Cherry

Cook

Denman

Evans

Ferguson

Ferris (Teller)

Forshaw

Greig

Harris

Hogg

Humphries

Hutchins

Johnston

Kirk

Lees

Lightfoot

Ludwig

Lundy

Mackay

Marshall

Mason

McGauran

McLucas

Minchin

Moore

Murray

O'Brien

Payne

Ridgeway

Scullion

Sherry

Stephens

Stott Despoja

Tchen

Tierney

Troeth

Watson

Webber

Wong

Question negatived.

Senator Allison moved the following amendments together by leave:

Clause 2, page 2, at the end of the table, add:

6. Schedule 4                      The day on which this Act receives the Royal Assent.

Page 110 (after line 22), at the end of the bill, add:

**Schedule 4—Amendments relating to petroleum  
exploration and recovery operations**

***Petroleum (Submerged Lands) Act 1967***

**1 Subsection 5(1)**

Insert:

***Commonwealth marine area*** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

***Commonwealth reserve*** has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

*conservation zone* has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

*declared World Heritage property* has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*.

*seismic testing* means any activity that involves the use of sound vibrations to obtain geological information.

## **2 After subsection 19(1)**

Insert:

- (1A) A person must not explore for petroleum in a Commonwealth marine area that is part of a declared World Heritage property, Commonwealth reserve or a conservation zone.

Penalty: Imprisonment for 5 years.

## **3 After section 27**

Insert:

### **27A Restriction on grant of permits**

The Joint Authority must not grant a permit that authorises a person to explore for petroleum, or do anything associated with petroleum exploration, in a declared World Heritage property, Commonwealth reserve or a conservation zone.

## **4 After subsection 33(1)**

Insert:

- (1A) It is a condition of all permits issued under this Part that seismic testing, or any other activity that uses sound to determine offshore petroleum or other mineral deposits, that has, will have, or is likely to have, a significant impact on a matter protected by a provision of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* is not permitted unless:

- (a) there is no prudent and feasible alternative to the testing or other activity; and
- (b) all reasonable measures have been, and will be, taken to minimise the impacts of the testing or other activity on the relevant matter.

## **5 After section 38BD**

Insert:

### **38BE Restriction on grant of leases**

The Joint Authority must not grant a lease that authorises a person to explore for petroleum, or do anything associated with petroleum exploration, in a declared World Heritage property, Commonwealth reserve or a conservation zone.

## **6 Section 39**

Repeal the section, substitute:

### **39 Recovery of petroleum in adjacent area**

- (1) A person must not carry on operations for the recovery of petroleum in an adjacent area except:

- (a) under and in accordance with a licence; or
- (b) as otherwise permitted by this Part.

Penalty: Imprisonment for 5 years.

- (2) A person must not carry on operations for the recovery of petroleum in a Commonwealth marine area that is part of a declared World Heritage property, Commonwealth reserve or a conservation zone.

Penalty: Imprisonment for 5 years.

## **7 After section 51**

Insert:

### **51A Restriction on grant of licences**

The Joint Authority must not grant a licence that authorises a person to carry on operations for the recovery of petroleum, or do anything associated with the recovery of petroleum, in a declared World Heritage property, Commonwealth reserve or a conservation zone.

## **8 After subsection 58(1)**

Insert:

- (1A) The Joint Authority must not direct a licensee under subsection (1) to recover petroleum in a declared World Heritage property, Commonwealth reserve or a conservation zone.

## **9 Section 59A**

Repeal the section, substitute:

### **59A Construction etc. of infrastructure facilities**

- (1) A person must not, in the adjacent area:
  - (a) begin or continue the construction, or the alteration or reconstruction, of any infrastructure facilities; or
  - (b) operate any infrastructure facilities;
 except:
  - (a) under and in accordance with an infrastructure licence; or
  - (b) as otherwise permitted by this Part.

Penalty: Imprisonment for 5 years.

- (2) A person must not, in a Commonwealth marine area that is part of a declared World Heritage property, Commonwealth reserve or a conservation zone:

- (a) commence or continue the construction, or the alteration or reconstruction, of any infrastructure facilities; or
- (b) operate any infrastructure facilities.

Penalty: Imprisonment for 5 years.

## **10 After section 59E**

Insert:

### **59EA Restriction on grant of infrastructure licences**

The Joint Authority must not grant an infrastructure licence that authorises a person to:

- (a) commence or continue the construction, or the alteration or reconstruction, of any infrastructure facilities; or

- (b) operate any infrastructure facilities;  
in a declared World Heritage property, Commonwealth reserve or a conservation zone.

**11 After subsection 60(1)**

Insert:

- (1A) A person must not, in a Commonwealth marine area that is part of a declared World Heritage property, Commonwealth reserve or a conservation zone:
  - (a) commence or continue the construction, or the alteration or reconstruction, of a pipeline; or
  - (b) operate a pipeline.

**12 After section 65**

Insert:

**65A Restriction on grant of pipeline licences**

The Joint Authority must not grant a pipeline licence that authorises a person to:

- (a) commence or continue the construction, or the alteration or reconstruction, of a pipeline; or
- (b) operate a pipeline;

in a declared World Heritage property, Commonwealth reserve or a conservation zone.

**13 After subsection 112(3)**

Insert:

- (3A) The Designated Authority must not grant an access authority that authorises a person to carry on petroleum exploration operations or operations related to the recovery of petroleum in a declared World Heritage property, Commonwealth reserve or a conservation zone.

**14 Application**

- (1) The amendment made by item 2 of this Schedule does not apply to an activity that is authorised under a permit or lease that was granted prior to the commencement of this Schedule.
- (2) The amendment made by item 6 of this Schedule does not apply to an activity that is authorised under a licence that was granted prior to the commencement of this Schedule.
- (3) The amendment made by item 9 of this Schedule does not apply to an activity that is authorised under an infrastructure licence that was granted prior to the commencement of this Schedule.
- (4) The amendment made by item 11 of this Schedule does not apply to an activity that is authorised under a pipeline licence that was granted prior to the commencement of this Schedule.

Debate ensued.

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

Bill agreed to.

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**OFFSHORE PETROLEUM (SAFETY LEVIES) BILL 2003—**

Bill, taken as a whole by leave, agreed to.

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The Petroleum (Submerged Lands) Amendment Bill 2003 to be reported without amendments and the Offshore Petroleum (Safety Levies) Bill 2003 to be reported without requests for amendments.

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

On the motion of the Minister for Finance and Administration (Senator Minchin) the report from the committee was adopted and the bills read a third time.

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

Order of the day read for the consideration of message no. 433 from the House of Representatives in committee of the whole (*see entry no. 39, 24 November 2003*).

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*In the committee*

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) moved—That the committee does not press its requests for amendments not made by the House of Representatives.

Debate ensued.

Question put and negatived.

Resolution to be reported.

---

The Acting Deputy President (Senator Bolkus) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 433 from the House of Representatives relating to the Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003 and had resolved to press its requests for amendments not made by the House.

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted.

**35 AUSTRALIAN PROTECTIVE SERVICE AMENDMENT BILL 2003**

Order of the day read for the consideration of message no. 444 from the House of Representatives in committee of the whole (*see entry no. 40, 24 November 2003*).

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*In the committee*

SCHEDULE OF THE AMENDMENTS MADE  
BY THE HOUSE OF REPRESENTATIVES

- (1) Schedule 1, item 1, page 3 (lines 12 and 13), omit “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

**[requirement to provide name etc.]**

(2) Schedule 1, item 1, page 4 (lines 7 to 13), omit subsections (4) and (5).

**[requirement to provide name etc.]**

(3) Schedule 1, item 1, page 4 (lines 34 and 35), omit “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

**[stopping and searching]**

(4) Schedule 1, item 1, page 5 (lines 23 to 25), omit paragraph (c), substitute:

(c) otherwise—any other person:

- (i) who is of the same sex as the person to be searched; and
- (ii) who is requested by the protective service officer to conduct the search; and
- (iii) who freely consents to conduct the search.

**[stopping and searching]**

(5) Schedule 1, item 1, page 8 (lines 35 and 36), omit “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

**[stopping and searching]**

(6) Schedule 1, item 1, page 10 (lines 16 and 17), omit “with the exception of an offence under subparagraph 13(2)(a)(iv)”.

**[stopping and searching]**

The Minister for Justice and Customs (Senator Ellison) moved—That the committee agrees to the amendments made by the House of Representatives to the bill.

Debate ensued.

Question put and passed.

Resolution to be reported.

---

The Acting Deputy President (Senator Bolkus) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 444 from the House of Representatives relating to the Australian Protective Service Amendment Bill 2003 and had agreed to the amendments made by the House of Representatives to the bill.

On the motion of Senator Ellison the report from the committee was adopted.

**36 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Finance and Administration (Senator Minchin) moved—That intervening business be postponed till after consideration of government business order of the day no. 9 (Customs Legislation Amendment Bill (No. 2) 2002).

Question put and passed.

**37 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 2) 2002**

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 this bill be now read a second time.

Debate resumed.

On the motion of the Minister for Family and Community Services (Senator Patterson) the debate was adjourned till a later hour.

**38 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION  
AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—That this bill be now read a second time.

Debate resumed.

Question 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.

Question—That the bill be agreed to—divided in respect of Schedule 6.

Schedule 6 debated.

Question—That Schedule 6 stand as printed—put.

The committee divided—

**AYES, 31**

Senators—

Abetz	Coonan	Kemp	Santoro
Alston	Eggleston (Teller)	Lees	Scullion
Barnett	Ellison	Lightfoot	Tchen
Boswell	Ferguson	Mason	Tierney
Brandis	Ferris	McGauran	Troeth
Calvert	Harris	Murphy	Vanstone
Chapman	Humphries	Patterson	Watson
Colbeck	Johnston	Payne	

**NOES, 31**

Senators—

Allison	Conroy	Hutchins	Nettle
Bartlett	Cook	Ludwig	O'Brien
Bishop	Crossin (Teller)	Lundy	Ray
Bolkus	Denman	Mackay	Ridgeway
Brown	Evans	Marshall	Sherry
Buckland	Forshaw	McLucas	Webber
Campbell, George	Greig	Moore	Wong
Cherry	Hogg	Murray	

The ayes and noes were equal and so the Schedule was negatived.

Bill, as amended, agreed to.

Bill to be reported with an amendment (*but see entry no. 42*).

---

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted and the bill read a third time.

**39 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Family and Community Services (Senator Patterson) moved—That government business orders of the day no. 7 (Energy Grants (Cleaner Fuels) Scheme Bill 2003 and a related bill) and no. 8 (International Tax Agreements Amendment Bill 2003) be postponed till the next day of sitting.

Question put and passed.

**40 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 2) 2002**

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 this bill be now read a second time.

Debate resumed.

Question 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.

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*Explanatory memorandum:* The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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On the motion of Senator Ellison the following amendments, taken together by leave, were agreed to:

Schedule 1, item 3, page 4 (lines 30 to 32), omit subparagraph 269TAC(5D)(a)(ii), substitute:

- (ii) market conditions do not prevail in that country in respect of the domestic selling price of those like goods;

Schedule 1, item 3, page 5 (lines 4 to 6), omit subparagraph 269TAC(5D)(b)(ii), substitute:

- (ii) market conditions do not prevail in that country in respect of the domestic selling price of those like goods;

Schedule 1, item 3, page 5 (line 10), after “subsection”, insert “or subsection 269TC(9)”.

Schedule 1, item 3, page 5 (line 12), after “269TC(8)”, insert “, or the further period mentioned in subsection 269TC(9)”.

Schedule 1, item 3, page 5 (line 13), omit “that subsection”, substitute “subsection 269TC(8)”.

Schedule 1, item 3, page 5 (line 19), at the end of the note, add “Under subsection 269TC(9) the CEO may allow the exporter a further period for answering the questions.”.

Schedule 1, item 3, page 5 (lines 22 and 23), omit “This does not limit the matters to which the Minister may have regard for that purpose.”.

Schedule 1, item 7, page 6 (after line 28), after subsection (8) (after the note), insert:

- (9) Despite the fact that, under subsection (8), the CEO has informed an exporter given a questionnaire that the exporter has a particular period to answer the questions in the questionnaire, if the CEO is satisfied, by representation in writing by the exporter:
- (a) that a longer period is reasonably required for the exporter to answer the questions; and
  - (b) that allowing a longer period will be practicable in the circumstances;
- the CEO may notify the exporter, in writing, that a specified further period will be allowed for the exporter to answer the questions.

Bill, as amended, agreed to.

Bill to be reported with amendments.

---

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

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

**41 SPAM BILL 2003**

**SPAM (CONSEQUENTIAL AMENDMENTS) BILL 2003**

Order of the day read for the adjourned debate on the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

**42 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003**

The Minister for Finance and Administration (Senator Minchin), by leave, moved—That the Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003 be recommitted immediately and that the committee reconsider Schedule 6 of the bill (*see entry no. 38*).

Debate ensued.

Question put and passed.

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

---

*In the committee*

Bill reconsidered.

Question—That the bill be agreed to—divided in respect of Schedule 6.

Question—That Schedule 6 stand as printed—put.

The committee divided—

## AYES, 34

Senators—

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

## NOES, 28

Senators—

Allison	Cherry	Kirk	Nettle
Bartlett	Cook	Lundy	O'Brien
Bishop	Crossin	Mackay	Ray
Bolkus	Evans	Marshall	Ridgeway
Brown	Forshaw	McLucas	Stephens
Buckland (Teller)	Greig	Moore	Webber
Campbell, George	Hutchins	Murray	Wong

Schedule agreed to.

Bill agreed to.

Bill to be reported without amendment.

---

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

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

#### 43 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Finance and Administration (Senator Minchin) moved—That intervening business be postponed till after consideration of government business orders of the day no. 13 (Fuel Quality Standards Amendment Bill 2003) and no. 17 (Family and Community Services (Closure of Student Financial Supplement Scheme) Bill 2003 and a related bill).

Question put and passed.

#### 44 FUEL QUALITY STANDARDS AMENDMENT 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 this bill be now read a second time.

Debate resumed.

Senator Forshaw moved the following amendment:

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

- (a) the failure of the Federal Government to protect Australian consumers by delaying the implementation of a mandatory national labelling regime for ethanol blended fuel despite the repeated public assurances of the Minister for the Environment and Heritage;
- (b) the decision by the Howard Government to continue to protect the interests of the ethanol industry by continuing to subsidise the industry while failing to provide adequate protection for consumers;
- (c) the failure of the Federal Government to release the proposed regulations that will determine what labelling information consumers will be given;
- (d) the Government’s general conduct in developing its ethanol policy behind closed doors in a clandestine manner; and
- (e) calls on the Government to release the regulations immediately to ensure public scrutiny of their proposals”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

**45 FAMILY AND COMMUNITY SERVICES (CLOSURE OF STUDENT FINANCIAL SUPPLEMENT SCHEME) BILL 2003  
STUDENT ASSISTANCE AMENDMENT BILL 2003**

Order of the day read for the adjourned debate on the motion—That these bills be now read a second time.

Debate resumed.

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

**46 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 11.50 pm till Wednesday, 26 November 2003 at 9.30 am.

**47 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate