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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:

Reserve Bank of Australia—Report for 2000-2001.

3 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell) moved—That government business notice of motion no. 1 standing in the name of the Leader of the Government in the Senate (Senator Hill) for today, relating to the 50th anniversary of the alliance between Australia and the United States of America under the ANZUS treaty, be postponed till a later hour.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

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

Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001

Health and Aged Care Legislation Amendment (Application of Criminal Code) Bill 2001

Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Bill 2001

Innovation and Education Legislation Amendment Bill (No. 2) 2001

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001

Wool International Amendment Bill 2001.

Question put and passed.

5 MIGRATION LEGISLATION AMENDMENT (IMMIGRATION DETAINEES) BILL (NO. 2) 2001

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

Debate resumed.

Question put.

The Senate divided—

AYES, 47

Senators—

Abetz	Cooney	Herron	Murphy
Bishop	Crossin	Hill	O'Brien
Boswell	Crowley	Hogg	Patterson
Buckland	Denman	Kemp	Ray
Calvert	Eggleston	Knowles	Reid
Campbell, George	Evans	Ludwig	Sherry
Carr	Ferguson	Lundy	Tchen
Chapman	Ferris	Mackay	Tierney
Collins	Forshaw	Mason	Troeth
Conroy	Gibson	McGauran	Watson
Cook	Harradine	McKiernan	West
Coonan (Teller)	Harris	McLucas	

NOES, 8

Senators—

Allison	Brown	Greig	Murray
Bartlett (Teller)	Cherry	Lees	Stott Despoja

Question agreed to.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated 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 Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the report from the committee was adopted and the bill read a third time.

6 TAXATION—LIBERAL PARTY—PERSONAL EXPLANATION

Senator Brandis, by leave, made a personal explanation relating to comments made during question time in the House of Representatives by the Member for Fraser (Mr McMullan) on 28 August 2001 relating to taxation and a Liberal Party fundraising dinner.

7 SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION

AMENDMENT BILL 2000

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT BILL 2000

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

In the committee

**SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION
AMENDMENT BILL 2000—**

Consideration resumed of the bill, as amended.

Senator Collins moved the following amendments together by leave:

Schedule 2, item 55, page 61 (line 29), omit “5%”, substitute “1%”.

Schedule 2, item 55, page 61 (after line 30), at the end of the item, add:

- (6) An employee may make an application for further amounts of compensation under subsection (5) only if Comcare has made a final assessment of the degree of permanent impairment of an employee constituted by a hearing loss at least 3 years before the further application is made.

Debate ensued.

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

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

Bill, as amended, agreed to.

Senator Ian Campbell moved—That the committee:

- (a) report the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000 with amendments; and
- (b) in respect of the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000, report progress and ask leave to sit again.

Question put and passed.

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

- (a) the committee had considered the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000 and agreed to it with amendments; and
- (b) in respect of the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000, the committee had made progress and asked leave to sit again.

On the motion of Senator Ian Campbell the report from the committee in respect of the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000 was adopted.

Senator Ian Campbell moved—That the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000 be now read a third time.

Question put and passed.

Bill read a third time.

Senator Ian Campbell moved—That, in respect of the Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000, the committee have leave to sit again on the next day of sitting.

Question put and passed.

8 **FAMILY ASSISTANCE ESTIMATE TOLERANCE (TRANSITION) BILL 2001**

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

Debate resumed.

Senator Forshaw moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) bungling the design and implementation of the Family Tax Benefit (FTB) and Child Care Benefit (CCB) payment systems;
- (b) attempting to hide the scale of the FTB and CCB family debt problems;
- (c) failing to articulate any comprehensive measures to fix the long-term problems of FTB and CCB family debts;
- (d) claiming that the family debt backflip and the resulting \$1 000 waiver will come at no net budgetary cost to the taxpayer; and
- (e) failing to adequately compensate families for the impact of the GST”.

Debate ensued.

Senator Bartlett moved the following amendment to Senator Forshaw’s proposed amendment:

Omit paragraph (e).

At 12.45 pm—

9 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

Document: Senator Alston, by leave, tabled the following document:

Sewerage works—Residential property owned by Senator Faulkner—Copies of documents relating to property development.

Further matters of public interest were discussed.

Suspension of sitting: On the motion of the Assistant Treasurer (Senator Kemp) the sitting of the Senate was suspended till 2 pm.

At 2 pm—

10 QUESTIONS

Questions without notice were answered.

11 SOCIAL ISSUES—WELFARE ENTITLEMENTS—ANSWERS TO QUESTIONS

Senator Evans moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Vanstone) to questions without notice asked today relating to welfare entitlements and the report of the Salvation Army, *Stepping Into the Breach*.

Debate ensued.

Question put and passed.

12 IMMIGRATION—ASYLUM SEEKERS—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill) to a question without notice asked by Senator Bartlett today relating to the Government's decision to refuse a Norwegian vessel carrying asylum seekers entry to Australian territorial waters.

Question put and passed.

13 NOTICES

Senator Cook: To move on the next day of sitting—That the Senate notes with concern the adverse effects, particularly on small business, of the Government's botched implementation of its goods and services tax policies.

Senator O'Brien: To move on the next day of sitting—That all documents in the possession of the Rural and Regional Affairs and Transport Legislation Committee from the Australian Maritime Safety Authority and its constituent bodies in relation to its inquiry into the administration of AusSAR in relation to the search for the *Margaret J*, not previously published by the committee, be published.

The Minister for the Environment and Heritage (Senator Hill): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Interactive Gambling Act 2001*, and for related purposes. ***Interactive Gambling Amendment 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 provisions of the Migration Legislation Amendment Bill (No. 6) 2001 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 18 September 2001.

The Leader of the Government in the Senate (Senator Hill): To move on the next day of sitting—That the Senate—

- (a) recognises and celebrates the centenary of the Australian National Flag which occurs on 3 September 2001;
- (b) honours the ideals for which our national flag stands, including our history, geography and unity as a federated nation;
- (c) notes that this is the world's only national flag ever to fly over one entire continent;
- (d) acknowledges that our flag has been Australia's pre-eminent national symbol in times of adversity and war, peacetime and prosperity;
- (e) recognises that our flag now belongs to the Australian people and has been an integral part of the expression of our national pride; and
- (f) expresses its respect for the Australian National Flag as a symbol of our profound achievements as a federation; our independence and freedom as a people; and our optimism for a common future together.

The Leader of the National Party of Australia in the Senate (Senator Boswell): To move on the next day of sitting—That the Senate notes that:

- (a) 3 September 2001 is the one hundredth birthday of the Australian flag, which has united and inspired the Australian people in times of war and peace, despair and triumph;
- (b) the focal point of the national celebrations will be a re-enactment of the first raising of the Australian flag at the Royal Exhibition Building in Melbourne;
- (c) celebrations in the National Capital will be presided over by His Excellency the Governor-General, with a presentation of the Australian flag to the oldest-known war veteran; and
- (d) the Australian flag which flies in the Senate chamber is a proud symbol of the Australian people.

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

- (a) notes that the sixth annual Phil Botha Memorial Fun Run takes place on 5 September 2001 to raise money for Canteen, the Youth Cancer Support Group;
- (b) recognises that cancer inflicts enormous pain and suffering on our community, and that money is needed to fund research and treatments;
- (c) notes that the run has raised significant amounts of money to support people suffering from cancer;
- (d) notes that the run is a relay of 120 kilometres in length; and
- (e) asks each senator to give his or her financial support to this worthy cause.

Senator Brown: To move on the next day of sitting—That the Senate notes that 3 September would be an excellent date for this nation to begin the process of finding a new flag with an entirely national motif reflecting Australia's special and independent place in the world.

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2001

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

SELECTION OF BILLS COMMITTEE**REPORT NO. 13 OF 2001**

1. The committee met on 28 August 2001.

2. The committee resolved to recommend—

(a) That the following bill be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Commonwealth Electoral Amendment Bill 2001	Immediately	Finance and Public Administration	18 September 2001

(b) That the provisions of the following bills be *referred* to a committee as follows:

Bill title	Stage at which referred	Legislation committee	Reporting date
Aviation Legislation Amendment Bill (No. 2) 2001	Immediately	Rural and Regional Affairs and Transport	23 October 2001
Motor Vehicle Standards Amendment Bill 2001	Immediately	Rural and Regional Affairs and Transport	25 September 2001

(c) That the following bills *not* be referred to a committee:

Customs Tariff Amendment Bill (No. 4) 2001

Health and Aged Care Legislation Amendment (Application of Criminal Code) Bill 2001

Migration Agents Registration Application Charge Amendment Bill 2001

Migration Legislation Amendment Bill (No. 5) 2001

Parliamentary Service Amendment Bill 2001

Taxation Laws Amendment Bill (No. 4) 2001

Wool International Amendment Bill 2001

The committee recommends accordingly.

3. The committee *deferred* consideration of the following bills to the next meeting:

Bills deferred from meeting of 7 August 2001

Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001

Superannuation Legislation Amendment (Indexation) Bill 2001

Bill deferred from meeting of 21 August 2001

State Elections (One Vote, One Value) Bill 2001

Bills deferred from meeting of 28 August 2001

Australian Citizenship Legislation Amendment Bill 2001

Commonwealth Inscribed Stock Amendment Bill 2001

Disability Services Amendment (Improved Quality Assurance) Bill 2001

Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Bill 2001

Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001

Family Assistance Estimate Tolerance (Transition) Bill 2001

Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Bill 2001

Innovation and Education Legislation Amendment Bill (No. 2) 2001

Royal Commissions and Other Legislation Amendment Bill 2001

Taxation Laws Amendment Bill (No. 5) 2001

Paul Calvert

Chair

29 August 2001.

Senator Calvert moved—That the report be adopted.

Question put and passed.

15 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 1010 standing in the name of Senators Bourne and Bartlett for today, relating to Australia's joint defence facilities, postponed till 30 August 2001.

General business notice of motion no. 1016 standing in the name of Senator Bartlett for today, relating to detention centres and asylum seekers, postponed till 30 August 2001.

General business notice of motion no. 1018 standing in the name of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane) for today, relating to an extension of time for the committee to report, postponed till 30 August 2001.

16 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Economics References Committee (Senator Murphy) 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 Economics References Committee on the framework for the market supervision of Australia's stock exchanges be extended to 19 September 2001.

Question put and passed.

17 FOREIGN AFFAIRS—UNITED STATES—FREE TRADE AGREEMENT

Motion determined as not formal: Senator Brown requested that general business notice of motion no. 1015 standing in his name for today, relating to a proposed free trade agreement between the United States and Australia, be taken as formal.

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

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. 1015.

Question put and passed.

Senator Brown moved—That general business notice of motion no. 1015 may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Brown moved—That the Senate—

- (a) notes that the Prime Minister (Mr Howard) will be discussing a United States-Australia free trade agreement with President Bush in Washington on 10 September 2001; and
- (b) calls on the Australian Government to rule out any consideration of relaxing Australia's media content, media ownership, Foreign Investment Review Board rules or changes to the Pharmaceutical Benefits Scheme in any such free trade agreement.

Senator O'Brien moved the following amendment:

Omit all words after "That the Senate", substitute:

- (a) notes:
 - (i) that the Prime Minister (Mr Howard) will be visiting Washington on 10 September 2001 to discuss trade issues, amongst other things, and
 - (ii) Australia's essential national interest in the multilateral trading system and in regional economic forums; and
- (b) calls on the Prime Minister to:
 - (i) encourage the Bush Administration to use all its influence to bring about the launch of a new multilateral trade round at the World Trade Organization meeting in Doha in November 2001,
 - (ii) commit Australia to working closely with the United States on a reinvigorated Asia Pacific Economic Cooperation agenda that promotes and facilitates economic growth in the Asia-Pacific region, and
 - (iii) ensure a proper process of analysis and consultation, including with community groups, with regard to his proposal to pursue a free trade agreement with the United States.

Debate ensued.

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

Main question, as amended, put and passed.

18 ENVIRONMENT—CLOSED-CANOPY FORESTS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
 - (i) the United Nations (UN) report citing Australia as one of 15 countries holding more than 80 per cent of the world's closed-canopy forests (forests where the treetops shade more than 40 per cent of the ground), and
 - (ii) that less than 13 per cent of Australia's 35 548 500 hectares of closed-canopy forest is protected—a smaller percentage than Venezuela, Bolivia, Colombia and Indonesia;
- (b) urges the Government to meet the UN's call for remaining closed-canopy forests to be protected from further logging or vegetation clearance in Australia; and

- (c) calls on the Government, by example and assistance, to act swiftly to help protect the closed-canopy forests in developing countries like Papua New Guinea, Indonesia, India and China, including Tibet.

Question put and negatived.

19 ABORIGINES—HINDMARSH ISLAND BRIDGE—FEDERAL COURT DECISION

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the Federal Court's decision in the Hindmarsh Island bridge case; and
- (b) welcomes the vindication of the Ngarrindjeri women and congratulates all those who have supported them in their opposition to the bridge on Aboriginal heritage and environmental grounds.

Question put and passed.

20 IMMIGRATION—THE TAMPA—MAP COORDINATES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate calls on the Government, by 5 pm on 29 August 2001, to inform the Senate of the exact map coordinates of the site at which the Norwegian ship, the *Tampa*, rescued more than 400 people from a sinking boat between Christmas Island and Indonesia in the week beginning 26 August 2001.

Question put and passed.

21 URGENCY MOTION

The Acting Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Greig advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

Given the recent public statements from both the Prime Minister (Mr Howard) and the Leader of the Opposition (Mr Beazley) expressing their opposition to discrimination against gay and lesbian people, and noting the absence of comprehensive Commonwealth laws to redress this, the necessity for Parliament to enact national laws against sexuality discrimination.

The proposal was supported by 4 senators.

Senator Greig moved the motion.

Debate ensued.

Question put and passed.

Senator Greig, pursuant to standing order 154, moved—That the resolution relating to sexuality discrimination be communicated by message to the House of Representatives for concurrence.

Debate ensued.

Question put and passed.

**22 SCRUTINY OF BILLS—STANDING COMMITTEE—11TH REPORT AND ALERT DIGEST
No. 11 of 2001**

Senator O'Brien, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Cooney), tabled the following report and document:

11th report of 2001, dated 29 August 2001.

Alert Digest No. 11 of 2001, dated 29 August 2001.

Report ordered to be printed on the motion of Senator O'Brien.

**23 COMMUNITY AFFAIRS REFERENCES COMMITTEE—ADDITIONAL INFORMATION—
PUBLIC HOSPITAL FUNDING**

Senator Calvert, at the request of the Chair of the Community Affairs References Committee (Senator Crowley), tabled additional information received by the committee.

**24 EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND EDUCATION
LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES 2001-02**

Senator Calvert, at the request of the Chair of the Employment, Workplace Relations, Small Business and Education Legislation Committee (Senator Tierney), tabled additional information received by the committee (Estimates 2001-02—vols 1-5).

25 PARLIAMENT ACT—PARLIAMENTARY ZONE—WORKS PROPOSAL—DOCUMENTS

The Parliamentary Secretary to Cabinet (Senator Heffernan) tabled the following documents:

Parliament Act—Proposal, together with supporting documentation, relating to the design and siting of exhaust flues, a change of tree species, the changes and additions to the walkway design, removal of the staircourt, and the external lighting design of Commonwealth Place.

Notice of motion: Senator Heffernan, by leave, gave a notice of motion as follows: To move on the next day of sitting—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 the exhaust flues, a change of tree species, changes to the walkway design and staircourt, and the external lighting design of Commonwealth Place.

26 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposal No. 10 of 2001.

Higher Education Funding Act—Determination under section 15—Determination No. T22-2001.

Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination No. 4 of 2001.

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

The following documents were tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2001—Statements of compliance—

Australian Electoral Commission.

Commonwealth Grants Commission.

Department of Finance and Administration.

Employment, Workplace Relations and Small Business portfolio.

Office of Asset Sales and Commercial Support.

**28 FAMILY LAW LEGISLATION AMENDMENT (SUPERANNUATION) (CONSEQUENTIAL PROVISIONS) BILL 2001
TREASURY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL (NO. 3) 2001**

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

Message no. 787, dated 27 August 2001—A Bill for an Act to deal with matters consequential on the enactment of the *Family Law Legislation Amendment (Superannuation) Act 2001*, and for related purposes.

Message no. 798, dated 29 August 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for other purposes.

The Parliamentary Secretary to Cabinet (Senator Heffernan) 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 Heffernan moved—That these bills be now read a second time.

Explanatory memorandum: Senator Heffernan tabled revised explanatory memoranda [2] relating to the bills.

On the motion of Senator O'Brien the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Heffernan moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

29 FINANCIAL SECTOR (COLLECTION OF DATA—CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2001

FINANCIAL SERVICES REFORM (CONSEQUENTIAL PROVISIONS) BILL 2001

FINANCIAL SERVICES REFORM BILL 2001

GENERAL INSURANCE REFORM BILL 2001

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

Message no. 789, dated 28 August 2001—Financial Sector (Collection of Data—Consequential and Transitional Provisions) Bill 2001.

Message no. 790, dated 28 August 2001—Financial Services Reform (Consequential Provisions) Bill 2001.

Message no. 791, dated 28 August 2001—Financial Services Reform Bill 2001.

Message no. 792, dated 29 August 2001—General Insurance Reform Bill 2001

30 TAXATION LAWS AMENDMENT BILL (NO. 2) 2001

A message from the House of Representatives was reported disagreeing to the amendment made by the Senate to the following bill:

Message no. 788, dated 28 August 2001—Taxation Laws Amendment Bill (No. 2) 2001.

On the motion of the Parliamentary Secretary to Cabinet (Senator Heffernan) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

31 FAMILY ASSISTANCE ESTIMATE TOLERANCE (TRANSITION) BILL 2001

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling)—That this bill be now read a second time—*and on the amendment moved by Senator Forshaw and on the amendment moved by Senator Bartlett to Senator Forshaw's proposed amendment (see entry no. 8).*

Debate resumed.

Question—That Senator Bartlett's amendment to Senator Forshaw's proposed amendment be agreed to—put and negatived.

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

Main 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.

Senator Bartlett moved the following amendment:

Schedule 1, page 3 (after line 5), before item 1, insert:

1A Subsection 97(2)

Repeal the subsection, substitute:

- (2) The Secretary must waive the administrative error proportion of a debt if the debtor received in good faith the payment or payments that gave rise to the administrative error proportion of the debt.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

32 INNOVATION AND EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2001

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

Message no. 799, dated 29 August 2001—A Bill for an Act to amend the *Higher Education Funding Act 1988*, and for related purposes.

The Minister for Family and Community Services (Senator Vanstone) 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 Vanstone moved—That this bill be now read a second time.

Debate ensued.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for damaging Australian universities through massive funding cuts, and for reducing opportunities for Australian undergraduate and postgraduate students, in particular by:

- (a) cutting Commonwealth funding for universities by \$3 billion since 1996, thereby reducing student places by 81 500;
- (b) overseeing a reduction of 3 278 enrolments of Australian university students in 2000;
- (c) cutting the number of research training places by 3 336; and
- (d) cutting the higher education contribution scheme postgraduate coursework places by 60 per cent since 1996”.

Debate ensued.

Debate adjourned, the Leader of the Australian Democrats (Senator Stott Despoja) in continuation.

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

33 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for the Environment and Heritage (Senator Hill), by leave, moved—That, on Wednesday, 29 August 2001:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm, and 8 pm to adjournment;
- (b) consideration of government documents under standing order 61 not be proceeded with;
- (c) the routine of business from 8 pm till the adjournment shall be government business only; and
- (c) the question for the adjournment of the Senate shall not be proposed till a motion for the adjournment is moved by a minister.

Debate ensued.

Question put.

The Senate divided—

AYES, 45

Senators—

Abetz	Crane	Hutchins	O'Brien
Bishop	Crossin	Kemp	Ray
Boswell	Crowley	Knowles	Reid
Brandis	Denman	Lightfoot	Sherry
Buckland	Evans	Ludwig	Tambling
Campbell, George	Ferris	Macdonald, Sandy	Tchen
Campbell, Ian	Forshaw	Mackay	Troeth
Carr	Harradine	Mason	Watson
Chapman	Harris	McGauran	West
Conroy	Herron	McKiernan	
Coonan (Teller)	Hill	McLucas	
Cooney	Hogg	Murphy	

NOES, 8

Senators—

Allison	Brown	Greig	Murray
Bartlett (Teller)	Cherry	Lees	Stott Despoja

Question agreed to.

34 WOOL INTERNATIONAL AMENDMENT BILL 2001

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

Message no. 800, dated 29 August 2001—A Bill for an Act to amend the *Wool International Act 1993*, and for related purposes.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) 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 Boswell moved—That this bill be now read a second time.

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

**35 EDUCATION, TRAINING AND YOUTH AFFAIRS LEGISLATION AMENDMENT
(APPLICATION OF CRIMINAL CODE) BILL 2001**

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

Message no. 801, dated 29 August 2001—A Bill for an Act relating to the application of the *Criminal Code* to certain offences, and for related purposes.

The Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell) 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 Boswell moved—That this bill 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.

36 INNOVATION AND EDUCATION LEGISLATION AMENDMENT BILL (NO. 2) 2001

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Vanstone)—That this bill be now read a second time—and on the amendment moved by Senator Carr (*see entry no. 32*).

Debate resumed.

On the motion of the Minister for the Environment and Heritage (Senator Hill) the debate was adjourned till a later hour.

37 BORDER PROTECTION BILL 2001

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

Message no. 803, dated 29 August 2001—A Bill for an Act to provide for the removal of ships from the territorial sea of Australia, and for related purposes.

The Minister for the Environment and Heritage (Senator Hill) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Consideration of legislation: Senator Hill, by leave, moved—That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill be now read a second time.

Debate ensued.

The Senate continued to sit till 12 midnight—
THURSDAY, 30 AUGUST 2001 AM

Debate continued.

Question put.

The Senate divided—

AYES, 30

Senators—

Abetz	Ellison	Knowles	Tambling
Alston	Ferris	Lightfoot	Tchen
Boswell	Gibson	Macdonald, Ian	Tierney
Calvert (Teller)	Harris	Macdonald, Sandy	Troeth
Chapman	Heffernan	McGauran	Vanstone
Coonan	Herron	Minchin	Watson
Crane	Hill	Newman	
Eggleston	Kemp	Reid	

NOES, 34

Senators—

Allison	Conroy	Greig	Murphy
Bartlett	Cook	Harradine	Murray
Bishop	Cooney	Hogg	O'Brien (Teller)
Bolkus	Crossin	Hutchins	Ray
Brown	Crowley	Lees	Sherry
Buckland	Denman	Ludwig	Stott Despoja
Campbell, George	Evans	Mackay	West
Carr	Faulkner	McKiernan	
Cherry	Forshaw	McLucas	

Question negatived.

38 **ADJOURNMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate do now adjourn.

The Senate adjourned at 2.07 am till Thursday, 30 August 2001 at 9.30 am.

39 ATTENDANCE

Present, all senators except Senators Bourne*, Gibbs, Payne*, Ridgeway* and Schacht (* on leave).

HARRY EVANS
Clerk of the Senate