Contents

1 Meeting of Senate ................................................................................................ 1762
2 Notices.................................................................................................................. 1762
3 Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 Education Services for Overseas Students Amendment Bill 2005............. 1762
4 Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005 ......................................................................................................... 1764
5 European Bank for Reconstruction and Development Amendment Bill 2005 .. 1765
6 Employment, Workplace Relations and Education Legislation Committee— Additional Information—Workplace Relations Amendment (Work Choices) Bill 2005.......................................................................................... 1765
7 Finance and Public Administration References Committee—Additional Information—Government Advertising and Accountability ...................... 1766
8 Finance and Public Administration References Committee—Additional Information—Regional Partnerships and Sustainable Regions Programs ... 1766
9 Committees—Proposed Changes in Membership ............................................. 1766
12 Intelligence and Security—Joint Statutory Committee—Appointment of House Member...................................................................................... 1766
13 Three Bills—Declaration of Urgency—Allotment of Time............................... 1767
14 Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005....................................................... 1771
15 Health Legislation Amendment Bill 2005 Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005................................................................. 1777
16 Committees—Changes in Membership............................................................... 1777
17 Leave of Absence................................................................................................. 1777
18 Adjournment ........................................................................................................ 1778
19 Attendance............................................................................................................ 1778
1 MEETING OF SENATE
The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 NOTICES
Notices of motion:
The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 7 February 2006, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Future Fund Bill 2005. (general business notice of motion no. 361)
The Chair of the Legal and Constitutional Legislation Committee (Senator Payne): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be extended to 30 March 2006. (general business notice of motion no. 362)
Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 8 December 2005, withdrew business of the Senate notice of motion no. 1 standing in his name for ten sitting days after today for the disallowance of the Building and Construction Industry Improvement Regulations 2005, as contained in Select Legislative Instrument 2005 No. 204 and made under the Building and Construction Industry Improvement Act 2005.

3 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) BILL 2005
EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2005
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

In the committee
HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 4) BILL 2005—
Bill taken as a whole by leave.
Senator Stott Despoja moved the following amendments together by leave:

Schedule 1, item 6, page 6 (line 2), after “suspended”, insert “or if it is listed in this Act by a title or name which is different to the title or name by which it has been accredited in Australia”.


Schedule 1, item 6, page 6 (after line 2), at the end of section 16-22, add:

**Definition**

(3) In this section: *university* means a university which satisfies the tests set out in Protocol 1 of the National Protocols for Higher Education Approval Processes.

Debate ensued.

**Question**—That the amendments be agreed to—put.

The committee divided—

**AYES, 6**

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartlett (Teller)</td>
<td>Murray</td>
<td>Siewert</td>
<td></td>
</tr>
<tr>
<td>Brown, Bob</td>
<td>Nettle</td>
<td>Stott Despoja</td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 49**

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td>Faulkner</td>
<td>Ludwig</td>
<td>Santoro</td>
</tr>
<tr>
<td>Barnett</td>
<td>Ferguson</td>
<td>Lundy</td>
<td>Sherry</td>
</tr>
<tr>
<td>Bishop</td>
<td>Fielding</td>
<td>Marshall</td>
<td>Stephens</td>
</tr>
<tr>
<td>Brandis</td>
<td>Fierravanti-Wells</td>
<td>McEwen</td>
<td>Sterle</td>
</tr>
<tr>
<td>Brown, Carol</td>
<td>Fifield</td>
<td>McGauran (Teller)</td>
<td>Treth</td>
</tr>
<tr>
<td>Calvert</td>
<td>Forshaw</td>
<td>McLucas</td>
<td>Vanstone</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>Hogg</td>
<td>Moore</td>
<td>Watson</td>
</tr>
<tr>
<td>Carr</td>
<td>Humphries</td>
<td>Nash</td>
<td>Webber</td>
</tr>
<tr>
<td>Chapman</td>
<td>Hurley</td>
<td>O’Brien</td>
<td>Wong</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Johnston</td>
<td>Parry</td>
<td>Wortley</td>
</tr>
<tr>
<td>Conroy</td>
<td>Joyce</td>
<td>Payne</td>
<td></td>
</tr>
<tr>
<td>Crossin</td>
<td>Kirk</td>
<td>Polley</td>
<td></td>
</tr>
<tr>
<td>Evans</td>
<td>Lightfoot</td>
<td>Ronaldson</td>
<td></td>
</tr>
</tbody>
</table>

**Question negatived.**

**Bill agreed to.**

---

**E D U C A T I O N S E R V I C E S F O R O V E R S E A S S T U D E N T S A M D E M E N T B I L L 2 0 0 5 —**

Bill taken as a whole by leave.

Senator Stott Despoja moved the following amendment:

Schedule 1, item 6, page 4 (after line 6), after subsection 18(2), insert:

(3) Subsection (2) does not permit a registered provider to include in a tuition fee for an overseas student any fee for services other than tuition.

(4) Where a registered provider charges an overseas student a fee for services other than tuition, that charge is to be a service fee which itemises the services provided.

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

**Bill agreed to.**
Bills to be reported without amendments.

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

On the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) the report from the committee was adopted and the bills read a third time.

4 **Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005**

Order of the day read for the consideration of message no. 258 from the House of Representatives in committee of the whole (see entry no. 6, 7 December 2005).

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(1) Schedule 1, item 2, page 3 (table item 2, 3rd column), omit “$1,708,574,000”, substitute “$1,711,574,000”.

(2) Schedule 1, item 2, page 3 (table item 3, 3rd column), omit “$1,671,190,000”, substitute “$1,673,153,000”.

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN PLACE OF THE SENATE AMENDMENTS DISAGREED TO

(2) Schedule 1, item 2, page 3 (cell at table item 2, 3rd column), omit the cell, substitute: 

$1,716,942,000

[other grants under Part 2-3]

(3) Schedule 1, item 2, page 3 (cell at table item 3, 3rd column), omit the cell, substitute: 

$1,673,153,000

[other grants under Part 2-3]

SCHEDULE OF THE FURTHER AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, page 3 (after line 10), after item 1, insert:

1A Subsection 41-45(1) (cell at table item 1, column headed “Amount”)

Repeal the cell, substitute: 

$1,539,636,000

[other grants under Part 2-3]
The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) moved—That the committee agrees to the amendments made by the House of Representatives to the bill.

Statement by Chair of Committees: The Chair of Committees (Senator Hogg) made a statement concerning the government amendments made to the bill.

Question put and passed.
Resolution to be reported.

The Acting Deputy President (Senator Marshall) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 258 from the House of Representatives relating to the Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005 and had agreed to the amendments made by the House to the bill.

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

5 EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT AMENDMENT BILL 2005

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.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

6 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

Senator McGauran, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following document:

7 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—ADDITIONAL INFORMATION—GOVERNMENT ADVERTISING AND ACCOUNTABILITY**

Senator McGauran, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw), tabled the following document:

Finance and Public Administration References Committee—Report—Government advertising and accountability—Additional information.

8 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—ADDITIONAL INFORMATION—REGIONAL PARTNERSHIPS AND SUSTAINABLE REGIONS PROGRAMS**

Senator McGauran, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw), tabled the following document:

Finance and Public Administration References Committee—Report—Regional Partnerships and Sustainable Regions programs—Additional information.

9 **COMMITTEES—PROPOSED CHANGES IN MEMBERSHIP**

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

leave refused: The Minister for Justice and Customs (Senator Ellison) sought leave to move a motion relating to the membership of committees.

An objection was raised and leave was not granted.

10 **HEALTH INSURANCE COMMISSION—REPORT FOR 2004-05—DOCUMENT**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:


11 **COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005**

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


12 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—APPOINTMENT OF HOUSE MEMBER**

A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to a joint committee, as follows:

Message no. 271, dated 9 December 2005—Parliamentary Joint Committee on Intelligence and Security, Mr Ciobo.
13 **THREE BILLS—DECLARATION OF URGENCY—ALLOTMENT OF TIME**

*Declaration of urgency:* The Minister for Justice and Customs (Senator Ellison) declared the following bills to be urgent bills:

- Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005
- Health Legislation Amendment Bill 2005
- Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005,

and moved—That these bills be considered urgent bills.

*Proposed suspension of standing orders:* The Leader of the Opposition in the Senate (Senator Evans) pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Debate ensued.

*Closure:* The Minister for Defence (Senator Hill) moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

**AYES, 35**  
Abetz  
Adams  
Barnett  
Boswell  
Brandis  
Calvert  
Chapman  
Colbeck  
Coonan

Eggleston (Teller)  
Ellison  
Ferguson  
Fierravanti-Wells  
Fifield  
Heffeman  
Hill  
Humphries  
Johnston

Joyce  
Macdonald, Ian  
Macdonald, Sandy  
Mason  
McGauran  
Minchin  
Nash  
Parry  
Patterson

Payne  
Ronaldson  
Santoro  
Scullion  
Troeth  
Trood  
Vanstone  
Watson

**NOES, 33**  
Allison  
Bartlett  
Bishop  
Brown, Bob  
Brown, Carol  
Campbell, George  
Carr  
Conroy  
Crossin

Evans  
Faulkner  
Fielding  
Forshaw  
Hogg  
Kirk (Teller)  
Ludwig  
Lundy

Marshall  
McEwen  
McLucas  
Moore  
Murray  
O’Brien  
Polley  
Sherry

Siewert  
Sterle  
Stott Despoja  
Webber  
Wong  
Wortley

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.
The Senate divided—

**AYES, 33**

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Ayes</th>
<th>Senators—</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison</td>
<td>Evans</td>
<td>Marshall</td>
<td>Siewert</td>
</tr>
<tr>
<td>Bartlett</td>
<td>Faulkner</td>
<td>McEwen</td>
<td>Sterle</td>
</tr>
<tr>
<td>Bishop</td>
<td>Fielding</td>
<td>McLucas</td>
<td>Stott Despoja</td>
</tr>
<tr>
<td>Brown, Bob</td>
<td>Forshaw</td>
<td>Moore</td>
<td>Webber</td>
</tr>
<tr>
<td>Brown, Carol</td>
<td>Hogg</td>
<td>Murray</td>
<td>Wong</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>Hurley</td>
<td>Nettle</td>
<td>Wortley</td>
</tr>
<tr>
<td>Carr</td>
<td>Kirk (Teller)</td>
<td>O’Brien</td>
<td></td>
</tr>
<tr>
<td>Conroy</td>
<td>Ludwig</td>
<td>Polley</td>
<td></td>
</tr>
<tr>
<td>Crossin</td>
<td>Lundy</td>
<td>Sherry</td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 35**

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Eggleston (Teller)</td>
</tr>
<tr>
<td>Adams</td>
<td>Ellison</td>
</tr>
<tr>
<td>Barnett</td>
<td>Ferguson</td>
</tr>
<tr>
<td>Boswell</td>
<td>Fierravanti-Wells</td>
</tr>
<tr>
<td>Brandis</td>
<td>Fifield</td>
</tr>
<tr>
<td>Calvert</td>
<td>Heffernan</td>
</tr>
<tr>
<td>Chapman</td>
<td>Hill</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Humphries</td>
</tr>
<tr>
<td>Coonan</td>
<td>Johnston</td>
</tr>
<tr>
<td></td>
<td>Joyce</td>
</tr>
<tr>
<td></td>
<td>Macdonald, Ian</td>
</tr>
<tr>
<td></td>
<td>Macdonald, Sandy</td>
</tr>
<tr>
<td></td>
<td>Mason</td>
</tr>
<tr>
<td></td>
<td>McGauran</td>
</tr>
<tr>
<td></td>
<td>Minchin</td>
</tr>
<tr>
<td></td>
<td>Nash</td>
</tr>
<tr>
<td></td>
<td>Parry</td>
</tr>
<tr>
<td></td>
<td>Johnston</td>
</tr>
</tbody>
</table>

Question negatived.

**Question—That these bills be considered urgent bills—put.**

The Senate divided—

**AYES, 35**

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Ayes</th>
<th>Senators—</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Eggleston (Teller)</td>
<td>Joyce</td>
<td>Payne</td>
</tr>
<tr>
<td>Adams</td>
<td>Ellison</td>
<td>Macdonald, Ian</td>
<td>Ronaldson</td>
</tr>
<tr>
<td>Barnett</td>
<td>Ferguson</td>
<td>Macdonald, Sandy</td>
<td>Santoro</td>
</tr>
<tr>
<td>Boswell</td>
<td>Fierravanti-Wells</td>
<td>Mason</td>
<td>Scullion</td>
</tr>
<tr>
<td>Brandis</td>
<td>Fifield</td>
<td>McGauran</td>
<td>Troeth</td>
</tr>
<tr>
<td>Calvert</td>
<td>Heffernan</td>
<td>Minchin</td>
<td>Trood</td>
</tr>
<tr>
<td>Chapman</td>
<td>Hill</td>
<td>Nash</td>
<td>Vanstone</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Humphries</td>
<td>Parry</td>
<td>Watson</td>
</tr>
<tr>
<td>Coonan</td>
<td>Johnston</td>
<td>Patterson</td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 33**

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison</td>
<td>Evans</td>
</tr>
<tr>
<td>Bartlett</td>
<td>Faulkner</td>
</tr>
<tr>
<td>Bishop</td>
<td>Fielding</td>
</tr>
<tr>
<td>Brown, Bob</td>
<td>Forshaw</td>
</tr>
<tr>
<td>Brown, Carol</td>
<td>Hogg</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>Hurley</td>
</tr>
<tr>
<td>Carr</td>
<td>Kirk (Teller)</td>
</tr>
<tr>
<td>Conroy</td>
<td>Ludwig</td>
</tr>
<tr>
<td>Crossin</td>
<td>Lundy</td>
</tr>
<tr>
<td></td>
<td>Marshall</td>
</tr>
<tr>
<td></td>
<td>McEwen</td>
</tr>
<tr>
<td></td>
<td>McLucas</td>
</tr>
<tr>
<td></td>
<td>Moore</td>
</tr>
<tr>
<td></td>
<td>Murray</td>
</tr>
<tr>
<td></td>
<td>Nettle</td>
</tr>
<tr>
<td></td>
<td>O’Brien</td>
</tr>
<tr>
<td></td>
<td>Polley</td>
</tr>
<tr>
<td></td>
<td>Sherry</td>
</tr>
</tbody>
</table>

Question agreed to.
**Allotment of time:** Senator Ellison moved—That the time allotted for the consideration of the remaining stages of these bills be as follows:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005</td>
<td>Second reading, commencing immediately until 4.30 pm today Remaining stages until 5 pm today</td>
</tr>
<tr>
<td>Health Legislation Amendment Bill 2005</td>
<td>Commencing immediately after the preceding item until 5.15 pm today</td>
</tr>
<tr>
<td>Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005</td>
<td></td>
</tr>
</tbody>
</table>

**Closure:** Senator Ellison moved—That the question be now put.

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

**Leave refused:** The Leader of the Australian Greens (Senator Bob Brown) sought leave to make a statement.

An objection was raised and leave was not granted.

**Proposed suspension of standing orders:** Senator Bob Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bob Brown making a statement.

**Closure:** Senator Ellison moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

**AYES, 34**

Abetz  
Adams  
Barnett  
Boswell  
Brandis  
Calvert  
Chapman  
Colbeck  
Coonan

<table>
<thead>
<tr>
<th>Senators—</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eggleston</td>
<td>Joyce</td>
<td>Payne</td>
</tr>
<tr>
<td>Abetz</td>
<td>Ellison</td>
<td>Macdonald, Ian</td>
<td>Ronaldson</td>
</tr>
<tr>
<td>Adams</td>
<td>Ferguson</td>
<td>Macdonald, Sandy</td>
<td>Santoro</td>
</tr>
<tr>
<td>Barnett</td>
<td>Fierravanti-Wells</td>
<td>Mason</td>
<td>Scullion</td>
</tr>
<tr>
<td>Boswell</td>
<td>Fifield</td>
<td>McGauran (Teller)</td>
<td>Troeth</td>
</tr>
<tr>
<td>Brandis</td>
<td>Heffernan</td>
<td>Minchin</td>
<td>Troed</td>
</tr>
<tr>
<td>Calvert</td>
<td>Hill</td>
<td>Nash</td>
<td>Watson</td>
</tr>
<tr>
<td>Chapman</td>
<td>Humphries</td>
<td>Parry</td>
<td></td>
</tr>
<tr>
<td>Coonan</td>
<td>Johnston</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 31**

Allison  
Bartlett  
Bishop  
Brown, Bob  
Brown, Carol  
Campbell, George  
Carr  
Conroy

<table>
<thead>
<tr>
<th>Senators—</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison</td>
<td>Crossin</td>
<td>Marshall</td>
<td>Sherry</td>
</tr>
<tr>
<td>Bartlett</td>
<td>Evans</td>
<td>McEwen</td>
<td>Siewert</td>
</tr>
<tr>
<td>Bishop</td>
<td>Faulkner</td>
<td>McLucas</td>
<td>Sterle</td>
</tr>
<tr>
<td>Brown, Bob</td>
<td>Forshaw</td>
<td>Moore</td>
<td>Stott Despoja</td>
</tr>
<tr>
<td>Brown, Carol</td>
<td>Hurley</td>
<td>Murray</td>
<td>Webber (Teller)</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>Kirk</td>
<td>Nettle</td>
<td>Wong</td>
</tr>
<tr>
<td>Carr</td>
<td>Ludwig</td>
<td>O’Brien</td>
<td>Wortley</td>
</tr>
<tr>
<td>Conroy</td>
<td>Lundy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.
The Senate divided—

AYES, 31

Senators—

Allison
Bartlett
Bishop
Brown, Bob
Brown, Carol
Campbell, George
Carr
Conroy

Crossin
Evans
Faulkner
Forshaw
Hurley
Kirk
Ludwig
Lundy

Marshall
McEwen
McLucas
Moore
Murray
Nettle
O’Brien
Polley

Sherry
Siewert
Sterle
Stott Despoja
Webber (Teller)
Wong
Wortley

NOES, 34

Senators—

Abetz
Adams
Barnett
Brandis
Calvert
Chapman
Colbeck
Coonan

Eggleston
Ellison
Ferguson
Fierravanti-Wells
Fifield
Heffernan
Humphries
Johnston

Joyce
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Patterson

Payne
Ronaldson
Santoro
Scullion
Troeth
Trood
Watson

Question negatived.

Question—That the question on the motion for the allotment of time be now put—put.

The Senate divided—

AYES, 34

Senators—

Abetz
Adams
Barnett
Brandis
Calvert
Chapman
Colbeck
Coonan

Eggleston
Ellison
Ferguson
Fierravanti-Wells
Fifield
Heffernan
Humphries
Johnston

Joyce
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Patterson

Payne
Ronaldson
Santoro
Scullion
Troeth
Trood
Watson

NOES, 32

Senators—

Allison
Bartlett
Bishop
Brown, Bob
Brown, Carol
Campbell, George
Carr
Conroy

Crossin
Evans
Faulkner
Forshaw
Hurley
Kirk
Ludwig

Lundy
Marshall
McEwen
McLucas
Moore
Nettle
O’Brien
Polley

Sherry
Siewert
Sterle
Stott Despoja
Webber (Teller)
Wong
Wortley

Question agreed to.

Question—That the motion for the allotment of time be agreed to—put.
The Senate divided—

AYES, 34

Senators—
Abetz
Adams
Barnett
Boswell
Brandis
Calvert
Chapman
Colbeck
Coonan

Eggleston
Ellison
Ferguson
Fierravanti-Wells
Fifield
Heffernan
Hill
Humphries
Johnston

Joyce
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Parry
Patterson

Payne
Ronaldson
Santoro
Scullion
Troeth
Trood
Watson

NOES, 32

Senators—
Allison
Bartlett
Brown, Bob
Brown, Carol
Campbell, George
Carr
Conroy

Crossin
Evans
Faulkner
Forshaw
Hurley
Kirk
Ludwig

Lundy
Marshall
McEwen
Moore
Murray
Nettle
O’Brien

Polley
Sherry
Siewert
Sterle
Stott Despoja
Webber (Teller)
Wong
Wortley

Question agreed to.

14 HIGHER EDUCATION SUPPORT AMENDMENT (ABOLITION OF COMPULSORY UP-FRONT STUDENT UNION FEES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Limitation of debate: The time allotted for the second reading of the bill expired.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 34

Senators—
Abetz
Adams
Barnett
Boswell
Brandis
Calvert
Chapman
Colbeck
Coonan

Eggleston (Teller)
Ellison
Ferguson
Fierravanti-Wells
Fierravanti-Wells
Fifield
Heffernan
Hill
Humphries

Johnston
Joyce
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Parry

Payne
Santoro
Scullion
Troeth
Trood
Vanstone
Watson

Question answered affirmatively.
Question agreed to.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Wong moved the following amendments together by leave:

Schedule 1, item 1, page 3 (lines 9 to 17), omit subsection 19-37(1), substitute:

(1) A higher education provider must not:
    (a) require a person to be or to become a member of an organisation of students, or of students and other persons; or
    (b) require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or any other entity an amount for membership of an organisation of students, or of students and other persons;

unless the person has chosen to be or to become a member of the organisation.

Schedule 1, item 1, page 3 (lines 18 to 22), omit subsection 19-37(2), substitute:

(2) A higher education provider must not require a person enrolled with, or seeking to enrol with, the provider to pay to the provider or to any other entity an amount for the provision of an amenity, facility, activity or service that is not of an academic nature, unless that amenity, facility, activity or service is of direct benefit to students enrolled with, or seeking to enrol with the provider.

(2A) In this section, a direct benefit in relation to an amenity, facility, activity or service for students who are enrolled with, or seeking to enrol with a provider, is the provision of:

(a) food, beverages, meeting rooms, sports and physical recreation, child care, counselling, legal advice, health care, housing, employment, visual arts, performing arts, audio-visual media, debating, libraries, reading rooms, academic support, personal accident insurance for students, orientation information, support for overseas students, student representation and advocacy, student clubs and societies, social activities, cultural activities, welfare, commercial activities, capital funds and infrastructure, investments and reserves, student publications or student financial assistance; and
(b) administrative matters related to any of the items listed in paragraph (a), including the costs of collecting amounts paid under this section; and
(c) other facilities, or services consistent with, or reasonably incidental, to any of the items listed in paragraph (a).

(2B) Subsection (2A) does not apply to an amount that the higher education provider requires the person to pay if the amount is for goods or services that:
(a) are essential for the course of study in which the person is enrolled or seeking to enrol; and
(b) the person has the choice of acquiring from, but does not acquire from, a supplier other than the higher education provider; and
(c) either:
   (i) are goods that become the property of the person that are not intended to be consumed during the course of study; or
   (ii) consist of food, transport or accommodation associated with provision of field trips in connection with the course of study.

Schedule 1, item 1, page 3 (line 23) to page 4 (line 3), omit subsection 19-37(3), substitute:

(3) A higher education provider must ensure that any fee levied in accordance with subsection (2A) is adjusted on a pro-rata basis to an amount commensurate with the person’s status as a part-time, external or distance education student, or a proposed part-time, external or distance education student.

(4) A higher education provider must ensure that it has procedures in place to provide detailed reporting and accountability mechanisms for any monies collected or received from any fees pursuant to subsection (2A). Such reporting and accountability mechanisms must include a requirement that a statement is to be provided to the higher education provider’s governing authority at least once per year, and published in the provider’s annual report.

(5) A statement required by subsection (4) must specify:
(a) the amount of monies collected by the provider in the preceding year; and
(b) the purposes for which the provider spent those monies or made them available and the amounts spent or made available; and
(c) the names of organisations of students, or of students and other persons, to which the provider made the monies available and the amounts that were made available to each organisation; and
(d) the purposes for which the organisations referred to in paragraph (c) spent the monies made available to them.

Debate ensued.

Limitation of debate: The time allotted for the consideration of the bill in committee of the whole expired.

Question—That the amendments be agreed to—put.
The committee divided—

AYES, 28

Senators—

Allison Conroy Lundy Sherry
Bartlett Crossin Marshall Siewert
Bishop Evans McEwen Stephens
Brown, Bob Forshaw McLucas Sterle
Brown, Carol Hogg Moore Stott Despoja
Campbell, George Hurley Murray Webber (Teller)
Carr Ludwig Nettle Wong

NOES, 32

Senators—

Abetz Ferguson Joyce Payne
Barnett Fielding Macdonald, Ian Ronaldson
Boswell Fierravanti-Wells Macdonald, Sandy Santoro
Brandis Fifield Mason Scullion
Chapman Heffeman McGauran (Teller) Troeth
Colbeck Hill Minchin Trood
Coonan Humphries Nash Vanstone
Ellison Johnston Patterson Watson

Question negatived.

The following amendments circulated by Senator Joyce were considered:

Schedule 1, item 1, page 3 (lines 18 to 22), omit subsection 19-37(2), substitute:

(2) A higher education provider can require a person enrolled with, or seeking to enrol with, the provider to pay the provider an amount for the provision of an amenity, facility, activity or service fee that is not of an academic nature, only where such amenities, facilities, activities or services are provided by the higher education provider or a controlled entity of the higher education provider as specified in this section.

(2A) In engaging a service provider to provide an amenity, facility, activity or service as specified in subsection (2B), a higher education provider must comply with the tendering and accountability processes provided for in the Financial Management and Accountability Act 1997 and the regulations made under that Act.

(2B) In this section, an amenity, facility, activity or service that a charge can be required for is as follows:

(a) food and beverages, meeting rooms, sports, fitness and physical recreation, dental care, general practitioner health services, child care, counselling, housing, debating, libraries and reading rooms, academic support, orientation information and activities, support for overseas students, drama, welfare support, capital funds and infrastructure, investments and reserves, student financial assistance; and

(b) administrative matters related to any of the items listed in paragraph 2B(a), including the costs of collecting amounts paid under this section; and

(c) other facilities or services consistent with, or reasonably incidental to any of the items listed in paragraph 2B(a).
(2C) No compulsory fee or charge may be levied by or on behalf of a student union, association, guild, or like entity for an amenity, facility, activity or service listed in this section.

Schedule 1, item 1, page 4 (after line 3), at the end of section 19-37, add:

(3A) A higher education provider must ensure that any fee levied in accordance with subsection 19-37(2A) is adjusted on a pro-rata basis to an amount commensurate with the person’s status as a part-time, external or distance education student, or proposed part-time, external or distance education student.

(3B) A higher education provider must ensure that it has procedures in place to provide detailed reporting and accountability mechanisms for any monies collected or received from any fees pursuant to subsection 19-37(2A). Such reporting and accountability mechanisms must include a requirement that a statement is to be provided to the higher education provider’s governing authority at least once per year, and published in the provider’s annual report. The statement must specify:

(a) the amount of monies collected by the provider in the preceding year; and
(b) the purposes for which the provider spent those monies or made them available and the amounts spent or made available; and
(c) the names of organisations of students, or of students and other persons, to which the provider made the monies available and the amounts that were made available to each organisation; and
(d) the purposes for which the organisations referred to in (c) spent the monies made available to them.

Schedule 1, item 1, page 5 (line 8), after “entity”, add “unless it is paid in accordance with subsection (2).

Schedule 1, item 1, page 5 (after line 8), omit paragraph 33-37(4)(c), insert:

(c) requiring a payment within 28 days after the notice is given of up to five times the amount paid to the provider or any other entity as a result of the requirement; and

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 29

Senators—

Allison
Bartlett
Bishop
Brown, Bob
Brown, Carol
Campbell, George
Carr
Conroy

Crossin
Evans
Forsyth
Hogg
Hurley
Joyce
Ludwig

Marshall
McEwen
McLachlan
Moore
Murray
Nettle
Sherry

Stephens
Sterle
Sutton-Despoota
Webber (Teller)
Wong

Stewart

Siewert
NOES, 31

Senators—
Abetz
Adams
Barnett
Boswell
Brandis
Chapman
Colbeck
Coonan
Ellison
Fielding
Fierravanti-Wells
Fifield
Heffernan
Hill
Humphries
Johnston
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Patterson
Payne

Question negatived.

Question—That Schedule 1, items 2, 3, 4 and 7 stand as printed—put.
The committee divided—

AYES, 32

Senators—
Abetz
Adams
Barnett
Boswell
Brandis
Chapman
Colbeck
Coonan
Ellison
Fielding
Fierravanti-Wells
Fifield
Heffernan
Hill
Humphries
Johnston
Joyce
Macdonald, Ian
Macdonald, Sandy
Mason
McGauran (Teller)
Minchin
Nash
Patterson
Payne

NOES, 28

Senators—
Allison
Bartlett
Bishop
Brown, Bob
Brown, Carol
Campbell, George
Carr
Conroy
Crossin
Evans
Forshaw
Hogg
Hurley
Ludly
Marshall
McEwen
McLucas
Moore
Murray
Nettle
Sherry
Stewart
Stephens
Sterle
Stott Despoja
Webber (Teller)
Wong

Items agreed to.
Bill agreed to.
Bill to be reported without amendment.

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

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.
The Senate divided—

**AYES, 29**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Ellison</th>
<th>Macdonald, Sandy</th>
<th>Santoro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adams</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barnett</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boswell</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brandis</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colbeck</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ellison</td>
<td>Macdonald, Sandy</td>
<td>Santoro</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 27**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Evans</th>
<th>Marshall</th>
<th>Siewert</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bartlett</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bishop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brown, Bob</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brown, Carol</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carr</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conroy</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Question agreed to.

Bill read a third time.

15 **HEALTH LEGISLATION AMENDMENT BILL 2005**

**TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005**

*Limitation of debate:* The time allotted for the consideration of the bills expired.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

16 **COMMITTEES—CHANGES IN MEMBERSHIP**

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee**—

Appointed—Participating members: Senators Heffernan, Nash, Stephens and Stott Despoja

**Community Affairs References Committee**—

Appointed—Participating members: Senators Stephens and Stott Despoja

**Foreign Affairs, Defence and Trade—Joint Standing Committee**—

Appointed—Senator Bartlett

**Intelligence and Security—Joint Statutory Committee**—

Appointed—Senator Faulkner
Legal and Constitutional Legislation Committee—
Appointed—
Substitute members: Senators Bishop and Trood to replace Senators Crossin and Mason, respectively, for the committee’s inquiry into the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005
Participating members: Senators Johnston and Murray

Parliamentary Library—Joint Standing Committee—
Appointed—Senator Allison

Rural and Regional Affairs and Transport References Committee—
Appointed—Participating member: Senator Murray.

Question put and passed.

17 LEAVE OF ABSENCE
The Minister for Justice and Customs (Senator Ellison) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.
Question put and passed.

18 ADJOURNMENT
Pursuant to order, the Senate adjourned at 5.25 pm till Tuesday, 7 February 2006 at 12.30 pm.

19 ATTENDANCE
Present, all senators except Senators Ian Campbell, Ferris*, Hutchins, Kemp, Milne* and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate

Printed by authority of the Senate