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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Alan Ferguson) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2007-08 to 2009-10.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 September to 31 December 2006—Correction.

Australian War Memorial—Report for 2006-07.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 215/07 to 220/07—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Payments System Board—Report for 2006-07.

Reserve Bank of Australia—Equity and diversity—Report for 2006-07.

Surveillance Devices Act 2004—Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 January to 30 June 2007—Australian Federal Police, South Australia Police and New South Wales Police.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at September 2007.

3 QUARANTINE AMENDMENT (COMMISSION OF INQUIRY) BILL 2007

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

In the committee

Consideration resumed of the bill.

Bill further debated.

Senator O'Brien moved the following amendment:

Schedule 1, item 5, page 3 (line 28) to page 4 (line 11), omit subsection 66AY(1), substitute:

- (1) The Minister must, in writing, as soon as practicable after the commencement of this section, appoint a person to:
 - (a) conduct a Commission of inquiry into:
 - (i) the 2007 outbreak and spread of equine influenza in Australia;
 - (ii) the causes of the outbreak and spread and, in particular, any protocols, measures or practices that may have contributed to it;
 - (iii) the nature of protocols for the importation of horses and the policy settings upon which they are based, including the role of ministers in the determination of policy settings and the appropriateness of those policy settings;

- (iv) quarantine requirements and practices relating to the outbreak and spread;
 - (v) any matters incidental to the matters referred to in subparagraphs (i) to (iv); and
- (b) report to the Minister on the matters (including any recommendations relating to the matters) as soon as practicable, and, in any event, on or before a day specified in the instrument of appointment.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

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

NOES, 33

Senators—

Abetz	Colbeck	Humphries	Patterson
Adams	Coonan	Johnston	Payne
Barnett	Cormann	Joyce	Ronaldson
Bernardi	Eggleston	Lightfoot	Scullion
Birmingham	Ferguson	Macdonald, Ian	Trood
Boswell	Fierravanti-Wells	Mason	Watson
Boyce	Fifield	McGauran	
Brandis	Fisher	Nash (Teller)	
Bushby	Heffernan	Parry	

Question negatived.

Senator O'Brien moved the following amendment:

Schedule 1, item 5, page 4 (line 16), at the end of section 66AY, add:

- (5) The Commissioner's report must be laid before each House of the Parliament within 5 sitting days of that House after the report is received by the Minister.
- (6) If a House does not meet within 5 days after the report is received by the Minister, the report must be made available to the Presiding Officer of that House for distribution to the members of that House within 5 days after the report is received by the Minister.

Debate ensued.

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

Senator Milne moved the following amendment:

Schedule 1, item 5, page 4 (after line 16), at the end of section 66AY, add:

- (5) The Minister must cause a report presented in accordance with paragraph (1)(b) to be tabled in each House of Parliament within 14 days of receipt of the report.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) the report from the committee was adopted and the bill read a third time.

**4 HIGHER EDUCATION ENDOWMENT FUND BILL 2007
HIGHER EDUCATION ENDOWMENT FUND (CONSEQUENTIAL AMENDMENTS)
BILL 2007**

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

Debate resumed.

Senator Carr moved the following amendment in respect of the Higher Education Endowment Fund Bill 2007:

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

- (a) welcomes the fact that the Future Fund and the Higher Education Endowment Fund are for investment in Australia’s long-term national interests, including the objective of meeting public sector superannuation liabilities;
- (b) notes that the Government’s failure over 11 years to invest adequately in Australia’s higher education as illustrated by the following:
 - (i) on the Government’s own analysis there exists a significant backlog of deferred infrastructure maintenance, estimated at \$1.5 billion for the university sector,
 - (ii) the Group of Eight (Go8) universities estimate in 2006 that the total deferred maintenance liabilities was \$1.53 billion across Go8 universities alone,
 - (iii) the principal reason behind this backlog is the fact that since it came to power more than 11 years ago, the Government has undermined the higher education sector by cutting university operating grants, including in its 1996 Federal Budget which cut university operating grant funding by a cumulative 6 per cent over the forward estimates from 1997-2000, resulting in \$850 million in cuts to the sector, and
 - (iv) as a proportion of total revenue, Commonwealth grants to universities have decreased from 57 per cent of their revenue in 1996 to 41 per cent in 2004, while university revenue derived from fees and charges has increased from 13 per cent in 1996 to 24 per cent in 2004;
- (c) condemns the Government for the adverse impact this has had on Australia’s universities, including that:

- (i) since 1995 student-staff ratios have increased from 14.6 to 20.4 today, with adverse implications for the quality of teaching and learning,
 - (ii) Australia's education system now relies more on private financing than all other Organisation for Economic Cooperation and Development countries except for the United States, Japan and South Korea,
 - (iii) university revenue derived from fees and charges has increased from 13 per cent in 1996 to 25 per cent in 2004, with the result that more than half of the cost of tertiary education today is met from private sources, with dependence on private sources increasing to 52 per cent in 2004 from 35 per cent in 1995,
 - (iv) the average amount of Commonwealth funding per student in real terms has declined by nearly \$1 500, while student Higher Education Contribution Scheme contributions have increased by nearly \$2 000, and fees and charges have increased by over \$3 000, and
 - (v) the deferment of essential expenditure on the maintenance of university buildings and facilities has had long-term consequences for the quality of essential infrastructure;
- (d) further notes widespread concerns that, over time, the Higher Education Endowment Fund could be used to replace existing capital and infrastructure programs in higher education, notably the Capital Development Pool, the Institutional Grants Scheme, the Research Infrastructure (Block Grants) Scheme and the National Collaborative Research Infrastructure Scheme;
- (e) also notes that despite these belated measures, the Government has not put in place a long-term plan for meeting Australia's infrastructure needs, including a national broadband network and that instead it has:
- (i) produced 18 piecemeal broadband proposals in the past 11 years,
 - (ii) recently imposed a two tier broadband solution for Australia through the 17th and 18th broadband plans,
 - (iii) engaged in an election stunt designed to delay the building of a high speed fibre to the node network in the major cities,
 - (iv) through Broadband Connect Infrastructure Program subjected millions of Australians living in regional and rural Australia to a second class broadband network that is based on an obsolete technology and is only capable of delivering average connection speeds twice today's average, and
 - (v) become embroiled in legal action involving preferential dealing in the Broadband Connect Infrastructure Program, after moving the funding goal posts for the program while only informing one participant; and
- (f) in contrast to the Government, Labor is committed to build with the private sector a national broadband network that includes a fibre to the node network that will deliver minimum connection speeds of 12 megabits per second to 98 per cent of the country – the remaining 2 per cent will receive a standard of service which, depending on the available technology, will be as close as possible to that delivered by the fibre to the node network”.

Debate ensued.

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

Senator Nettle moved the following amendment in respect of the Higher Education Endowment Fund Bill 2007:

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

- (a) condemns the Government for failing to invest adequate public funds into higher education and consequently:
 - (i) leaving Australia languishing 29th out of 34 Organisation for Economic Cooperation and Development (OECD) countries by public investment in higher education,
 - (ii) presiding over a decrease in real terms in public investment in higher education over the past decade,
 - (iii) allowing teacher student ratios in universities to blow out to over 1:20,
 - (iv) increasing the financial burden on students who now pay almost the highest proportion of the cost of their education in the OECD,
 - (v) forcing universities into competitive commercial management models that have put educational outcomes below financial considerations,
 - (vi) forcing universities to pursue alternative funding sources that have skewed the academic profile of those universities, and
 - (vii) leaving academic and general staff under increased pressure, impacting on their ability to provide the best quality services our students deserve; and
- (b) calls on the government to reverse its policy of university privatisation and instead:
 - (i) abolish the Higher Education Contribution Scheme and upfront full fees for all appropriately qualified domestic students, returning Australia to a fee free higher education system,
 - (ii) commit to a per student increase in direct Commonwealth grants to universities to bring Australia up to the top ten of OECD nations by public investment in higher education,
 - (iii) ensure that Commonwealth support for region and rural universities allows those institutions to prosper as both research and teaching institutions, and
 - (iv) boost the numbers of Aboriginals and Torres Strait Islanders that both graduate from and work in the university system”.

Question—That the amendment be agreed to—put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

Main question put and passed.

Bills read a second time.

At 12.45 pm—

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the sitting of the Senate was suspended at 1.54 pm till 2 pm.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 PARLIAMENT—WOMEN IN PARLIAMENT EXHIBITION—QUESTION TO PRESIDENT

Senator Crossin, by leave, asked a question of the President relating to the Women in Parliament exhibition in Parliament House.

The President indicated that he would consider the question and provide an answer.

8 FAMILY AND COMMUNITY SERVICES—HOUSING AFFORDABILITY—ANSWERS TO QUESTIONS

Senator Ludwig moved—That the Senate take note of the answers given by the Minister for Community Services (Senator Scullion) to questions without notice asked by Senators Webber and Campbell today relating to housing affordability.

Debate ensued.

Question put and passed.

9 INDIGENOUS AUSTRALIANS—HEALTH—PETROL SNIFFING—ANSWER TO QUESTION

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Ellison) to a question without notice asked by Senator Siewert today relating to petrol sniffing.

Question put and passed.

10 NOTICES

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

- (a) notes the murder of Mr Dario de Jesus Torres, a member of the San José de Apartadó Peace Community, in Colombia on 13 July 2007;
- (b) recognises that the murder of Mr Torres is part of a pattern of violence against members of the peace community by paramilitary forces;
- (c) notes that:
 - (i) non-government organisations continue to observe paramilitary forces in the vicinity where Mr Torres was murdered, and
 - (ii) the Inter-American Commission of Human Rights, in 2000 and again in 2004, called for the Colombian Government to guarantee the security of the peace community; and
- (d) urges the Australian Government to raise this issue with the Colombian Government, including the need for a full investigation into the killing of Mr Torres and compliance with the resolutions of the Inter-American Commission of Human Rights, to prevent further persecution of the peace community. (*general business notice of motion no. 918*)

Senator Bartlett: To move on the next day of sitting—That items 41 and 72 of Schedule 1 and items 7 and 8 of Schedule 2 of the Migration Amendment Regulations 2007 (No. 7), as contained in Select Legislative Instrument 2007 No. 257 and made under the *Migration Act 1958*, be disallowed.

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

- (a) notes the damaging long-term effects to Australian society caused by the sexual assault and abuse of children and young people;
- (b) recognises the importance of following up expressions of concern with genuine action to assist survivors of sexual assault and to bring perpetrators to justice;
- (c) notes:
 - (i) recent concerns expressed about an alleged pack rape of a 14-year old girl in the John Oxley Youth Detention Centre in Queensland in 1988, the need for a proper investigation into circumstances surrounding the incident and the importance of ensuring that the victim of the alleged assault receives justice, and
 - (ii) the many petitions tabled in the Senate, expressing the support of many Australians for a royal commission into the sexual assault and abuse of children in Australia and the ongoing cover-ups of many of these matters; and
- (d) expresses support for the longstanding call for a comprehensive royal commission into the sexual assault and abuse of children throughout Australia, especially in institutions. (*general business notice of motion no. 919*)

The Minister for Communications, Information Technology and the Arts (Senator Coonan): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to communications, and for related purposes. ***Communications Legislation Amendment (Crime or Terrorism Related Internet Content) Bill 2007.***

Senator Parry, at the request of Senator Payne: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) the suffering of the ‘comfort women’ in the 1930s and 1940s was an appalling episode in Japan’s history and that of the Asia Pacific region, and that there can be no disputing the facts of what occurred and the pain that it caused to those affected,
 - (ii) the position of successive Australian governments has been that the 1951 Peace Treaty, which Australia signed, firmly drew a line under the crimes committed by Japan before and during the Second World War, for which many Japanese were rightly tried, convicted and sentenced,
 - (iii) Japan has made great progress since 1945 in recognising and atoning for its past actions, and for many decades has been a major contributor to international peace, security and development, including through the United Nations,
 - (iv) the 1993 statement by then Chief Cabinet Secretary Yohei Kono on the comfort women issue (the ‘Kono statement’) fully and officially acknowledged the complicity of the Japanese Government and military in the 1930s and 1940s in a coercive system of sexual slavery in occupied territories, and
 - (v) the Kono statement has been reaffirmed by subsequent Japanese governments and prime ministers, including by Prime Minister Abe;
- (b) commends the Japanese people and Government for the steps they have taken so far to acknowledge and atone for Japan’s actions in the 1930s and 1940s; and

- (c) encourages the Japanese people and Government to take further steps to recognise the full history of their nation, to foster awareness in Japan of its actions in the 1930s and 1940s, including in relation to comfort women, and to continue dialogue with those affected by Japan's past actions in a spirit of reconciliation. (*general business notice of motion no. 920*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to regulate creeping acquisitions, and for related purposes. ***Trade Practices (Creeping Acquisitions) Amendment Bill 2007***. (*general business notice of motion no. 921*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Health Insurance Amendment (Medicare Dental Services) Bill 2007
 Health Legislation Amendment Bill 2007
 Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007
 Indigenous Education (Targeted Assistance) Amendment (Cape York Measures) Bill 2007
 National Health Security Bill 2007
 Social Security Amendment (2007 Measures No. 2) Bill 2007
 Social Security Legislation Amendment (2007 Budget Measures for Students) Bill 2007
 Tax Laws Amendment (2007 Measures No. 6) Bill 2007
 Trade Practices Amendment (Small Business Protection) Bill 2007.

Documents: Senator Abetz tabled the following documents:

Consideration of legislation—Statements of reasons [8] for introduction and passage of the bills in the 2007 spring sittings.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes the death of Australia's grand old man of the environment, Mr Vincent Serventy, aged 91;
- (b) expresses its condolences to Mr Serventy's wife, Carol, family and friends;
- (c) celebrates Mr Serventy's life and achievements, from his early success in saving the Dryandra Forest in Western Australia to his role in helping save the Great Barrier Reef, and his ongoing efforts to establish ten green commandments, through a global bill of rights for the environment; and
- (d) recognises that Mr Serventy, as a bushman, educator, author, filmmaker and President of Honour of the Wildlife Preservation Society of Australia, made a remarkable contribution to Australia's environmental well-being. (*general business notice of motion no. 922*)

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

- (a) notes:
 - (i) the current visit to Australia of representatives of the Carteret Islanders of Papua New Guinea,

- (ii) that rising sea levels, caused by climate change, threaten the viability of the Carteret Islands, and
 - (iii) the urgent need to relocate the population of the Carteret Islands; and
- (b) calls on the Australian Government to provide financial assistance to facilitate the relocation of Carteret Islanders. (*general business notice of motion no. 923*)

11 LEAVE OF ABSENCE

Senator Campbell, by leave, moved—That leave of absence be granted to the following senators:

- (a) Senator Stephens for 19 September 2007, for personal reasons; and
- (b) Senator Hutchins for 19 September and 20 September 2007, on account of ill health.

Question put and passed.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing the reference of a matter to the Community Affairs Committee, postponed till 20 September 2007.

General business notice of motion no. 914 standing in the name of Senator Milne for today, relating to firearms laws in Tasmania, postponed till 20 September 2007.

13 ALCOHOL TOLL REDUCTION BILL 2007

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 911—That the following bill be introduced:

A Bill for an Act to create a culture of responsible drinking, and to facilitate a reduction in the alcohol toll resulting from excessive alcohol consumption, and for related purposes.

Question put and passed.

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

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

14 CHILDREN—NATIONAL CHILD PROTECTION WEEK

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 897—That the Senate—

- (a) notes that:
 - (i) the week beginning 2 September 2007 was National Child Protection Week, and
 - (ii) there have been repeated, fundamental major failures by a number of child welfare agencies to protect children from serious abuse and neglect;

- (b) urges the Government to prioritise the encouragement of states and territories to develop uniform laws and strategies on child protection; and
- (c) expresses support for child protection to be made a national priority and for all governments to urgently decide on ways to significantly reduce child abuse and neglect in Australia.

Question put and passed.

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REFERENCE

Senator Siewert, also on behalf of Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That—

- (a) the Senate:
 - (i) notes the dire state of agricultural production addressed in the latest report from the Australian Bureau of Agricultural and Resource Economics', *Australian Crop Report: 18 September 2007, No. 143*,
 - (ii) recognises the severe impact of a series of ongoing poor seasons on the livelihoods of Australian farmers and the knock-on effect on the well-being of associated rural communities, and
 - (iii) notes the need to ensure the security of Australian food production; and
- (b) the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 June 2008:
 - (i) the scientific evidence available on the likely future climate of Australia's key agricultural production zones, and its implications for current farm enterprises and possible future industries,
 - (ii) the need for a national strategy to assist Australian agricultural industries to adapt to climate change, and
 - (iii) the adequacy of existing drought assistance and exceptional circumstances programs to cope with long-term climactic changes.

Question put and passed.

16 FOREIGN AFFAIRS—JAPAN—SEXUAL SLAVERY

Senator Wong, also on behalf of Senators Stott Despoja and Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 882—That the Senate—

- (a) notes that:
 - (i) between 1932 and 1945, more than 200 000 women and children of Korean, Chinese, Filipino, Indonesian, Burmese and Dutch origin were kidnapped or forced into a sex slavery system enforced by the Japanese Imperial Army,
 - (ii) these victims, some as young as 12, were systematically raped and tortured in so-called 'comfort stations', and coerced to have sex with up to 40 soldiers a day, every day for years,
 - (iii) 62 years later the Japanese Government still refuses to accept responsibility for this crime, or acknowledge its guilt, or to apologise to the hundreds of thousands of women who suffered from these inhumane deeds, and

- (iv) 44 members of the Japanese Parliament recently took out an advertisement in the *Washington Post* denying that this sex slavery ever occurred; and
- (b) calls on the Government to:
- (i) urge the Japanese Diet to pass a resolution to formally apologise to the women who were forced into sexual slavery during the Second World War,
 - (ii) urge the Japanese Government to provide fair compensation to these victims, and
 - (iii) urge the Japanese Government to accurately teach the history of comfort women in Japanese schools.

Statement by leave: The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 35

Senators—

Abetz	Chapman	Heffernan	Nash
Adams	Colbeck	Humphries	Parry (Teller)
Barnett	Cormann	Johnston	Patterson
Bernardi	Eggleston	Joyce	Payne
Birmingham	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Ian	Scullion
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Brandis	Fifield	Mason	Watson
Bushby	Fisher	Minchin	

Question negatived.

17 PARLIAMENT—WOMEN IN PARLIAMENT EXHIBITION—STATEMENT BY PRESIDENT

The President made a statement in response to a question without notice asked by Senator Crossin today relating to the Women in Parliament exhibition in Parliament House (*see entry no. 7*).

Senator Crossin, by leave, moved—That the Senate take note of the statement.

Question put and passed.

18 LAW AND JUSTICE—BARWON PRISON—DETENTION OF AUSTRALIANS

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 912—That the Senate—

- (a) notes that:
- (i) thirteen Melbourne men accused of terrorist-related crimes have been held for nearly 2 years in the maximum security Acacia unit in Barwon prison; segregated, shackled, regularly strip-searched, and confined to their cells for more than 20 hours every day,
 - (ii) Justice Bongiorno, in a bail application hearing earlier in September 2007, said the conditions lacked any justification and risked undermining the rule of law by treating the men in the same way as the state's worst convicted contract killers, stating that 'I find the conditions in Barwon very troubling from the court's perspective. The state runs Barwon prison. What is the reason why ... people need to be treated in the way that ... the accused in this case have been treated? ... It is extremely difficult not to see this as some sort of pre-emptive punishment being imposed', and
 - (iii) the trial, which may last for 6 months, is due to begin in February 2008;
- (b) considers that it is unacceptable for accused prisoners to be awaiting trial for 2 years in punitive conditions akin to criminals convicted of the most heinous crimes; and
- (c) urges the Government to ensure fair and reasonable remand conditions and the expeditious conduct of trial proceedings for these accused.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 48

Senators—

Abetz	Colbeck	Johnston	Parry (Teller)
Adams	Cormann	Kirk	Patterson
Barnett	Crossin	Ludwig	Payne
Bernardi	Ellison	Lundy	Polley
Birmingham	Faulkner	Macdonald, Ian	Ray
Bishop	Ferguson	Marshall	Scullion
Boyce	Fielding	McEwen	Sherry
Brandis	Fierravanti-Wells	McGauran	Sterle
Brown, Carol	Fifield	McLucas	Trood
Bushby	Fisher	Moore	Watson
Campbell	Hogg	Nash	Webber
Chapman	Hurley	O'Brien	Wortley

Question negatived.

19 FOREIGN AFFAIRS—CLUSTER MUNITIONS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 913—That the Senate—

- (a) notes that the Government:
- (i) has announced an additional \$1 million to help the people of Lebanon clear unexploded cluster munitions, and
 - (ii) describes itself as taking a ‘leading role’ in negotiating a new treaty to limit the use of cluster weapons; and
- (b) calls on the Government to show real international leadership and delay the impending purchase of new cluster weapons until after the Oslo negotiations to limit the spread of cluster weapons.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 43

Senators—

Abetz	Chapman	Ludwig	Payne
Adams	Cormann	Lundy	Polley
Barnett	Crossin	Macdonald, Ian	Ray
Bernardi	Fierravanti-Wells	Marshall	Scullion
Birmingham	Fifield	McEwen	Sherry
Bishop	Fisher	McGauran	Sterle
Boyce	Hogg	McLucas	Trood
Brandis	Hurley	Moore	Watson
Brown, Carol	Johnston	Nash	Webber
Bushby	Joyce	Parry (Teller)	Wortley
Campbell	Kirk	Patterson	

Question negatived.

20 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 915—That the Senate endorse the commitment of the Prime Minister (Mr Howard) that ‘the final decision to go ahead with the project [Gunns Limited’s proposed pulp mill] would be subject to all environmental considerations being fully satisfied’.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 43

Senators—

Abetz	Chapman	Kirk	Patterson
Adams	Cormann	Ludwig	Payne
Barnett	Crossin	Lundy	Polley
Bernardi	Fielding	Macdonald, Ian	Ray
Birmingham	Fierravanti-Wells	Marshall	Scullion
Bishop	Fifield	McEwen	Sterle
Boyce	Fisher	McGauran	Trood
Brandis	Hogg	McLucas	Watson
Brown, Carol	Hurley	Moore	Webber
Bushby	Johnston	Nash	Wortley
Campbell	Joyce	Parry (Teller)	

Question negatived.

21 ENVIRONMENT—CORAL SEA

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 909—That the Senate—

(a) notes:

- (i) that the Coral Sea is one of the world's most diverse and pristine tropical marine regions, covering approximately 800 000 square kilometres, more than twice the size of the Great Barrier Reef Marine Park, and is extraordinarily rich in marine life,
- (ii) that the region is virtually unprotected and is facing immediate pressures from legal and illegal fishing, as well as long-term impacts from climate change, and
- (iii) the urgent need to ensure protection and management of this unique ecosystem; and

(b) calls on the Government to begin the consultation process for the declaration of the entire Coral Sea region as a marine-protected area, which includes a comprehensive network of marine sanctuaries.

Question put and negatived.

22 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST NO. 12 OF 2007

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

10th report of 2007, dated 19 September 2007.

Alert Digest No. 12 of 2007, dated 19 September 2007.

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

Senator Ray moved—That the Senate take note of the report.

Question put and passed.

**23 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—
FUTURE IMPACT OF SERIOUS AND ORGANISED CRIME ON AUSTRALIAN SOCIETY**

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Ian Macdonald) tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Inquiry into the future impact of serious and organised crime on Australian society—Report, dated September 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [25].

Report ordered to be printed on the motion of Senator Ian Macdonald.

Senator Ian Macdonald moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

**24 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—10TH, 11TH AND 12TH
REPORTS OF 2007**

Senator Parry, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

10th report of 2007—Proposed CSIRO collocation with Queensland Government on the ecosciences and health and food sciences precincts, Brisbane, Queensland, dated September 2007.

11th report of 2007—Proposed RAAF Base Amberley redevelopment stage three, Queensland, dated September 2007.

12th report of 2007—Proposed C-17 heavy air lift infrastructure project, dated September 2007.

Senator Parry moved—That the Senate take note of the reports.

Debate ensued.

Question put and passed.

25 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2006-07—DOCUMENT

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

Australian National Audit Office—Report for 2006-07.

**26 WORKPLACE RELATIONS ACT—AGREEMENT MAKING—GOVERNMENT
DOCUMENT**

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) tabled the following document:

Workplace Relations Act 1996—Report for 2004 to 2006 on agreement making under the Act.

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

Debate ensued.

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

Before 5 pm—

27 FIRST SPEECH

Pursuant to order (*see entry no. 9, 11 September 2007*), Senator Bushby made his first speech.

28 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—GOVERNMENT RESPONSE—SUPERANNUATION LEGISLATION AMENDMENT BILL 2007

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

Finance and Public Administration—Standing Committee—Report—Superannuation Legislation Amendment Bill 2007 [Provisions]—Government response.

29 DOCUMENTS

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

Australian Bureau of Statistics Act—Proposal No. 10 of 2007—Queensland Interstate Trade Survey [*in substitution for document tabled on 17 September 2007*].

Christmas Island Act—List of applied Western Australian Acts for the period 16 March to 15 September 2007.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 16 March to 15 September 2007.

Telecommunications Act—Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2007) [F2007L03728]*.

* Explanatory statement tabled with legislative instrument.

30 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2007—Statement of compliance—Department of Defence.

**31 HEALTH INSURANCE AMENDMENT (MEDICARE DENTAL SERVICES) BILL 2007
INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT (CAPE YORK MEASURES) BILL 2007**

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

Message no. 654, dated 19 September 2007—A Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes.

Message no. 655, dated 19 September 2007—A Bill for an Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes.

The Minister for Justice and Customs (Senator Johnston) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Johnston moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Johnston moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

32 **HIGHER EDUCATION ENDOWMENT FUND BILL 2007**
HIGHER EDUCATION ENDOWMENT FUND (CONSEQUENTIAL AMENDMENTS)
BILL 2007

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

In the committee

HIGHER EDUCATION ENDOWMENT FUND BILL 2007—

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Clause 40, page 30 (lines 7 to 9), omit subclause 40(2), substitute:

- (2) The Advisory Board consists of not less than 7 members representing a range of professional backgrounds who collectively possess knowledge and expertise in the following fields:
 - (a) tertiary sector management;
 - (b) the research sector;
 - (c) teaching and learning;
 - (d) the evaluation of capital infrastructure;
 - (e) knowledge transfer to industry;

such persons to be appointed from time to time to the Advisory Board by the Education Minister in writing.

Debate ensued.

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

Senator Allison moved the following amendment:

Clause 41, page 30 (lines 22 to 30), omit the clause, substitute:

41 Functions of the Advisory Board

- (1) The Advisory Board has the functions of:
 - (a) assessing and ranking applications submitted under the Higher Education Endowment Fund for a grant of financial assistance, according to guidelines issued by the Education Minister;
 - (b) making grant recommendations to the Education Minister; and
 - (c) other matters referred to it by the Education Minister that relate to:
 - (i) making grants of financial assistance to eligible higher education institutions in relation to capital expenditure; or

- (ii) making grants of financial assistance to eligible higher education institutions in relation to research facilities.
- (2) A guideline made under subsection (1)(a) must specify the considerations by which grants of financial assistance will be made to higher education institutions, including but not limited to criteria providing for merit and eligibility.
- (3) A guideline made under subsection (1)(a) is a legislative instrument to which section 42 (disallowance) of the *Legislative Instruments Act 2003* applies.
- (4) The Minister must cause a copy of a grant recommendation made in accordance with paragraph (1)(b) to be tabled in each House of the Parliament within 15 sitting days of the Minister's receipt of the recommendation.

Debate ensued.

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

Senator Allison moved the following amendment:

Page 30 (after line 30), after clause 41, insert:

41A Keeping the Parliament informed of grant recommendations

The Minister must cause a copy of a recommendation from the Advisory Board that relates to:

- (a) a grant of financial assistance to an eligible higher education institution in relation to capital expenditure; or
- (b) a grant of financial assistance to an eligible higher education institution in relation to research facilities;

to be tabled in each House of the Parliament within 15 sitting days of the Minister's receipt of the recommendation.

Debate ensued.

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

Bill agreed to.

HIGHER EDUCATION ENDOWMENT FUND (CONSEQUENTIAL AMENDMENTS)

BILL 2007—

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

Bills to be reported without amendments.

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

On the motion of the Minister for the Arts and Sport (Senator Brandis) the report from the committee was adopted and the bills read a third time.

**33 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT
(TERRORIST MATERIAL) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted.

34 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) and general business orders of the day nos 16 to 27 relating to government documents were called on but no motion was moved.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.26 pm till Thursday, 20 September 2007 at 9.30 am.

36 ATTENDANCE

Present, all senators except Senators Forshaw*, Hutchins*, Kemp*, Stephens* and Troeth* (* on leave).

HARRY EVANS
Clerk of the Senate