

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 121

MONDAY, 1 DECEMBER 2003

Contents

1	Meeting of Senate	2777
2	Privileges—Standing Committee—Statement by President—Proposed Reference	2777
3	Higher Education Support Bill 2003 Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003	2777
4	Hours of Meeting and Routine of Business—Variation	2778
5	States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003	2778
6	Questions	2778
7	Finance—Deposit Bonds—Order for Production of Documents—Statement by Leave	2779
8	Transport—Airspace Management—Answers to Questions	2779
9	Trade—Free Trade Agreement—Australian Automotive Industry—Answer to Question	2779
10	Petitions	2779
11	Notices	2780
12	Postponements	2782
13	Notice of Motion Withdrawn	2782
14	Legal and Constitutional Legislation Committee—Proposed Reference	2782
15	Racial and Religious Hatred Bill 2003 [No. 2]	2783
16	Economics Legislation Committee—Leave to Meet During Sitting	2783
17	Taxation—First Home Owners, ‘Bracket Creep’ and Intergenerational Report—Order for Production of Documents	2783
18	Defence—Iraq—Weapons of Mass Destruction	2783
19	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting	2784
20	ASIO, ASIS and DSD—Joint Statutory Committee—Extension of Time to Report	2784
21	Foreign Affairs—China—Human Rights	2785
22	Urgency Motion—Taxation—Housing Affordability	2785

23	Auditor-General—Audit Report No. 14 of 2003-04—Document.....	2785
24	Auditor-General—Audit Report No. 15 of 2003-04—Document.....	2786
25	Documents.....	2786
26	Governor-General’s Proclamations—Commencement of Provisions of Acts...	2787
27	Electoral Matters—Joint Standing Committee—Report—Increasing the Minimum Representation for the Territories in the House of Representatives.....	2787
28	Treaties—Joint Standing Committee—56th Report.....	2787
29	Inter-Parliamentary Union—109th Conference—Document.....	2787
30	Commonwealth Parliamentary Association—49th Conference—Document....	2788
31	Age Discrimination Bill 2003 Age Discrimination (Consequential Provisions) Bill 2003.....	2788
32	Taxation Laws Amendment Bill (No. 5) 2003 Customs Legislation Amendment Bill (No. 2) 2003	2788
33	Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2003.....	2789
34	States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003	2789
35	Trade Practices Legislation Amendment Bill 2003	2792
36	Trade Practices Amendment (Personal Injuries and Death) Bill 2003	2794
37	Order of Business—Rearrangement.....	2795
38	New Business Tax System (Taxation of Financial Arrangements) Bill (No. 1) 2003	2795
39	Defence Legislation Amendment Bill 2003	2798
40	Order of Business—Rearrangement.....	2799
41	Legislative Instruments Bill 2003 Legislative Instruments (Transitional Provisions and Consequential Amendments) Bill 2003	2799
42	Adjournment	2799
43	Attendance.....	2799

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 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) concerning possible improper interference with a witness.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Privileges—Standing Committee—Proposed reference—Letter from the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) to the President, dated 25 November 2003, and attachments [6].

Notice of motion: Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

Having regard to the material submitted to the President by the Rural and Regional Affairs and Transport Legislation Committee, whether there was any attempt improperly to interfere with a witness before the committee, and whether any contempt of the Senate was committed in that regard.

**3 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.

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

Main question, as amended, put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Bills read a second time.

On the motion of Senator Ian Campbell consideration of the bills in committee of the whole was made an order of the day for a later hour.

4 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That, on Monday, 1 December 2003:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.30 pm; and
- (b) the question for the adjournment of the Senate shall be proposed at 10.50 pm.

Question put and passed.

5 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Webber was speaking.

6 QUESTIONS

Questions without notice were answered.

7 FINANCE—DEPOSIT BONDS—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Revenue and Assistant Treasurer (Senator Coonan), by leave, made a statement relating to the order of the Senate of 25 November 2003 for the production of documents concerning deposit bonds (*see entry no. 23, 25 November 2003*).

8 TRANSPORT—AIRSPACE MANAGEMENT—ANSWERS TO QUESTIONS

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Local Government, Territories and Roads (Senator Ian Campbell) to questions without notice asked by Senators O'Brien, Mackay and Wong today relating to the new airspace management system.

Debate ensued.

Question put and passed.

9 TRADE—FREE TRADE AGREEMENT—AUSTRALIAN AUTOMOTIVE INDUSTRY—ANSWER TO QUESTION

Senator Ridgeway moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Ridgeway today relating to the proposed Australia-United States free trade agreement and the Australian automotive industry.

Question put and passed.

10 PETITIONS

The following 9 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 13 512 petitioners, requesting that the Senate take action to reverse funding cuts to the Australian Broadcasting Corporation to allow for the restoration of the educational programming budget and the reinstatement of *Behind the News*.

Senator Bartlett, from 52 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003.

Senator Boswell, from 305 petitioners, requesting that the Senate take action to ensure the independence and protection of the Australian Broadcasting Corporation and increase its funding.

Senator Carr, from 7 794 petitioners, requesting that the Senate reject the proposed changes to higher education.

Senator Carr, from 27 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

Senator Sandy Macdonald, from 45 petitioners, requesting that the Senate ensure that David Hicks receive a fair trial and that his rights are met under the 1949 Geneva Convention.

Senator Nettle, from 1 900 petitioners, requesting that the Senate oppose proposed changes to Medicare, abolish the Private Health Insurance Rebate and ensure bulk billing for all Australians.

Senator Nettle, from 4 291 petitioners, requesting that the Senate oppose the proposed changes to Medicare and the introduction of up-front fees for general practitioner consultations.

Senator Stott Despoja, from 9 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.

11 NOTICES

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

- (a) notes that:
 - (i) the final round of formal negotiations for the proposed Australia-United States (US) free trade agreement are being held in Washington, in the week beginning 30 November 2003, and
 - (ii) both the Australian Government and the US Government have indicated that they are seeking to conclude this agreement before Christmas 2003;
- (b) notes further that:
 - (i) the Foreign Affairs, Defence and Trade References Committee tabled the report, *Voting on trade: The General Agreement on Trade in Services and an Australia-US free trade agreement*, on 27 November 2003, and
 - (ii) a key recommendation of this report was that Parliament should have a greater role in developing and voting on major international trade agreements; and
- (c) calls on the Government to recall Parliament once the negotiations have concluded, to scrutinise and debate the finalised text of the proposed Australia-US free trade agreement and vote on whether or not it should be signed. (*general business notice of motion no. 728*)

The Minister for Local Government, Territories and Roads (Senator Ian Campbell): To move on the next day of sitting—That, on Tuesday, 2 December 2003:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment; and
- (b) the question for the adjournment of the Senate shall be proposed at 10.50 pm.

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:

- (a) forestry plantations—to 11 March 2004; and
- (b) rural water resource usage—to 1 April 2004. (*general business notice of motion no. 729*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 2 December 2003, from 7.30 pm to 8.30 pm, in relation to its inquiry on the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002. (*general business notice of motion no. 730*)

The Minister for the Arts and Sport (Senator Kemp) and Senator Lundy: To move on the next day of sitting—That the Senate—

- (a) congratulates Steve Waugh on his achievements and service to Australian cricket throughout his time as captain and player in the Australian team, and notes his retirement from international cricket;
- (b) notes that Steve Waugh has been Australia's most successful captain and most 'capped' player and has guided Australian cricket through arguably its most successful period;
- (c) congratulates Steve Waugh for being an outstanding role model for Australian youth and for his important role in fostering participation in junior cricket;
- (d) congratulates Steve Waugh on his involvement in charitable causes both in Australia and overseas;
- (e) acknowledges and supports the contribution of the Australian Sports Commission to the development of young Australian cricketers, particularly through the Australian Institute of Sport cricket program; and
- (f) notes the deep commitment held by Australians to cricket and supports the Commonwealth in its endeavours to support Australian cricket.

The Minister for the Arts and Sport (Senator Kemp): To move on the next day of sitting—That the Senate—

- (a) congratulates the captain of the Australian Davis Cup tennis team, John Fitzgerald and finals players Lleyton Hewitt, Mark Philippoussis, Todd Woodbridge and Wayne Arthurs on the exceptional win in the final of the 2003 Davis Cup against Spain;
- (b) congratulates all other team members for their outstanding contributions to the team effort and all others involved in supporting the Australian team over the course of the 2003 Davis Cup campaign;
- (c) notes that the win by the Australian team is the 28th time that Australia has secured the Davis Cup;
- (d) congratulates the members of the team for the inspiration their win will provide to Australian youth and the impact their efforts will have in fostering participation in junior tennis; and
- (e) acknowledges and supports the contribution of the Australian Sports Commission to the development of young Australian tennis players, particularly through the Australian Institute of Sport tennis program and its support for Tennis Australia's participation partnership program, 'Tennis over Australia'.

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

- (a) notes:
 - (i) the recent launch of the report, *Not a minute more: Ending violence against women*, by the United Nations Fund for Women,
 - (ii) that the report was launched to mark the 10th anniversary of the Vienna World Conference on Human Rights, when women's rights were placed on the international agenda for the first time, and
 - (iii) that Australian women are still subjected to violence; and
- (b) urges the Government to demonstrate leadership by encouraging reform of Australia's legal and criminal justice system, to break down the structures and processes that generate violence. (*general business notice of motion no. 731*)

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

- (a) immediately close the detention centres on Nauru and Manus Island and bring all detainees to mainland Australia;
- (b) immediately release children and their families from asylum-seeker detention centres in Australia;
- (c) end the temporary protection visa system, and instead provide permanent protection for proven refugees; and
- (d) introduce a process involving humanitarian visa solutions for those stuck in limbo in long-term detention. (*general business notice of motion no. 732*)

12 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Brown for today, relating to the reference of a matter to the Legal and Constitutional Legislation Committee, postponed till 2 December 2003.

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 11 February 2004.

13 NOTICE OF MOTION WITHDRAWN

Senator Hutchins withdrew general business notice of motion no. 723 standing in his name for today, relating to Commonwealth funding in support of cricket in Australia.

14 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the Criminal Code Amendment (Terrorist Organisations) Bill 2003 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 31 March 2004.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 40

Senators—

Barnett	Crossin	Kirk	Ray
Brandis	Denman	Ludwig	Scullion
Campbell, George	Evans	Mackay	Sherry
Campbell, Ian	Ferguson	Marshall	Stephens
Carr	Ferris (Teller)	Mason	Tchen
Chapman	Forshaw	McLucas	Tierney
Colbeck	Hogg	Moore	Troeth
Collins	Humphries	Murphy	Watson
Conroy	Hutchins	O'Brien	Webber
Cook	Johnston	Payne	Wong

Question negatived.

15 RACIAL AND RELIGIOUS HATRED BILL 2003 [NO. 2]

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 692—That the following bill be introduced:

A Bill for an Act to amend the *Crimes Act 1914*, and for related purposes.

Question put and passed.

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

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

16 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. 725—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 1 December 2003, from 4.30 pm, to take evidence for the committee's inquiry into the Financial Services Reform Amendment Bill 2003 and related matters.

Question put and passed.

17 TAXATION—FIRST HOME OWNERS, 'BRACKET CREEP' AND INTERGENERATIONAL REPORT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 727—That there be laid on the table by the Minister representing the Treasurer, no later than 3 pm, Thursday, 4 December 2003, any documents prepared by the Department of the Treasury in relation to:

- (a) the operation of the First Home Owner Grant scheme;
- (b) information on the impact of 'bracket creep'; and
- (c) baseline information used in the preparation of the Intergenerational Report 2002-03 (Budget Paper No. 5).

Question put and passed.

18 DEFENCE—IRAQ—WEAPONS OF MASS DESTRUCTION

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. 722—That the Senate—

- (a) notes:
 - (i) the numerous claims made by the Prime Minister (Mr Howard) that Iraq possessed weapons of mass destruction as justification for the Government's decision to commit Australia to war, including his statement to the Parliament on 4 February 2003 that, 'The Australian Government knows that Iraq still has chemical and biological weapons and that Iraq wants to develop nuclear weapons',
 - (ii) the lack of evidence to date of weapons of mass destruction in Iraq, that would support the Prime Minister's claims, and

- (iii) the establishment in June 2003 of an inquiry into intelligence on Iraq's weapons of mass destruction by the Parliamentary Joint Committee on ASIO, ASIS and DSD, due to report on 2 December 2003, and that:
 - (A) the committee is comprised of 4 Government members and 3 Australian Labor Party members, and that no other parliamentary party is represented,
 - (B) in conducting the inquiry, the committee has been limited in its powers and has not been able to review information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information,
 - (C) the inquiry has been conducted in secret, with the exception of a single public hearing that did not hear evidence from any member of parliament or government agency,
 - (D) relevant government ministers were able to censor submissions from government agencies before they were submitted to the committee, and the final report will not be released without the approval of those ministers, and
 - (E) a similar inquiry in Britain has heard public testimony from senior members of parliament and public servants, and defence and foreign affairs experts and officials; and
- (b) condemns the lack of transparency and accountability in relation to the Government's claims of evidence concerning Iraq and weapons of mass destruction.

Question put and negatived.

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator Mackay, at the request of the Deputy Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Buckland) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 724—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 1 December 2003, from 4 pm to 9 pm, to take evidence for the committee's inquiry into the administration of the Australian Transport Safety Bureau in relation to the crash of Whyalla Airlines aircraft VH-MZK on 31 May 2000.

Question put and passed.

**20 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—EXTENSION OF TIME TO
REPORT**

Senator Ferguson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 726—That the time for the presentation of the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD on intelligence information received by Australia's intelligence services in relation to weapons of mass destruction be extended to 1 March 2004.

Question put and passed.

21 FOREIGN AFFAIRS—CHINA—HUMAN RIGHTS

Senator Stott Despoja 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. 704—That the Senate—

- (a) notes that:
 - (i) close relatives of Australian citizens are currently being detained by the People's Republic of China on the basis that they practise Falun Gong, and
 - (ii) the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong practitioners worldwide;
- (b) expresses its support for an open and effective 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, and
 - (ii) emphasise that the practise of religion should not form the basis of the incarceration of any individual; 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.

Question put and passed.

22 URGENCY MOTION—TAXATION—HOUSING AFFORDABILITY

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from the Leader of the Australian Democrats (Senator Bartlett) advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Federal Government to adopt a national housing strategy to address the crisis in housing affordability taking into account the concerns expressed by the Reserve Bank of Australia regarding the impact of negative gearing, instruments such as deposit bonds and the federal tax system.

The proposal was supported by 4 senators.

Senator Bartlett moved the motion.

Debate ensued.

Question put and passed.

23 AUDITOR-GENERAL—AUDIT REPORT NO. 14 OF 2003-04—DOCUMENT

The Acting Deputy President (Senator Sandy Macdonald) tabled the following document received on 28 November 2003:

Auditor-General—Audit report no. 14 for 2003-04—Performance audit—Survey of fraud control arrangements in APS agencies.

24 AUDITOR-GENERAL—AUDIT REPORT NO. 15 OF 2003-04—DOCUMENT

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

Auditor-General—Audit report no. 15 for 2003-04—Performance audit—Administration of staff employed under the *Members of Parliament (Staff) Act 1984*: Department of Finance and Administration.

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

Debate ensued.

Question put and passed.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 14 of 2003.

Australian Film, Television and Radio School Act—Regulations—Statutory Rules 2003 No. 292.

Civil Aviation Act—Regulations—Statutory Rules 2003 No. 297.

Class Rulings CR 2003/103-CR 2003/105.

Crimes (Overseas) Act—Regulations—Statutory Rules 2003 No. 291.

Farm Household Support Act—

Farm Help Advice Scheme Amendment 2003 (No. 1).

Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 3).

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2003 No. 287.

Great Barrier Reef Marine Park Act—Regulations—Statutory Rules 2003 No. 293.

Health Insurance Act—Regulations—Statutory Rules 2003 No. 295.

Migration Act—Regulations—Statutory Rules 2003 No. 296.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2003 No. 290.

Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2003 No. 288.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 No. 289.

Product Ruling—

PR 2002/122 (Addendum).

PR 2003/69.

Product Stewardship (Oil) Act—Regulations—Statutory Rules 2003 No. 294.

Superannuation Guarantee Rulings SGR 94/4 (Addendum) and SGR 94/5 (Addendum).

Taxation Determination—

TD 97/15 (Notice of Withdrawal).

TD 2003/28.

Taxation Ruling TR 2003/15.

Workplace Relations Act—Rules—Statutory Rules 2003 No. 298.

26 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF PROVISIONS OF ACTS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:

Environment and Heritage Legislation Amendment Act (No. 1) 2003—Schedule 1—1 January 2004 (*Gazette* No. GN 47, 26 November 2003).

National Transport Commission Act 2003—Sections 3 to 52—15 January 2004 (*Gazette* No. GN 47, 26 November 2003).

Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003—Schedules 1 and 2—1 December 2003 (*Gazette* No. GN 47, 26 November 2003).

Workplace Relations Amendment (Fair Termination) Act 2003—Schedules 1 and 2—27 November 2003 (*Gazette* No. GN 47, 26 November 2003).

27 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—INCREASING THE MINIMUM REPRESENTATION FOR THE TERRITORIES IN THE HOUSE OF REPRESENTATIVES

Senator Mason, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report and documents:

Electoral Matters—Joint Standing Committee—Territory representation: Inquiry into increasing the minimum representation for the Australian Capital Territory and the Northern Territory in the House of Representatives—Report, dated November 2003, *Hansard* record of proceedings [3 vols], minutes of proceedings and submissions [28].

Senator Mason, by leave, moved—That the Senate take note of the report.
Debate ensued.

The debate on the motion reached the limit of 30 minutes.
Leave was granted for the time for debate on documents to be extended.

Debate continued.
Question put and passed.

28 TREATIES—JOINT STANDING COMMITTEE—56TH REPORT

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

Treaties—Joint Standing Committee—56th report—Treaties tabled on 8 October 2003, dated November 2003, *Hansard* record of proceedings and minutes of proceedings.

Senator Kirk, by leave, moved—That the Senate take note of the report.
Question put and passed.

29 INTER-PARLIAMENTARY UNION—109TH CONFERENCE—DOCUMENT

Senator Chapman, by leave, tabled the following document:

Inter-Parliamentary Union Conference—109th, Geneva, Switzerland, 30 September to 3 October 2003 and visit to Latvia, 24 to 28 September 2003—Report of the Australian delegation, dated December 2003.

Senator Chapman, by leave, moved—That the Senate take note of the document.
Question put and passed.

30 COMMONWEALTH PARLIAMENTARY ASSOCIATION—49TH CONFERENCE—DOCUMENT

Senator Watson, by leave, tabled the following document:

Commonwealth Parliamentary Association—49th Commonwealth Parliamentary Conference, Dhaka, Bangladesh, 6 to 12 October 2003 and bilateral visit to Sri Lanka, 1 to 5 October 2003—Report of the Australian delegation.

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

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

**31 AGE DISCRIMINATION BILL 2003
AGE DISCRIMINATION (CONSEQUENTIAL PROVISIONS) BILL 2003**

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

Message no. 455, dated 28 November 2003—A Bill for an Act relating to discrimination on the ground of age.

Message no. 450, dated 26 November 2003—A Bill for an Act to amend certain Acts as a consequence of the enactment of the *Age Discrimination Act 2003*, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That these bills be now read a second time.

Explanatory memorandum: Senator Patterson tabled a revised explanatory memorandum relating to the Age Discrimination Bill 2003.

On the motion of Senator Mackay the debate was adjourned.

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

**32 TAXATION LAWS AMENDMENT BILL (NO. 5) 2003
CUSTOMS LEGISLATION AMENDMENT BILL (NO. 2) 2003**

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

Message no. 456, dated 28 November 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 458, dated 1 December 2003—A Bill for an Act to amend the law relating to customs, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That these bills be now read a second time.

Explanatory memoranda: Senator Patterson tabled revised explanatory memoranda [2] relating to the bills.

On the motion of Senator Mackay the debate was adjourned.

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

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

Question put and passed.

33 WORKPLACE RELATIONS AMENDMENT (IMPROVED PROTECTION FOR VICTORIAN WORKERS) BILL 2003

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

Message no. 457, dated 1 December 2003—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That this bill be now read a second time.

Explanatory memorandum: Senator Patterson tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Mackay the debate was adjourned.

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

34 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

At the end of the motion add “but the Senate condemns the Government’s divisive and elitist education policy and therefore demands that the Government:

- (a) immediately cease all funding of the wealthiest private schools, that is, all schools that were formerly categorised as H1, H2 or H3 under the Education Resource Index as prescribed in the *States Grants (Primary and Secondary Education Assistance) Act 2000*;
- (b) cap Commonwealth general recurrent funding to all other private schools receiving socio-economic status funding to their year 2000 levels;
- (c) immediately abolish all future and existing establishment grants to private schools;
- (d) redirect all revenue saved from these measure into programs that assist public schools that serve communities with significant socio-economic disadvantage;
- (e) work with the states and territories to ensure that education funding is sufficient to permit all public school teachers to receive a 25 per cent pay rise over the next 2 years and work towards raising teachers' salaries to 150 per cent of average weekly earnings within 10 years; and
- (f) ensures that employers in private schools and private school systems provide their teachers with the commensurate wage increases as proposed for the public sector".

Debate ensued.

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

Senator Allison moved the following amendment:

At the end of the motion, add "but the Senate calls on the Government to fund an audit in each state of the conditions of government schools' infrastructure and develop national educational infrastructure standards along with timelines and funding to deliver those standards".

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

Main question, as amended, put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Carr moved the following amendments together by leave:

Schedule 1, page 3 (before line 6), before item 1, insert:

1A After subsection 73(1)

Insert:

- (1A) The Minister may not make a determination authorising the payment of financial assistance under subsection (1) unless evidence has been provided that schools or student hostels proposed to receive assistance meet criteria of educational and financial need specified for the purposes of this subsection.

Schedule 1, page 3 (before line 6), before item 1, insert:

1B At the end of section 116

Add:

- (3) The report under paragraph (2)(b) must include detailed information for each State and Territory on the capital projects supported by Commonwealth capital grants to each school, in accordance with the following table:

Capital projects in Non-government schools						
Capital Grant						
Item	School or System	Total value of project	Total grant	Expenditure in current year	Project description	Description of evidence that project meets educational and financial needs criteria
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Debate ensued.

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

States Grants (Primary and Secondary Education Assistance) Amendment Bill 2003—Copy of letter from Executive Director, Independent Schools Council of Australia (Bill Daniels) to the Minister for Education, Science and Training (Dr Nelson), dated 27 November 2003.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

35 TRADE PRACTICES LEGISLATION 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.

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.

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

Page 1 (line 1) to page 53 (line 20), omit “An inquiry body” (wherever occurring), substitute “The Commission”.

Page 1 (line 1) to page 53 (line 20), omit “inquiry body” (wherever occurring), substitute “Commission”.

Schedule 2, item 40, page 11 (lines 8 and 9), omit the definition of *external inquiry*.

Schedule 2, item 40, page 11 (lines 20 to 24), omit the definition of *inquiry body*.

Schedule 2, item 40, page 11 (lines 25 to 31), omit the definition of *inquiry Chair*, substitute:

inquiry Chair means the member of the Commission presiding at the inquiry.

Schedule 2, item 40, page 18 (lines 4 to 13), omit subsections 95H(3) to 95H(5).

Schedule 2, item 40, page 23 (lines 6 to 8), omit subsection 95N(7).

Schedule 2, item 40, page 25 (line 10), omit “body”, substitute “Commission”.

Schedule 2, item 40, page 25 (line 15), omit “body”, substitute “Commission”.

Schedule 2, item 40, page 26 (lines 5 to 8), omit subsection 95S(2), substitute:

- (2) An oath or affirmation may be administered by a member of the Commission.

Schedule 2, item 40, page 26 (lines 22 to 27), omit paragraph 95T(1)(c), substitute:

- (c) the person has not been excused, or released from further attendance, by a member of the Commission.

Schedule 2, item 40, page 27 (lines 3 to 8), omit paragraph 95U(1)(a), substitute:

- (a) refuse or fail to swear an oath or to make an affirmation if required to do so by a member of the Commission; or

Schedule 2, item 40, page 37 (lines 24 to 29), omit subsections 95ZH(3) and (4).

Schedule 2, item 40, page 38 (lines 19 to 25), omit subsections 95ZJ(3) and (4).

Schedule 2, item 40, page 39 (line 29) to page 40 (line 6), omit subsection 95ZK(2).

Schedule 2, item 40, page 42 (lines 1 to 7), omit subsection 95ZL(5).

Schedule 2, item 40, page 42 (line 9), omit “, or a body other than the Commission,”.

Schedule 2, item 40, page 42 (line 15), omit “or other body, as the case may be,”.

Schedule 2, item 40, page 42 (lines 19 and 20), omit “or other body, as the case may be,”.

Schedule 2, item 40, page 42 (line 31), omit “or another body”.

Schedule 2, item 40, page 42 (lines 33 and 34), omit “or another body”.

Schedule 2, item 40, page 43 (line 1), omit “*or other body*”.

Schedule 2, item 40, page 43 (line 2), omit “or other body, as the case may be”.

Schedule 2, item 40, page 43 (lines 9 to 17), omit paragraphs 95ZN(2)(c) and (d), substitute:

- (c) a member of the Commission or an associate member of the Commission; or
- (d) a member of the staff of the Commission who receives the information in the course of his or her duties.

Schedule 2, item 40, page 43 (lines 27 to 31), omit subsection 95ZO(2).

Schedule 2, item 40, page 45 (line 15) to page 46 (line 24), omit section 95ZQ.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time.

36 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—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.

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

Schedule 1, item 2, page 3 (lines 9 to 15), omit subsection 82(1A), substitute:

(1A) Where a person suffers loss or damage by conduct of another person, and:

(a) the action would be based on the conduct contravening a provision of Division 1 of Part V; and

(b) the loss or damage is, or results from, death or personal injury;

in awarding damages under this section, the amount of damages recoverable must not exceed the amount of damages recoverable under the civil liability law of the State or Territory where the event giving rise to the loss or damage occurred or the State or Territory which had the closest connection to the event giving rise to the loss or damage.

Note: An example of a relevant law of a State is the *Civil Liability Act 2002* of NSW.

(1B) In circumstances where subsection (1A) applies, a person who suffers loss or damage by conduct of another person may not recover the amount of the loss or damage by an action under this section to the extent to which the death or personal injury is attributable to any act or omission of the person who suffered the loss or damage.

Schedule 1, item 5, page 3 (lines 22 to 31), omit subsection 87(1AB), substitute:

(1AB) Where a person suffers loss or damage by conduct of another person, and:

(a) the action would be based on the conduct contravening a provision of Division 1 of Part V; and

(b) the loss or damage is, or results from, death or personal injury;

the amount of damages recoverable under this section must not exceed the amount of damages recoverable under the civil liability law of the State or Territory where the event giving rise to the loss or damage occurred or the State or Territory which had the closest connection to the event giving rise to the loss or damage.

(1AC) In circumstances where subsection (1AB) applies, a person who suffers loss or damage by conduct of another person may not recover the amount of the loss or damage by an action under this section to the

extent to which the death or personal injury is attributable to any act or omission of the person who suffered the loss or damage.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the report from the committee was adopted and the bill read a third time.

37 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Revenue and Assistant Treasurer (Senator Coonan) moved—That government business orders of the day no. 5 (Family Law Amendment Bill 2003) and no. 6 (Legislative Instruments Bill 2003 and a related bill) be postponed till a later hour.

Question put and passed.

38 NEW BUSINESS TAX SYSTEM (TAXATION OF FINANCIAL ARRANGEMENTS) BILL (NO. 1) 2003

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—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.

Explanatory memorandum: The Minister for Revenue and Assistant Treasurer (Senator Coonan) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 4, item 58, page 43 (line 5), omit “shortfall”, substitute “excess”.

Schedule 4, item 58, page 45 (line 2), omit “item 7”, substitute “item 8”.

Schedule 4, item 58, page 58 (lines 14 to 19), omit paragraphs 775-80(3)(a) and (b), substitute:

(a) if you were in existence at the start of the applicable commencement date:

- (i) within 90 days after the applicable commencement date; or
- (ii) within 30 days after the commencement of this subsection; or
- (b) if you came into existence within 90 days after the start of the applicable commencement date:
 - (i) within 90 days after you came into existence; or
 - (ii) within 30 days after the commencement of this subsection; or

Schedule 4, item 58, page 65 (line 11), omit “, 3, 4 or 5”, substitute “or 4”.

Schedule 4, item 58, page 65 (line 19), omit “, 3, 4 and 5”, substitute “and 4”.

Schedule 4, item 58, page 66 (lines 4 and 5), omit “made within 60 days after the applicable commencement date.”, substitute:

made:

- (a) within 60 days after the applicable commencement date; or
- (b) within 30 days after the commencement of this subsection.

Schedule 4, item 58, page 71 (line 25), omit “date.”, substitute “date; or”.

Schedule 4, item 58, page 71 (after line 25), at the end of subsection 775-195(2), add:

- (c) within 30 days after the commencement of this subsection.

Schedule 4, item 58, page 71 (lines 33 and 34), omit paragraph 775-195(4)(a), substitute:

- (a) you make a choice:
 - (i) within 90 days after the applicable commencement date; or
 - (ii) within 30 days after the commencement of this subsection; and

Schedule 4, item 58, page 72 (line 3), omit “began at the start of the applicable commencement date.”, substitute:

began at whichever is the later of the following times:

- (c) the start of the applicable commencement date;
- (d) the first time you issued an *eligible security under the *facility agreement.

Schedule 4, item 58, page 82 (after line 16), after subsection 775-230(2), insert:

(2A) If:

- (a) you make an election within 30 days after the commencement of this subsection; and
 - (b) the election is expressed to have come into effect on a specified day; and
 - (c) the specified day is included in the period:
 - (i) beginning on 1 July 2003; and
 - (ii) ending on the day on which the election is made;
- the election is taken to have come into effect on the specified day.

Schedule 4, item 58, page 90 (after line 6), after subsection 775-270(2), insert:

(2A) If:

- (a) you make a choice within 30 days after the commencement of this subsection; and

- (b) the choice is expressed to have come into effect on a specified day; and
- (c) the specified day is included in the period:
 - (i) beginning on 1 July 2003; and
 - (ii) ending on the day on which the choice is made;the choice is taken to have come into effect on the specified day.

Schedule 4, item 59, page 98 (line 34), omit “Part 2.5”, substitute “Part 2-5”.

Schedule 4, item 59, page 99 (line 3), omit “Schedule 2”, substitute “Schedule 1”.

Schedule 4, item 59, page 104 (table item 1, 3rd column, subparagraph (a)(ii)), omit “within 90 days after the beginning of that income year”, substitute “within 90 days after the beginning of that income year or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 104 (table item 1, 3rd column, subparagraph (b)(ii)), omit “within 90 days after you came into existence”, substitute “within 90 days after you came into existence or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 104 (table item 2, 3rd column, subparagraph (a)(ii)), omit “within 90 days after the beginning of that income year”, substitute “within 90 days after the beginning of that income year or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 104 (table item 2, 3rd column, subparagraph (b)(ii)), omit “within 90 days after the permanent establishment came into existence”, substitute “within 90 days after the permanent establishment came into existence or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 105 (table item 3, 3rd column, subparagraph (a)(ii)), omit “within 90 days after the beginning of that income year”, substitute “within 90 days after the beginning of that income year or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 105 (table item 3, 3rd column, subparagraph (b)(ii)), omit “within 90 days after the offshore banking unit came into existence”, substitute “within 90 days after the offshore banking unit came into existence or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 106 (table item 4, 3rd column, subparagraph (a)(ii)), omit “within 90 days after the beginning of the CFC’s statutory accounting period”, substitute “within 90 days after the beginning of the CFC’s statutory accounting period or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 106 (table item 4, 3rd column, subparagraph (b)(ii)), omit “within 90 days after the beginning of the CFC’s statutory accounting period”, substitute “within 90 days after the beginning of the CFC’s statutory accounting period or within 30 days after the commencement of this section”.

Schedule 4, item 59, page 106 (table item 5, 3rd column), omit “within 90 days after the beginning of an income year”, substitute “within 90 days after the beginning of an income year or within 30 days after the commencement of this section”.

Schedule 4, item 61, page 119 (line 2), omit “960-65”, substitute “775-105”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

39 DEFENCE LEGISLATION 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.

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.

The Leader of the Australian Democrats (Senator Bartlett) moved the following amendments together by leave:

Clause 2, page 2 (table item 8, column 1), after “26”, insert “, 26AA, 26AB, 26AC”.

Schedule 2, page 19 (after line 19), after item 26, insert:

26AA Section 3 (definition of spouse)

Omit “of the opposite sex to the person”.

26AB Section 3 (definition of widow)

Omit the definition, substitute:

widow, in relation to a deceased person, means the woman who was the spouse of the deceased person at the time of his or her death.

26AC Section 3 (definition of widower)

Omit the definition, substitute:

widower, in relation to a deceased person, means the man who was the spouse of the deceased person at the time of his or her death.

Debate ensued.

Senator Evans moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Brandis) reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of the Special Minister of State (Senator Abetz), that the committee have leave to sit again on the next day of sitting.

40 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Legislative Instruments Bill 2003 and a related bill).

Question put and passed.

**41 LEGISLATIVE INSTRUMENTS BILL 2003
LEGISLATIVE INSTRUMENTS (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.

At 10.50 pm: Debate was interrupted while Senator Ludwig was speaking.

42 ADJOURNMENT

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

Debate ensued.

Document: Senator Mackay, by leave, tabled the following document:

Immigration—Ruth Cruz—Petitioning document from 7 470 signatories, requesting a review of the decision on the visa application of Ruth Cruz.

Debate continued.

The Senate adjourned at 11.23 pm till Tuesday, 2 December 2003 at 12.30 pm.

43 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate