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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:

Australian Trade Commission (AUSTRADE)—Export Market Development Grants—List of grant recipients for 2002-03.

Productivity Commission—Report for 2002-03.

Snowy Hydro Limited—Report for the period 29 June 2002 to 28 June 2003.

Telecommunications carrier industry development plans—Progress report for 2002-03.

Wheat Export Authority—Report for 1 October 2002 to 30 September 2003.

3 CONSIDERATION OF LEGISLATION

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the Textile, Clothing and Footwear Strategic Investment Program Amendment Bill 2004, allowing it to be considered during this period of sittings.

Question put and passed.

Senator Ian Campbell, pursuant to notice, moved government business notice of motion no. 2—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Appropriation (Parliamentary Departments) Bill (No. 2) 2003-2004

Appropriation Bill (No. 3) 2003-2004

Appropriation Bill (No. 4) 2003-2004.

Question put and passed.

4 MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2003

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003

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

In the committee

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003—

Consideration resumed of the bill, as amended.

On the motion of the Leader of the Australian Democrats (Senator Bartlett) the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 60, page 13 (line 14), omit “and 306AG”, substitute “, 306AG and 306AGAC”.

Schedule 1, item 75, page 19 (line 2), omit “section 306AG”, substitute “paragraph 306AG(1)(a), (b) or (c) or subsection 306AGAC(1)”.

Schedule 1, item 75, page 19 (line 4), omit “section 306AC”, substitute “subsection 306AC(1) or 306AGAA(8)”.

Schedule 1, item 75, page 19 (lines 7 and 8), omit “**for disciplinary action**”, substitute “**to the Migration Agents Registration Authority**”.

Schedule 1, item 75, page 19 (line 11), omit “for disciplinary action”.

Schedule 1, item 75, page 19 (line 17), after “must”, insert “consider whether to”.

Schedule 1, item 75, page 21 (lines 17 and 18), omit “for disciplinary action”, substitute “under section 306AC”.

Schedule 1, item 75, page 22 (line 6), at the end of the heading to section 306AF, add “**under section 306AC**”.

Schedule 1, item 75, page 22 (lines 9 and 10), omit “to refer a registered migration agent to the Authority for disciplinary action”, substitute “under section 306AC to refer a registered migration agent to the Authority”.

Schedule 1, item 75, page 22 (lines 16 and 17), omit “for disciplinary action”.

Schedule 1, item 75, page 23 (after line 13), after section 306AG, insert:

306AGAA Minister may refer agent again if Migration Agents Registration Authority takes no disciplinary action

- (1) If the Migration Agents Registration Authority decides not to discipline a registered migration agent under section 306AG, the Minister must decide whether or not to refer the agent to the Authority for disciplinary action under section 306AGAC.

Minister to consider Authority’s reasons

- (2) In making his or her decision, the Minister must consider the reasons given by the Authority for its decision not to discipline the agent.

Minister must invite and consider submissions from agent

- (3) If the Minister is considering referring the agent to the Authority for disciplinary action, the Minister must give the agent a written notice:
 - (a) stating that the Minister is considering making such a decision and the reasons for it; and
 - (b) inviting the agent to make a written submission to the Minister:
 - (i) in relation to the reasons given by the Authority for its decision not to discipline the agent; and
 - (ii) on the disciplinary action to be taken against the agent if the Minister decides to refer the agent; and
 - (iii) on any other matter the agent considers relevant; and
 - (c) stating that any submission must be made within the period (the **objection period**) of 14 days after the notice is given.
- (4) Before the end of the objection period, the agent may, by notice in writing, request an extension of that period.
- (5) The Minister must grant an extension of 14 days if the notice contains reasons for the request.
- (6) The Minister must consider any written submission received within the objection period (or that period as extended).

- (7) The Minister must also consider any written submission made to him or her under subsection 306AE(1) in relation to his or her decision to refer the agent to the Authority under section 306AC.

Minister's decision to refer agent

- (8) After considering the matters mentioned in subsections (2), (6) and (7), the Minister may refer the agent to the Authority for disciplinary action.

Note 1: If the Minister refers the agent, the Authority must discipline the agent: see section 306AGAC.

Note 2: The Minister's decision and the Authority's decision are reviewable by the Administrative Appeals Tribunal: see section 306AJ.

Schedule 1, item 75, page 23 (after line 13), after section 306AG, insert:

306AGAB Notice of referral decision under section 306AG

Notice to Migration Agents Registration Authority

- (1) The Minister must give the Migration Agents Registration Authority written notice of a decision under section 306AGAA to refer a registered migration agent to the Authority for disciplinary action.
- (2) The notice must be given to the Authority by one of the methods specified in section 494B. The notice must specify the grounds for the referral.
- (3) The notice must be accompanied by a copy of any submission made to the Minister under subsection 306AGAA(3).

Notice to agent

- (4) The Minister must give the agent written notice of the decision to refer him or her to the Authority for disciplinary action.
- (5) The notice must be given to the agent on the same day that notice of the referral is given to the Authority.
- (6) The notice given to the agent must set out the grounds for the referral.

Schedule 1, item 75, page 23 (after line 13), after section 306AG, insert:

306AGAC Migration Agents Registration Authority's disciplinary decision after a referral under section 306AGAA

- (1) If the Minister refers a registered migration agent to the Migration Agents Registration Authority under section 306AGAA for disciplinary action, the Authority must:
- caution the agent; or
 - suspend the agent's registration; or
 - cancel the agent's registration.

Findings of fact

- (2) In making its decision, the Authority must take the findings of fact made by the Minister in relation to the following decisions (the **referral decisions**) to be correct:
- the decision to refer the agent under section 306AC;
 - the decision to refer the agent under section 306AGAA.

Matters Authority must take into account

- (3) The Authority must take only the following matters into account in making its decision under subsection (1):
- (a) any written submission made to the Minister under subsection 306AE(1) or 306AGAA(3) by the agent;
 - (b) the findings of fact made by the Minister in relation to the referral decisions;
 - (c) the grounds given by the Minister for the referral decisions.

Natural justice hearing rule

- (4) This section, section 306AGAA and sections 494A to 494D are taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the decision the Authority is required to make under subsection (1) of this section.

Note: Section 306AGAA requires the Minister to give the agent an opportunity to make a submission before the Minister refers the agent for disciplinary action. Sections 494A to 494D relate to the giving of documents by the Minister under this Act.

Time of decision

- (5) The Authority must make its decision under subsection (1) as soon as possible, but not later than 28 days, after receiving notice of the referral.

Note: Section 494C sets out when the Authority is taken to have received notice of the referral.

Notice to agent

- (6) The Authority must give the agent written notice of its decision. The notice must set out the reasons for the decision.
- (7) The decision takes effect at the time the agent is given written notice of it.

Note: Section 332H sets out when the agent is taken to have been given the notice.

Schedule 1, item 90, page 29 (line 2), omit “or 306AG”, substitute “, 306AG or 306AGAC”.

Schedule 1, item 93, page 29 (line 8), omit “or 306AG”, substitute “, 306AG or 306AGAC”.

Bill, as amended, agreed to.

The Migration Agents Registration Application Charge Amendment Bill 2003 to be reported without requests for amendments and the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 to be reported with amendments.

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

On the motion of the Minister for Local Government, Territories and Roads (Senator Ian Campbell) the report from the committee was adopted and the bills read a third time.

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

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

AGE DISCRIMINATION BILL 2003—

Bill taken as a whole by leave.

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

Clause 5, page 5 (line 12), at the end of the definition of *employment*, add:
; and (e) unpaid work.

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

Clause 5, page 4 (after line 12), after the definition of *age*, insert:

associate of a person means:

- (a) any person with whom a person associates, whether socially or in business or commerce, or otherwise; and
- (b) any person who is wholly or mainly dependent on, or a member of the household of, a person.

Clause 5, page 6 (after line 3), after the definition of *public authority of the Commonwealth*, insert:

relative of a person means any person to whom a person is related by blood, marriage, affinity or adoption.

Clause 14, page 13 (lines 4 to 17), omit the clause, substitute:

14 Discrimination on the ground of age—direct discrimination

For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of the age of the aggrieved person or the age of a relative or associate of the aggrieved person if:

- (a) the discriminator harasses, or treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different age or who does not have a relative or associate who is of that age or age group; and
- (b) the discriminator does so because of:
 - (i) the age of the aggrieved person or the age of a relative or associate of the aggrieved person; or
 - (ii) a characteristic that appertains generally to persons of the age of the aggrieved person or the age of a relative or associate of the aggrieved person; or
 - (iii) a characteristic that is generally imputed to persons of the age of the aggrieved person or the age of a relative or associate of the aggrieved person.

Clause 15, page 13 (lines 19 to 28), omit subclause (1), substitute:

- (1) For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of the age of the aggrieved person or the age of a relative or associate of the aggrieved person if:

- (a) the discriminator imposes, or proposes to impose, a condition, requirement or practice; and
- (b) the condition, requirement or practice is not reasonable in the circumstances; and
- (c) the condition, requirement or practice has, or is likely to have, the effect of disadvantaging persons of the same age as the aggrieved person.

Question—That the bill, as amended, be agreed to—divided in respect of clause 6.

Clause 6 debated.

Question—That clause 6 stand as printed—put and negatived.

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

Clause 16, page 14 (lines 1 to 6), omit the clause, substitute:

16 Act done because of age and for other reasons

If:

- (a) an act is done for 2 or more reasons; and
- (b) one of the reasons is the age of a person (whether or not it is the dominant reason for doing the act);

then, for the purposes of this Act, the act is taken to be done for that reason.

Question—That the bill, as amended, be agreed to—divided in respect of clause 25.

Clause 25 debated and agreed to.

Senator Greig moved the following amendments together by leave:

Clause 33, page 29 (line 13), after “intended”, insert “and reasonably required”.

Clause 33, page 29 (line 20), after “intended”, insert “and reasonably required”.

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

6 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Tonga, also accompanied by His Royal Highness Prince Tu’ipelehake, led by the Attorney-General and Minister for Justice, the Honourable ’Aisea Taumoepeau, and, with the concurrence of honourable senators, invited the Speaker of the Tongan Legislative Assembly, the Honourable Tu’ivakano to take a seat on the floor of the chamber.

Further questions without notice were answered.

7 DEFENCE—EQUIPMENT PROCUREMENT—ANSWERS TO QUESTIONS

Senator Evans moved—That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked by Senators Hutchins and Evans today relating to the Government's purchase of tanks from the United States of America and to the air warfare destroyer project.

Debate ensued.

Question put and passed.

8 EDUCATION—FUNDING—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to a question without notice asked by Senator Allison today relating to funding for education.

Question put and passed.

9 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by Senator Mackay concerning the apparent contradiction between answers given by officers of Telstra at an estimates hearing of the Environment, Communications, Information Technology and the Arts Legislation Committee on 16 February 2004 and statements made in a Telstra document.

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—Copy of letter from Senator Mackay to the President, dated 10 March 2004.

Notice of motion: Senator Mackay 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:

Whether any false or misleading evidence was given by witnesses representing Telstra in relation to the matter of the network fault rate and deterioration of the network, and whether any contempt was committed in that regard.

10 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 60 petitioners, requesting that the Senate take action to support reform of the welfare system.

Senator Bartlett, from 1 209 petitioners, requesting that the Senate take action to immediately ban the live export of Australian livestock.

Senator Bartlett, from 27 petitioners, requesting that the Senate call on the Government to initiate a Royal Commission into sexual assault and the abuse of children.

The President, from 9 petitioners, requesting that the Senate support public scrutiny and consultation, the release of social and regulatory impact statements, and the inclusion of human rights, environment and labour standards, as requirements for any further multilateral or bilateral free trade agreement.

Senator McGauran, from 34 petitioners, requesting that the Senate oppose the destruction of human embryos by scientists extracting embryonic stem cells.

11 NOTICES

Notices of motion:

The Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the 2003-04 additional estimates be extended to 25 March 2004. (*general business notice of motion no. 816*)

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

- (a) notes that:
 - (i) the following nine universities have decided to increase their higher education contribution scheme (HECS) fees for 2005, most of them by the full 25 per cent across all disciplines: the University of Sydney, Griffith University, La Trobe University, Queensland University of Technology, Newcastle University, Deakin University, University of Southern Queensland, Swinburne University and Monash University,
 - (ii) only three universities have decided to decrease HECS fees for 2005 in a few disciplines,
 - (iii) increasing HECS fees will further deter students from low socio-economic backgrounds, and
 - (iv) 31 March 2004 will be the National Day of Action for university students who will be protesting against the Government's 'Backing Australia's Future: Our Universities' policy and specifically against HECS increases;
- (b) supports constructive attempts by students to prevent the remaining universities increasing HECS fees; and
- (c) condemns the Government for under-funding universities for the past 7 years to such an extent that universities are now turning to students to provide a short-term increase in funding. (*general business notice of motion no. 817*)

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

- (a) condemns the Israeli government for:
 - (i) the assassination of Sheikh Ahmed Yassin, the spiritual leader of Hamas, by the Israeli army,
 - (ii) the illegal assassination of political adversaries, and
 - (iii) the continued illegal occupation of Palestinian territories and the oppression of the Palestinian people;
- (b) recognises the need for:

- (i) a genuine commitment to a peaceful resolution in Israel and Palestine from all parties in the conflict, and
 - (ii) the international community to actively pursue strategies to assist in the peaceful and just resolution of the conflict; and
- (c) calls on the Government to:
- (i) express the strongest condemnation of Israeli assassination raids to the Israeli Government,
 - (ii) urge Palestinian groups to show restraint in response to these attacks, and
 - (iii) work with friends in the international community to redouble efforts to bring a peaceful and just settlement to the conflict in Israel and Palestine. (*general business notice of motion no. 818*)

Senator Sherry: To move on the next day of sitting—That there be laid on the table, by the Minister for Revenue and Assistant Treasurer, no later than 5 pm on Wednesday, 24 March 2004, the document detailing the actual revenue collected during the 2002-03 financial year from the measure, ‘allowing departing temporary residents access to their superannuation’, referred to on page 1-25 of the document *Budget strategy and outlook 2002-03* (Budget Paper No. 1). (*general business notice of motion no. 819*)

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

- (a) notes:
- (i) the inappropriate and unacceptable public and private pressure applied by Federal Government ministers and ministerial staff to the Australian Federal Police Commissioner, Mr Keelty, following his comments regarding security risks in Australia, and
 - (ii) that this constitutes ministerial interference at the highest level of Government; and
- (b) calls for:
- (i) the Government to respond immediately to the recommendations of the Finance and Public Administration References Committee inquiry into staff employed under the *Members of Parliament (Staff) Act 1984*, and
 - (ii) the implementation of the recommendations of the Finance and Public Administration References Committee report into staff employed under the *Members of Parliament (Staff) Act 1984*, in particular the recommendation that ministerial staff should be required to appear before parliamentary committees where critical or important information or instructions have emanated from a minister’s office but not from the minister. (*general business notice of motion no. 820*)

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

- (a) notes that:
- (i) university students are faced with increased tuition fees, text book costs and living expenses,
 - (ii) Monash University has become the ninth university to increase its tuition fees since the Government passed legislation to allow universities to do so, and

- (iii) on 22 March 2004, the students at Monash University exercised their right to direct non-violent action to protest against the university's decision to raise tuition fees; and
- (b) congratulates the students at Monash University for:
 - (i) rejecting the Government's user-pays model of higher education, and
 - (ii) their brave action in the week beginning 21 March 2004, undertaken in the interests of their fellow students and the broader interests of equity and accessibility of the higher education system. (*general business notice of motion no. 821*)

The Leader of the Opposition in the Senate (Senator Faulkner): To move on the next day of sitting—That there be laid on the table, by the Leader of the Government in the Senate, no later than 4 pm on Tuesday, 30 March 2004, copies of all drafts of the clarifying statement which was negotiated between the Australian Federal Police Commissioner, Mr Keelty, and the Secretary of the Department of the Prime Minister and Cabinet, Dr Shergold, and any other members or representatives of the Government and which was issued by the Commissioner on Tuesday, 16 March 2004. (*general business notice of motion no. 822*)

Notice of intention to amend: Senator Mackay, at the request of Senator Conroy, gave notice of Senator Conroy's intention, pursuant to standing order 77, to amend business of the Senate notice of motion no. 1 standing in his name for the next day of sitting, relating to the disallowance of certain corporations regulations, as follows:

After "Schedule 3", insert " , items [1] to [4], [6], [8] and [9]" .

Senator Mackay indicated that this notice would provide the opportunity for any other senator who so wishes to take over the remainder of the notice of motion for disallowance.

12 ORDER OF BUSINESS—REARRANGEMENT

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on the provisions of the Greater Sunrise Unitisation Agreement Implementation Bill 2004 and a related bill, be postponed till a later hour.

Debate ensued.

Question put and passed.

13 POSTPONEMENT

Senator Nettle, by leave, moved—That general business notice of motion no. 815 standing in her name for today, relating to fees for higher education, be postponed till the next day of sitting.

Question put and passed.

14 TRADE—FREE TRADE AGREEMENT—PRODUCTIVITY COMMISSION—ASSESSMENT

Senator Mackay, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 806—That the Senate calls on the Government to request the Productivity Commission, in accordance with the *Productivity Commission Act 1998*, to:

- (a) undertake a thorough assessment of the impact of the free trade agreement (FTA) made between the governments of Australia and the United States of America in February 2004 on Australia's economy, focussing in particular on:

- (i) the impact on employment and investment,
 - (ii) the impact on Australian agriculture,
 - (iii) the impact on Australia's manufacturing sector across states, territories and regions,
 - (iv) rules of origin,
 - (v) government procurement,
 - (vi) intellectual property,
 - (vii) the Pharmaceutical Benefits Scheme, and
 - (viii) the audio-visual sector; and
- (b) report on any anticipated trade creation and trade diversion effects arising from the agreement and include in its analysis a full assessment of the environmental, social and cultural impact of the FTA.

Question put and passed.

15 SPORT—BENITA JOHNSON

Senator Ridgeway, by leave, amended general business notice of motion no. 812 to read as follows:

That the Senate—

- (a) congratulates Australian distance runner, Benita Johnson, who won gold in the women's 8 kilometre race at the World Cross Country Championships in Brussels on 20 March 2004;
- (b) notes that:
 - (i) Ms Johnson is the first Australian in the 32-year history of the event to win any medal in the race, and that she won by more than 50 metres,
 - (ii) the world cross country meet is the most competitive distance race in the world, as each country can send up to six representatives, and that this race comprised 100 runners,
 - (iii) Ms Johnson currently holds the Australian 2, 3, 5 and 10 kilometre records, and
 - (iv) Ms Johnson developed her talent at the Australian Institute of Sport (AIS);
- (c) notes the increased support the Government has given to sport and the AIS; and
- (d) calls on the Government to ensure that the AIS continues to be adequately supported so as to promote future Australian sporting excellence.

Statements by leave: Senators Mackay and Ridgeway, by leave, made statements relating to the matter.

Postponement: Senator Ridgeway, by leave, moved—That general business notice of motion no. 812 be postponed till the next day of sitting.

Question put and passed.

16 EDUCATION—TEACHERS

Senator Allison amended general business notice of motion no. 811 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) according to the Australian Council of Deans of Education, there will be a teacher shortfall of about 5 000 teachers Australia-wide in 2005 and between 20 000 and 30 000 by 2010,
 - (ii) 40 per cent of junior secondary school students are currently taught maths and science by teachers who are not specifically trained in those subject areas,
 - (iii) 44 per cent of Australia's 250 000 teachers are aged over 45,
 - (iv) demand for primary school teaching graduates will increase by 31 per cent and demand for secondary school teachers by 85 per cent, by 2005, and
 - (v) 3 330 people who applied and were eligible for teaching courses in Victorian universities missed out on places in 2004;
- (b) calls on the Federal Government to provide more university places for teacher education because shortages are unlikely to be filled by retraining and encouraging the return of teachers who have left the profession;
- (c) calls on the Government, as a matter of urgency, to develop a national plan for addressing teacher shortages overall and in specific subject areas of short supply; and
- (d) reminds the Minister for Education, Science and Training (Dr Nelson) that the gender imbalance in the teaching workforce is only one aspect of the crisis of overall teacher shortages.

Question put and passed.

17 INDIGENOUS AUSTRALIANS—REDFERN COMMUNITY CENTRE

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 813—That the Senate—

- (a) notes:
 - (i) the opening of the Redfern Community Centre on 13 March 2004, and
 - (ii) that the centre, developed by the former City of Sydney Council after 18 months of community consultation, will provide a space for training and employment initiatives, art, sport, dance and self defence as well as local enterprise programs;
- (b) commends New South Wales Governor Marie Bashir for coming to 'the Block' and joining with elder Aunty Joyce Ingram in officially opening the new Redfern Community Centre;
- (c) notes the difficulty in finding lasting solutions to the problems in Redfern, in the absence of a balanced portrayal of the issues and the lack of leadership in driving the agenda for change forward; and
- (d) calls on the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to visit 'the Block' and the Redfern Community Centre as a way to better inform herself about the issues for Indigenous people in urban areas.

Question put and passed.

18 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 807—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 March 2004, from 5.30 pm, to take evidence for the committee's inquiry into the provisions of the Disability Discrimination Amendment Bill 2003.

Question put and passed.

19 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 808—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 March 2004, from 4 pm to 6 pm, to take evidence for the committee's inquiry into the second year of operation of the Senate order for the production of lists of departmental and agency contracts.

Question put and passed.

20 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS

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. 809—That the Economics Legislation Committee be authorised to hold public meetings during the sittings of the Senate on the following days, from 4 pm:

- (a) on Thursday, 25 March 2004 to take evidence for the committee's inquiry into the Taxation Laws (Clearing and Settlement Facility Support) Bill 2003;
- (b) on Monday, 29 March 2004 to take evidence for the committee's inquiry into the provisions of the Treasury Legislation Amendment (Professional Standards) Bill 2003; and
- (c) on Thursday, 1 April 2004 to take evidence for the committee's inquiries into the New International Tax Arrangements Bill 2003 and the Tax Laws Amendment (2004 Measures No. 1) Bill 2004.

Question put and passed.

21 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. 810—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, 24 March 2004, from 4 pm, to take evidence for the committee's inquiry into Corporations Amendment Regulations.

Question put and passed.

22 FLAGS AMENDMENT (EUREKA FLAG) BILL 2004

Senator Marshall, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 814—That the following bill be introduced:

A Bill for an Act to amend the *Flags Act 1953* to recognise the Eureka Flag as an official flag of Australia, and for related purposes.

Question put and passed.

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

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

23 DOCUMENTS

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105, dated 9, 10, 12, 17, 23 and 26 [2] February; and 4 [20] and 5 [15] March 2004.

106, dated 17 February; and 4 [2] and 5 March 2004.

107, dated 26 February; and 4 and 5 March 2004.

Copyright Act—Declaration under section 10A, dated 8 March 2004.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Fees) Amendment Orders 2004 (No. 1).

Prescribed Goods (General) Amendment Orders 2004 (No. 2).

24 COMMITTEES—APPOINTMENT OF MEMBER

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

The Minister for Local Government, Territories and Roads (Senator Ian Campbell), by leave, moved—That Senator Brown be appointed as a participating member of the Employment, Workplace Relations and Education Legislation and References Committees.

Question put and passed.

25 FISHERIES LEGISLATION AMENDMENT (HIGH SEAS FISHING ACTIVITIES AND OTHER MATTERS) BILL 2004**FISHERIES LEGISLATION AMENDMENT (COMPLIANCE AND DETERRENCE MEASURES AND OTHER MATTERS) BILL 2003 [2004]**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 538, dated 22 March 2004—Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2004.

Message no. 539, dated 22 March 2004—Fisheries Legislation Amendment (Compliance and Deterrence Measures and Other Matters) Bill 2003 [2004].

26 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 14 May 2004:

Whether any pressure was put on the Australian Federal Police Commissioner, Mr Keelty, in relation to his views or comments on the connection between Australia's involvement in the war on Iraq and the threat to Australia's security and, in particular, what communications took place between the office of the Prime Minister, other ministerial advisers or public servants and Mr Keelty in his capacity as Police Commissioner in relation to that matter.

Debate ensued.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown

Nettle (Teller)

NOES, 49

Senators—

Allison

Barnett

Bartlett

Brandis

Buckland

Calvert

Campbell, George

Campbell, Ian

Chapman

Colbeck

Cook

Crossin

Denman

Eggleston

Ferguson

Ferris

Forshaw

Greig

Harradine

Harris

Hogg

Humphries

Hutchins

Johnston

Kirk

Knowles

Lees

Ludwig

Lundy

Mackay

Marshall

Mason

McGauran (Teller)

McLucas

Moore

Murray

Payne

Ray

Ridgeway

Santoro

Scullion

Stephens

Stott Despoja

Tchen

Tierney

Troeth

Vanstone

Webber

Wong

Question negatived.

27 TREATIES—JOINT STANDING COMMITTEE—58TH REPORT

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

Treaties—Joint Standing Committee—58th report—Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, dated March 2004, *Hansard* record of proceedings, minutes of proceedings and submissions [20].

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

Debate ensued.

Question put and passed.

**28 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—
AUSTRALIAN FEDERAL POLICE AND OTHER LEGISLATION AMENDMENT BILL 2003
[2004]**

Pursuant to order, Senator Eggleston, 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—Australian Federal Police and Other Legislation Amendment Bill 2003 [2004]—Report, dated March 2004, *Hansard* record of proceedings, document presented to the committee and submissions [4].

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

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

Question put and passed.

29 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Local Government, Territories and Roads (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Migration Legislation Amendment Bill (No. 1) 2002).

Question put and passed.

30 MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2002

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

Debate resumed.

On the motion of the Minister for Revenue and Assistant Treasurer (Senator Coonan) the debate was adjourned till the next day of sitting.

**31 ECONOMICS LEGISLATION COMMITTEE—REPORT—GREATER SUNRISE
UNITISATION AGREEMENT IMPLEMENTATION BILL 2004 AND CUSTOMS TARIFF
AMENDMENT (GREATER SUNRISE) BILL 2004**

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

Economics Legislation Committee—Provisions of the Greater Sunrise Unitisation Agreement Implementation Bill 2004 and the Customs Tariff Amendment (Greater Sunrise) Bill 2004—Report, dated March 2004, *Hansard* record of proceedings, additional information, document presented to the committee and submissions [9].

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

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

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

At 6.50 pm—

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Wheat Export Authority—Report for 1 October 2002 to 30 September 2003.

Motion to take note of document moved by Senator McGauran, debated and agreed to.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.09 pm till Wednesday, 24 March 2004 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senator Conroy.

HARRY EVANS

Clerk of the Senate