

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**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*Notice of motion withdrawn:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 8 December 2005, withdrew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.

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*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

Senators—

Bartlett (Teller)	Murray	Siewert
Brown, Bob	Nettle	Stott Despoja

NOES, 49

Senators—

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

Question negatived.

Bill agreed to.

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**EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2005—**

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*).

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*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.

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*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.

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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:

Employment, Workplace Relations and Education Legislation Committee—  
Report—Provisions of the Workplace Relations Amendment (Work Choices) Bill  
2005—Additional information [postcards].

**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:

Health Insurance Commission—Report for 2004-05.

**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:

Message no. 269, dated 8 December 2005—Commonwealth Radioactive Waste Management Bill 2005.

Message no. 270, dated 8 December 2005—Indigenous Education (Targeted Assistance) Amendment Bill 2005.

**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**

Senators—

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

**NOES, 33**

Senators—

Allison	Evans	Marshall	Siewert
Bartlett	Faulkner	McEwen	Sterle
Bishop	Fielding	McLucas	Stott Despoja
Brown, Bob	Forshaw	Moore	Webber
Brown, Carol	Hogg	Murray	Wong
Campbell, George	Hurley	Nettle	Wortley
Carr	Kirk (Teller)	O'Brien	
Conroy	Ludwig	Polley	
Crossin	Lundy	Sherry	

Question agreed to.

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

The Senate divided—

AYES, 33

Senators—

Allison	Evans	Marshall	Siewert
Bartlett	Faulkner	McEwen	Sterle
Bishop	Fielding	McLucas	Stott Despoja
Brown, Bob	Forshaw	Moore	Webber
Brown, Carol	Hogg	Murray	Wong
Campbell, George	Hurley	Nettle	Wortley
Carr	Kirk (Teller)	O'Brien	
Conroy	Ludwig	Polley	
Crossin	Lundy	Sherry	

NOES, 35

Senators—

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

Question negatived.

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

The Senate divided—

AYES, 35

Senators—

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

NOES, 33

Senators—

Allison	Evans	Marshall	Siewert
Bartlett	Faulkner	McEwen	Sterle
Bishop	Fielding	McLucas	Stott Despoja
Brown, Bob	Forshaw	Moore	Webber
Brown, Carol	Hogg	Murray	Wong
Campbell, George	Hurley	Nettle	Wortley
Carr	Kirk (Teller)	O'Brien	
Conroy	Ludwig	Polley	
Crossin	Lundy	Sherry	

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:

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

*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

Senators—

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

NOES, 31

Senators—

Allison	Crossin	Marshall	Sherry
Bartlett	Evans	McEwen	Siewert
Bishop	Faulkner	McLucas	Sterle
Brown, Bob	Forshaw	Moore	Stott Despoja
Brown, Carol	Hurley	Murray	Webber (Teller)
Campbell, George	Kirk	Nettle	Wong
Carr	Ludwig	O'Brien	Wortley
Conroy	Lundy	Polley	

Question agreed to.

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

The Senate divided—

AYES, 31

Senators—

Allison	Crossin	Marshall	Sherry
Bartlett	Evans	McEwen	Siewert
Bishop	Faulkner	McLucas	Sterle
Brown, Bob	Forshaw	Moore	Stott Despoja
Brown, Carol	Hurley	Murray	Webber (Teller)
Campbell, George	Kirk	Nettle	Wong
Carr	Ludwig	O'Brien	Wortley
Conroy	Lundy	Polley	

NOES, 34

Senators—

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

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	Eggleston	Joyce	Payne
Adams	Ellison	Macdonald, Ian	Ronaldson
Barnett	Ferguson	Macdonald, Sandy	Santoro
Boswell	Fierravanti-Wells	Mason	Scullion
Brandis	Fifield	McGauran (Teller)	Troeth
Calvert	Heffernan	Minchin	Trood
Chapman	Hill	Nash	Watson
Colbeck	Humphries	Parry	
Coonan	Johnston	Patterson	

NOES, 32

Senators—

Allison	Crossin	Lundy	Polley
Bartlett	Evans	Marshall	Sherry
Bishop	Faulkner	McEwen	Siewert
Brown, Bob	Fielding	McLucas	Sterle
Brown, Carol	Forshaw	Moore	Stott Despoja
Campbell, George	Hurley	Murray	Webber (Teller)
Carr	Kirk	Nettle	Wong
Conroy	Ludwig	O'Brien	Wortley

Question agreed to.

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

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

Allison	Crossin	Lundy	Polley
Bartlett	Evans	Marshall	Sherry
Bishop	Faulkner	McEwen	Siewert
Brown, Bob	Fielding	McLucas	Sterle
Brown, Carol	Forshaw	Moore	Stott Despoja
Campbell, George	Hurley	Murray	Webber (Teller)
Carr	Kirk	Nettle	Wong
Conroy	Ludwig	O'Brien	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	Eggleston (Teller)	Johnston	Payne
Adams	Ellison	Joyce	Santoro
Barnett	Ferguson	Macdonald, Ian	Scullion
Boswell	Fielding	Macdonald, Sandy	Troeth
Brandis	Fierravanti-Wells	Mason	Trood
Calvert	Fifield	McGauran	Vanstone
Chapman	Heffernan	Nash	Watson
Colbeck	Hill	Parry	
Coonan	Humphries	Patterson	

## NOES, 30

## Senators—

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

Question agreed to.

Bill read a second time.

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

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

## NOES, 31

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

Question negatived.

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

The committee divided—

## AYES, 32

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

## NOES, 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

Items agreed to.

Bill agreed to.

Bill to be reported without amendment.

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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

Senators—

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

NOES, 27

Senators—

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

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