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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENT

The following government document was tabled:

Australian Communications Authority—Report—Principles for determining the amount of datacasting charge, March 2001.

3 NOTICE OF MOTION WITHDRAWN

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) withdrew government business notice of motion no. 1 standing in his name for today, relating to the consideration of legislation.

4 MEASURES TO COMBAT SERIOUS AND ORGANISED CRIME BILL 2001

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), pursuant to notice, moved—That the following bill be introduced:

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

Question put and passed.

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

Explanatory memorandum: Senator Ian Campbell tabled an explanatory memorandum relating to the bill.

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 of the 2001 budget sittings.

5 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSALS

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), at the request of the Minister for Industry, Science and Resources (Senator Minchin) and pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and siting of a services pavilion associated with Commonwealth Place and the material, colours and finishes to Commonwealth Place.

Question put and passed.

Senator Ian Campbell, at the request of Senator Minchin and pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the final text and images for the Magna Carta monument in Magna Carta Place.

Debate ensued.

Question put and passed.

6 ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 1) 2001

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, as amended.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bill read a third time.

7 CRIMES AMENDMENT (AGE DETERMINATION) BILL 2001

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

Message no. 681, dated 3 April 2001—A Bill for an Act to amend the *Crimes Act 1914* to facilitate the determination of the age of persons suspected of committing, or charged with, Commonwealth offences, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That this bill be now read a second time.

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

Debate ensued.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time. All Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

8 AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

9 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (DEBT RECOVERY) BILL 2000

A message from the House of Representatives was reported as follows:

Message no. 683, dated 3 April 2001—Family and Community Services and Veterans' Affairs Legislation Amendment (Debt Recovery) Bill 2000, agreeing to amendments nos 1, 3 to 6, 8 to 10, 12, 14 to 18, 20, 28 to 31, 33 to 35, 37 to 40, 43 and 47 to 55 made by the Senate; disagreeing to amendment no. 19; and disagreeing to amendments nos 2, 7, 11, 13, 21 to 27, 32, 36, 41, 42, 44 to 46 and 56 to 61 and making amendments in place of those amendments.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling), that the message be considered in committee of the whole immediately.

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

In the committee

Message read.

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

(19) **Opp (13)** [Sheet 2016]

Schedule 1, page 17 (after line 26), after item 30, insert:

30A Subsection 1237A(1)

Repeal the subsection (including the note), substitute:

- (1) Subject to subsection (1A), the Secretary must waive the right to recover the proportion of a debt that is attributable to an administrative error made by the Commonwealth if the debtor received in good faith the payment or payments that gave rise to that proportion of the debt.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE
HOUSE OF REPRESENTATIVES
HAS DISAGREED BUT MADE AMENDMENTS IN PLACE THEREOF

(2) **Govt (1)** [Sheet EU252]

Clause 2, page 2 (line 3), omit “1 January 2001”, substitute “1 April 2001”.

(7) **Opp (5)** [Sheet 2016]

Schedule 1, item 12, page 10 (line 33), at the end of subsection (4), add:

- ; (c) where a request for review (the *initial request*) has been made within 3 months after the receipt of a notice issued under subsection 1229(1)—3 months after the day on which an authorised review officer makes a decision in respect of the initial request.

(11) **Govt (2)** [Sheet EU252]

Schedule 1, item 14, page 12 (line 23), omit “1 January 2001”, substitute “1 April 2001”.

(13) **Opp (10)** [Sheet 2016]

Schedule 1, item 16, page 13 (after line 16), at the end of section 1230C, add:

- (2) Subject to subsection (3), a debt due to the Commonwealth under this Act is recoverable by means of a method mentioned in paragraph (1)(d) or (e) only if the Commonwealth:
 - (a) has first sought to recover the debt by means of a method mentioned in paragraph (1)(a), (b) or (c); and
 - (b) can establish that the person who owes the debt has failed to enter into a reasonable arrangement to repay the debt.
- (3) If the Secretary determines that recovery of the debt by means of a method mentioned in paragraph (1)(a), (b) or (c) is not appropriate, having regard to the circumstances of the case, paragraph (2)(a) does not apply.

(21) **Govt (3)** [Sheet EU252]

Schedule 1, item 34, page 18 (line 16), omit “1 January 2001”, substitute “1 April 2001”.

(22) **Govt (4)** [Sheet EU252]

Schedule 1, item 34, page 18 (line 18), omit “1 January 2001”, substitute “1 April 2001”.

(23) **Govt (5)** [Sheet EU252]

Schedule 1, item 34, page 18 (line 22), omit “1 January 2001”, substitute “1 April 2001”.

(24) **Govt (6)** [Sheet EU252]

Schedule 1, item 34, page 18 (line 25), omit “1 January 2001”, substitute “1 April 2001”.

(25) **Govt (7)** [Sheet EU252]

Schedule 1, item 34, page 19 (line 2), omit “1 January 2001”, substitute “1 April 2001”.

(26) **Govt (8)** [Sheet EU252]

Schedule 1, item 34, page 19 (line 11), omit “1 January 2001”, substitute “1 April 2001”.

(27) **Govt (9)** [Sheet EU252]

Schedule 1, item 34, page 19 (line 13), omit “1 January 2001”, substitute “1 April 2001”.

(32) **Opp (18)** [Sheet 2016]

Schedule 3, item 3, page 23 (line 15), at the end of subsection (4), add:

- ; (c) where a request for review (the *initial request*) has been made within 3 months after the receipt of a notice issued under subsection 77(1)—3 months after the day on which an authorised review officer makes a decision in respect of the initial request.

(36) **Govt (10)** [Sheet EU252]

Schedule 3, item 5, page 25 (line 8), omit “1 January 2001”, substitute “1 April 2001”.

(41) **Govt (11)** [Sheet EU252]

Schedule 3, item 17, page 29 (line 12), omit “1 January 2001”, substitute “1 April 2001”.

(42) **Govt (12)** [Sheet EU252]

Schedule 3, item 17, page 29 (line 23), omit “1 January 2001”, substitute “1 April 2001”.

(44) **Govt (13)** [Sheet EU252]

Schedule 3, item 17, page 29 (line 29), omit “1 January 2001”, substitute “1 April 2001”.

(45) **Govt (14)** [Sheet EU252]

Schedule 3, item 17, page 29 (line 33), omit “1 January 2001”, substitute “1 April 2001”.

(46) Govt (15) [Sheet EU252]

Schedule 3, item 17, page 30 (line 2), omit “1 January 2001”, substitute “1 April 2001”.

(56) Govt (16) [Sheet EU252]

Schedule 4, item 9, page 37 (lines 3 and 4), omit “1 January 2001”, substitute “1 April 2001”.

(57) Govt (17) [Sheet EU252]

Schedule 4, item 9, page 37 (line 6), omit “1 January 2001”, substitute “1 April 2001”.

(58) Govt (18) [Sheet EU252]

Schedule 4, item 9, page 37 (line 8), omit “1 January 2001”, substitute “1 April 2001”.

(59) Govt (19) [Sheet EU252]

Schedule 4, item 9, page 37 (line 24), omit “1 January 2001”, substitute “1 April 2001”.

(60) Govt (20) [Sheet EU252]

Schedule 4, item 9, page 38 (line 19), omit “1 January 2001”, substitute “1 April 2001”.

(61) Govt (9) [Sheet EB240]

Schedule 4, item 9, page 39 (after line 2), at the end of the item, add:

(6) The amendments made by items 5A and 8A apply to:

- (a) debts that are owed at the commencement of 1 January 2001; and
- (b) debts that arise after that time.

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

- (1) Clause 2, page 2 (line 3), omit “1 January 2001”, substitute “1 July 2001”.
- (2) Schedule 1, item 12, page 10 (after line 33), at the end of subsection (4), add:
; (c) if a request for review has been made within 90 days after the receipt of a notice issued under subsection 1229(1)—90 days after the day on which an authorised review officer makes a decision in respect of the request.
- (3) Schedule 1, item 14, page 12 (line 23), omit “1 January 2001”, substitute “1 July 2001”.
- (4) Schedule 1, item 16, page 13 (after line 16), at the end of section 1230C, add:
 - (2) Subject to subsection (3), a debt due to the Commonwealth under this Act is recoverable by means of a method mentioned in paragraph (1)(d) or (e) only if the Commonwealth:
 - (a) has first sought to recover the debt by means of a method mentioned in paragraph (1)(a), (b) or (c); and
 - (b) can establish that the person who owes the debt:

- (i) has failed to enter into a reasonable arrangement to repay the debt; or
 - (ii) after having entered into such an arrangement, has failed to make a particular payment in accordance with the arrangement.
- (3) If the Secretary determines that the recovery of the debt by means of a method mentioned in paragraph (1)(a), (b) or (c) is not appropriate having regard to the circumstances of the case, paragraph (2)(a) does not apply in respect of the recovery of the debt.
- (5) Schedule 1, item 34, page 18 (line 16), omit “1 January 2001”, substitute “1 July 2001”.
- (6) Schedule 1, item 34, page 18 (line 18), omit “1 January 2001”, substitute “1 July 2001”.
- (7) Schedule 1, item 34, page 18 (line 22), omit “1 January 2001”, substitute “1 July 2001”.
- (8) Schedule 1, item 34, page 18 (line 25), omit “1 January 2001”, substitute “1 July 2001”.
- (9) Schedule 1, item 34, page 19 (line 2), omit “1 January 2001”, substitute “1 July 2001”.
- (10) Schedule 1, item 34, page 19 (line 11), omit “1 January 2001”, substitute “1 July 2001”.
- (11) Schedule 1, item 34, page 19 (line 13), omit “1 January 2001”, substitute “1 July 2001”.
- (12) Schedule 3, item 3, page 23 (line 15), at the end of subsection (4), add:
 - ; (c) if a request for review has been made within 90 days after the receipt of a notice issued under subsection 77(1)—90 days after the day on which an authorised review officer makes a decision in respect of the request.
- (13) Schedule 3, item 5, page 25 (line 8), omit “1 January 2001”, substitute “1 July 2001”.
- (14) Schedule 3, item 17, page 29 (line 12), omit “1 January 2001”, substitute “1 July 2001”.
- (15) Schedule 3, item 17, page 29 (line 23), omit “1 January 2001”, substitute “1 July 2001”.
- (16) Schedule 3, item 17, page 29 (line 29), omit “1 January 2001”, substitute “1 July 2001”.
- (17) Schedule 3, item 17, page 29 (line 33), omit “1 January 2001”, substitute “1 July 2001”.
- (18) Schedule 3, item 17, page 30 (line 2), omit “1 January 2001”, substitute “1 July 2001”.
- (19) Schedule 4, item 9, page 37 (lines 3 and 4), omit “1 January 2001”, substitute “1 July 2001”.

- (20) Schedule 4, item 9, page 37 (line 6), omit “1 January 2001”, substitute “1 July 2001”.
- (21) Schedule 4, item 9, page 37 (line 8), omit “1 January 2001”, substitute “1 July 2001”.
- (22) Schedule 4, item 9, page 37 (line 24), omit “1 January 2001”, substitute “1 July 2001”.
- (23) Schedule 4, item 9, page 38 (line 19), omit “1 January 2001”, substitute “1 July 2001”.
- (24) Schedule 4, item 9, page 39 (after line 2), at the end of the item, add:
 - (6) The amendments made by items 5A and 8A apply to:
 - (a) debts that are owed at the commencement of 1 July 2001; and
 - (b) debts that arise after that time.

Senator Tambling moved—That the committee:

- (a) does not insist on amendment no. 19 made by the Senate to which the House of Representatives has disagreed; and
- (b) does not insist on amendments nos 2, 7, 11, 13, 21 to 27, 32, 36, 41, 42, 44 to 46 and 56 to 61 made by the Senate to which the House has disagreed and agrees to the amendments made by the House in place of those amendments.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Chapman) resumed the chair and the Chair of Committees (Senator West) reported that the committee had considered message no. 683 from the House of Representatives relating to the Family and Community Services and Veterans' Affairs Legislation Amendment (Debt Recovery) Bill 2000 and had resolved:

- (a) not to insist on amendment no. 19 made by the Senate to which the House of Representatives had disagreed; and
- (b) not to insist on amendments nos 2, 7, 11, 13, 21 to 27, 32, 36, 41, 42, 44 to 46 and 56 to 61 and had agreed to the amendments made by the House in place of those amendments.

On the motion of the Minister for Family and Community Services (Senator Vanstone) the report from the committee was adopted.

10 ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL INSTRUMENTS) BILL 1999

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

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Bartlett was speaking.

11 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to Cabinet (Senator Heffernan) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

12 QUESTIONS

Questions without notice were answered.

13 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Evans, pursuant to standing order 74, asked the Minister representing the Minister for Aged Care (Senator Vanstone) for an explanation of answers not being provided to questions on notice nos 2883, 2885 (notice given 31 August 2000), 2913 (notice given 12 September 2000), 2924, 2934 (notice given 14 September 2000), 3116 (notice given 16 October 2000) and 3163 (notice given 7 November 2000).

Senator Vanstone provided an explanation.

14 CENTENARY OF FEDERATION—STATEMENT BY PRESIDENT

The President made a statement relating to the arrangements for the Centenary of Federation celebrations in Melbourne on 9 and 10 May 2001.

The Leader of the Opposition in the Senate (Senator Faulkner), by leave, moved—That the Senate take note of the statement.

Question put and passed.

15 TAXATION—SMALL BUSINESS—ANSWER TO QUESTION

Senator Schacht moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston) to a question without notice asked by Senator Schacht today relating to the goods and services tax and small business.

Debate ensued.

Question put and passed.

16 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Ludwig, from 991 petitioners, requesting that the Senate undertake an inquiry into the taxation and pricing of petrol.

Senator McLucas, from 46 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

17 NOTICES

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act about interactive gambling, and for related purposes. *Interactive Gambling Bill 2001.*

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975*, and for related purposes. ***Great Barrier Reef Marine Park Amendment Bill 2001***.

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison): To move on the next day of sitting—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 1 April 2002:

- (a) the management of water in Australian cities, including:
 - (i) a review of existing reports on the management of water, predominantly in urban areas, and
 - (ii) an assessment of what constitutes ecologically sustainable water use and the environmental, health and economic implications and imperatives for achieving this, taking into account:
 - (A) projected population growth and consumption rates,
 - (B) water quality and adequacy,
 - (C) urban planning, and
 - (D) water management systems;
- (b) the progress and adequacy of Australia's policies to reduce urban water use and improve water quality;
- (c) environmental performance in urban stormwater management, including:
 - (i) the effects of accelerated run-off from sealed urban catchments on waterways,
 - (ii) the impact of urban run-off on receiving waters,
 - (iii) the best environmental practice in urban stormwater management, and
 - (iv) clarification of roles, responsibilities and reporting requirements amongst public agencies at state and local government level; and
- (d) the potential for Australia to improve water quality and environmental outcomes, including:
 - (i) the opportunities, constraints and costs of:
 - (A) waste water recycling, grey water use and urban stormwater utilisation, and
 - (B) improved water use efficiency in household, garden, public open space and industrial contexts demand management,
 - (ii) the effectiveness of applying financial, market and other mechanisms to achieve water efficiency,
 - (iii) the effectiveness and relevance of environmental management systems, certification programs and best management practices, and
 - (iv) the introduction of bulk water entitlements and water markets, and their implications for urban and industrial water consumption.

Senator Hogg: To move on the next day of sitting—

- (1) That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 27 September 2001:

Whether the current recruitment and retention strategies of the Australian Defence Force (ADF) are effective in meeting the organisation's personnel requirements (including reserves).

- (2) That, in considering these terms of reference, the committee examine and report on the following issues:
 - (a) whether the current recruitment system is meeting, and will continue to meet, the needs of the ADF;
 - (b) the impact of the Defence Reform Program on retention levels and recruiting;
 - (c) the impact of changes to ADF conditions of service, pay and allowances on retention and recruitment of personnel;
 - (d) current levels and categories of specialist personnel in the ADF compared to the organisation's requirements;
 - (e) the impact of current career management practices on the retention of personnel; and
 - (f) any other issues, reasonably relevant to the terms of reference but not referred to above, which arise in the course of the inquiry.

The Chair of the Community Affairs References Committee (Senator Crowley): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on child migration be extended to 30 August 2001.

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 5 April 2001, from 3.30 pm, to take evidence for the committee's inquiry into the import risk assessment on New Zealand apples.

Senator Ridgeway: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to further advance reconciliation between Aboriginal and Torres Strait Islander peoples and all other Australians, by establishing processes to identify, monitor, negotiate and resolve unresolved issues for reconciliation, and for related purposes. ***Reconciliation Bill 2001.***

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

- (a) notes, with deep concern, the appearance on 4 April 2001, in one of Australia's leading journals of higher education, the *Australian Higher Education Supplement*, of an advertisement seeking Australian students for Washington International University, a notorious Pennsylvania-based degree mill, one of many pseudo-universities touting for students here and taking advantage of the Australian Government's negligence in protecting Australia's reputation as a quality provider of education;
- (b) notes that this advertisement provides clear evidence of unaccredited universities seeking to deliver degrees in Australia via the Internet;

- (c) calls on the Government to defend the interests of Australian students, as well as Australia's reputation as a provider of quality education, by strictly enforcing the Australian qualifications framework and the national protocols for higher education approval processes; and
- (d) notes the failure of the Minister for Financial Services and Regulation (Mr Hockey) to act since receiving correspondence from the Department of Education, dated 12 October 2000, proposing further safeguards for universities through improved levels of protection for the word 'university', and calls on the Minister to act decisively to reinforce and reaffirm existing safeguards for Australia's tertiary education system.

Senator Conroy: To move on the next day of sitting—That the following matters be referred to the Parliamentary Joint Committee on Corporations and Securities for inquiry and report by 18 May 2001:

- (a) the provisions of:
 - (i) the *Corporations (Commonwealth Powers) Act 2001* (NSW), and
 - (ii) the Corporations Bill 2001 and the Australian Securities and Investments Commission Bill 2001; and
- (b) whether that legislation properly addresses the constitutional issues that have been raised by the High Court and provides the Commonwealth the necessary powers to legislate in this area.

The Chair of the Community Affairs References Committee (Senator Crowley): To move on the next day of sitting—

- (1) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 25 October 2001:
 - (a) the shortage of nurses in Australia and the impact that this is having on the delivery of health and aged care services; and
 - (b) opportunities to improve current arrangements for the education and training of nurses, encompassing enrolled, registered and postgraduate nurses.
- (2) That the committee specifically make recommendations on:
 - (a) nurse education and training to meet future labour force needs;
 - (b) the interface between universities and the health system;
 - (c) strategies to retain nurses in the workforce and to attract nurses back into the profession including the aged care sector and regional areas;
 - (d) options to make a nursing career more family friendly; and
 - (e) strategies to improve occupational health and safety.

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Petroleum (Submerged Lands) Legislation Amendment Bill 2001
 Petroleum (Submerged Lands) (Registration Fees) Amendment Bill 2000
 Coal Industry Repeal Bill 2000

Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Bill 2000.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of certain bills in the 2001 autumn sittings.

18 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 5 OF 2001

The Chairman of the Selection of Bills Committee (Senator Calvert) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 5 OF 2001

1. The committee met on 3 April 2001.
2. The committee resolved to recommend—
(a) That the following bills be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Maritime Legislation Amendment Bill 2000	Immediately	Rural and Regional Affairs and Transport	19 June 2001
Sydney Airport Demand Management Amendment Bill 2001	Immediately	Rural and Regional Affairs and Transport	23 May 2001

- (b) That the following bills *not* be referred to committees:

Dried Vine Fruits (Rate of Primary Industry (Customs) Charge) Validation Bill 2001
Dried Vine Fruits (Rate of Primary Industry (Excise) Levy) Validation Bill 2001
Therapeutic Goods Amendment (Medical Devices) Bill 2001
Therapeutic Goods (Charges) Amendment Bill 2001

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:
(deferred from meeting of 3 October 2000)
Human Rights (Mandatory Sentencing for Property Offences) Bill 2000
(deferred from meeting of 6 February 2001)
New Business Tax System (Simplified Tax System) Bill 2000
(deferred from meeting of 27 March 2001)
Excise Tariff Amendment Bill (No. 1) 2001
Customs Tariff Amendment Bill (No. 2) 2001

Paul Calvert
Chair
4 April 2001.

Senator Calvert moved—That the report be adopted.

Question put and passed.

19 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 893 standing in the name of Senator Brown for today, relating to the proposed development of the Australian Defence Industries site at St Marys, postponed till 5 April 2001.

20 AWARD OF VICTORIA CROSS FOR AUSTRALIA BILL 2001

Senator Schacht, pursuant to notice of motion not objected to as a formal motion, moved—That the following bill be introduced:

A Bill for an Act to award the Victoria Cross for Australia to certain persons.

Question put and passed.

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

On the motion of Senator Calvert the debate was adjourned till the next day of sitting.

21 ENVIRONMENT—CLIMATE CHANGE

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 887 standing in his name for today, relating to climate change, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Proposed suspension of standing orders: Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 887.

Debate ensued.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison

Bartlett

Bourne (Teller)

Brown

Greig

Lees

Murray

Ridgeway

Stott Despoja

Woodley

NOES, 44

Senators—

Bishop	Crossin	Knowles	Patterson
Brandis	Crowley	Lightfoot	Payne
Buckland	Denman	Ludwig	Reid
Calvert	Eggleston	Lundy	Schacht
Campbell, George	Ferris	Macdonald, Sandy	Sherry
Campbell, Ian	Forshaw	Mason	Tambling
Collins	Gibbs	McGauran	Tchen
Cook	Gibson	McLucas	Troeth
Coonan	Herron	Murphy	Vanstone
Cooney	Hogg	Newman	Watson
Crane	Hutchins	O'Brien (Teller)	West

Question negatived.

**22 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on telecommunications and electro-magnetic emissions be extended to 20 April 2001.

Question put and passed.

Senator Allison amended her notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 and two related bills be extended to 8 May 2001.

Question put and passed.

23 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Economics References Committee (Senator Murphy), pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia's stock exchanges be extended to 24 May 2001.

Question put and passed.

**24 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST NO. 5
OF 2001**

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

5th report of 2001, dated 4 April 2001.

Alert Digest No. 5 of 2001, dated 4 April 2001.

Report ordered to be printed on the motion of Senator Cooney

25 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT 2000

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the following report:

Report 1/2001: Annual report 2000, dated March 2001.

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

Statement by leave: Senator Denman, by leave, made a statement relating to the document.

26 TREATIES—JOINT STANDING COMMITTEE—38TH REPORT

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

38th report—The Kyoto Protocol: Discussion paper, dated April 2001, *Hansard* record of the committee's proceedings [5 vols], minutes of proceedings, documents presented to the committee [2 vols] and submissions [5 vols].

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

Debate ensued.

Question put and passed.

27 LAKE EYRE BASIN INTERGOVERNMENTAL AGREEMENT BILL 2001

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 684, dated 4 April 2001—Lake Eyre Basin Intergovernmental Agreement Bill 2001.

28 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Excise Tariff Amendment Bill (No. 1) 2001 and a related bill).

Question put and passed.

**29 EXCISE TARIFF AMENDMENT BILL (NO. 1) 2001
CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2001**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to Cabinet (Senator Heffernan)—That these bills be now read a second time.

Debate resumed.

Senator Murray moved the following amendment:

At the end of the motion, add “and that the Senate calls on the Government to initiate an independent inquiry into alcohol taxation, to commence no later than 1 July 2002 for completion no later than 1 July 2003, taking into account the following matters:

- (a) the health and social issues arising from the consumption of alcohol;
- (b) taxation principles of simplicity, efficiency and equity; and
- (c) desirable industry outcomes”.

Debate ensued.

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

Main question, as amended, put and passed.

Bills read a second time.

On the motion of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) consideration of the bills in committee of the whole was made an order of the day for a later hour.

30 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), by leave, moved—That consideration of government documents not be proceeded with today and that consideration of government business continue till 7.20 pm.

Question put and passed.

31 **EXCISE TARIFF AMENDMENT BILL (NO. 1) 2001** **CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2001**

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

Statement by Chair of Committees: The Chair of Committees (Senator West) made a statement indicating that the bills would be regarded as bills imposing taxation and that any Senate amendments must proceed by way of requests.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government requests for amendments to be moved to the bills.

EXCISE TARIFF AMENDMENT BILL (NO. 1) 2001—

Bill, taken as a whole by leave, debated.

Senator Ian Campbell moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Clause 2, page 2 (after line 12), at the end of the clause, add:

(7) The amendment of the *Excise Tariff Act 1921* made by item 18 of Schedule 1 to this Act is taken to have commenced on 4 April 2001.

Page 13 (after line 10), at the end of Schedule 1, add:

Part 6—Amendments having effect on and from 4 April 2001

18 Item 1 of the Schedule

	BEER; OTHER EXCISABLE BEVERAGES OF AN ALCOHOLIC STRENGTH BY VOLUME NOT EXCEEDING 10%	
(A)	As prescribed by By-law	Free
(BB)	Beer produced for non-commercial purposes using commercial facilities or equipment	7% of the rate applying to goods classified to sub-item (C)
(C)	Other Beer	
	(1) packaged in an individual container not exceeding 48 litres	
	(a) not exceeding 3% by volume of alcohol	\$44.08 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15
	(b) exceeding 3% but not exceeding 3.5% by volume of alcohol	\$37.42 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15
	(c) exceeding 3.5 % by volume of alcohol	\$32.22 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15
	(2) packaged in an individual container exceeding 48 litres	
	(a) not exceeding 3% by volume of alcohol	\$15.96 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15
	(b) exceeding 3% but not exceeding 3.5% by volume of alcohol	\$17.33 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15

(c) exceeding 3.5 % by volume of alcohol	\$22.68 per litre of alcohol calculated on that alcohol content by which the percentage by volume of alcohol of the goods exceeds 1.15
(D) Other Excisable Beverages of an alcoholic strength by volume not exceeding 10%	\$32.22 per litre of alcohol

Debate ensued.

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

Question put and passed.

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

Ordered, on the motion of Senator Ian Campbell, that the committee have leave to sit again on the next day of sitting.

Question—That the amendment moved by Senator Murray to the motion for the second reading of the bills be agreed to—put again, by leave and negatived (*see entry no. 29*).

32 ADJOURNMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.48 pm till Thursday, 5 April 2001 at 9.30 am.

33 ATTENDANCE

Present, all senators except Senators Harris* and McKiernan* (* on leave).

HARRY EVANS
Clerk of the Senate