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1 MEETING OF SENATE

The Senate met at 2 pm. The President (Senator the Honourable Margaret Reid) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginals Benefit Account—Report for 2000-01.

Australian Bureau of Statistics—Report for 2000-01.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2001, together with a revised code of practice for the safe transport of radioactive material.

Commonwealth Grants Commission—Indigenous funding 2001—
Volume I—Report.

Volume II—Supporting material.

Volume III—Consultants' reports.

National Rail Corporation Limited (National Rail)—Report for 2000-01.

Northern Territory Fisheries Joint Authority—Report for 1999-2000.

Public Lending Right Committee—Report for 2000-01.

3 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Sweden led by the Speaker, Mrs Birgitta Dahl, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

4 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator O'Brien, pursuant to standing order 74, asked the Minister representing the Minister for Transport and Regional Services (Senator Ian Macdonald) for an explanation of answers not being provided to questions on notice nos 3682 to 3689 (notice given 3 July 2001) relating to the proposed Moree bypass.

Senator Ian Macdonald provided an explanation.

Senator O'Brien moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

5 TAXATION—ANSETT AIRLINE TICKETS—ANSWER TO QUESTION

Senator O'Brien moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp) to a question without notice asked by Senator O'Brien today relating to the goods and services tax paid on tickets for flights on Ansett Airlines.

Debate ensued.

Question put and passed.

6 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bourne, 2 petitions similar in wording, from 160 and 16 petitioners, requesting that the Senate take action to ensure the independence of the Australian Broadcasting Corporation and to increase its funding.

Senator Bourne, from 41 petitioners, requesting that the Senate urge the Government to reconsider its policy on mandatory detention of boatpeople seeking asylum in Australia.

Senator Hogg, from 63 petitioners, requesting that the Senate reject the Government's proposed plans to fully privatise Telstra.

Senator Newman, from 12 petitioners, requesting that the Senate ensure that people with disabilities are not disadvantaged when travelling across Bass Strait by sea and that the Tasmanian and Victorian governments provide port facilities which meet the appropriate standards.

7 NOTICES

The Chair of the Employment, Workplace Relations, Small Business and Education References Committee (Senator Collins): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations, Small Business and Education References Committee on the education of gifted and talented children be extended to 22 October 2001.

Senator Carr: To move on the next day of sitting—That the Senate notes the crisis in Australian education as a result of the Howard Government's funding policies.

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling): To move on the next day of sitting—That, on Wednesday, 26 September 2001:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at midnight.

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling): 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:

- Abolition of Compulsory Age Retirement (Statutory Officeholders) Bill 2001
- Air Passenger Ticket Levy (Imposition) Bill 2001
- Air Passenger Ticket Levy (Collection) Bill 2001

Bankruptcy Legislation Amendment Bill 2001
Bankruptcy (Estate Charges) Amendment Bill 2001
Cybercrime Bill 2001
Customs Tariff Amendment Bill (No. 4) 2001
Defence Legislation Amendment (Application of Criminal Code) Bill 2001
Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Bill 2001
Fuel Legislation Amendment (Grant and Rebate Schemes) Bill 2001
Indigenous Education (Targeted Assistance) Amendment Bill 2001
Intelligence Services Bill 2001
Intelligence Services (Consequential Provisions) Bill 2001
Jurisdiction of the Federal Magistrates Service Legislation Amendment Bill 2001
Motor Vehicle Standards Amendment Bill 2001
Olympic Insignia Protection Amendment Bill 2001
Regional Forest Agreements Bill 2001
Taxation Laws Amendment Bill (No. 5) 2001
Taxation Laws Amendment Bill (No. 6) 2001
Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2001
Workplace Relations Amendment (Minimum Entitlements for Victorian Workers) Bill 2001.

Documents: Senator Tambling tabled the following documents:

Consideration of legislation—Statements of reasons [18] for introduction and passage of certain bills in the 2001 spring sittings.

Senator Calvert, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan): To move 15 sitting days after today—That the Quarantine Service Fees Determinations 2001 (No. 1 of 2001), made under section 86E of the *Quarantine Act 1908*, be disallowed.

Senator Calvert, by leave, made a statement relating to the notice of motion.

8 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator Calvert, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), moved—That the time for the presentation of the report of the committee on the provisions of the Regional Forest Agreements Bill 2001 be extended to 26 September 2001.

Debate ensued.

Question put and passed.

9 ORDER OF BUSINESS—REARRANGEMENT

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Crane), by leave, moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the provisions of the Motor Vehicle Standards Amendment Bill 2001, be postponed till a later hour.

Question put and passed.

10 POSTPONEMENTS

Items of business were postponed as follows:

General business notice of motion no. 717 standing in the name of Senator Lees for today, relating to the introduction of the Australian Bill of Rights Bill 2000, postponed till 27 September 2001.

General business notice of motion no. 1044 standing in the name of Senator Allison for today, relating to energy efficiency and low pollution standards for new power stations, postponed till 26 September 2001.

Senator Ludwig, by leave and at the request of Senator Evans, moved—That business of the Senate notice of motion no. 1 standing in the name of Senator Evans for today, relating to the disallowance of the Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2001 (No. 4), be postponed till the next day of sitting.

Question put and passed.

11 HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION

Motion determined as not formal: The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling), at the request of the Parliamentary Secretary to Cabinet (Senator Heffernan), asked that government business notice of motion no. 1 standing in the name of Senator Heffernan for today, relating to hours of meeting and routine of business, be taken as formal.

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

12 MUSLIM COMMUNITY

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

(a) recognising that:

- (i) Australia has an international reputation as a successful multicultural society,
- (ii) freedom and respect for diversity, particularly religious diversity, has underpinned that success,
- (iii) Australia has had a peaceful transition from a time where one religious group dominated religious culture to the current situation where religious legitimacy is shared by all religious groups, and
- (iv) such success has been based on religious settlement involving highly diverse religious groups;

- (b) further recognising that the framework provided by Australia's civic values of tolerance, equality, our 'fair go' culture, and freedom of speech and religion, together with the structures of constitutional parliamentary democracy and the rule of law, have worked together to enable this transition;
- (c) noting that:
 - (i) Muslims are the largest non-Christian religious group in Australia, with migrants from Turkey, Lebanon, and other Middle East and Asian cultures,
 - (ii) at least 35 per cent of Australian Muslims were born in Australia, and
 - (iii) Muslim migrants have been part of Australian society for more than a century, with the first mosques built in Adelaide, Coolgardie, Maree, Broken Hill and Perth by the end of the nineteenth century;
- (d) appreciating that Islam is a peaceful religion and that in more than 100 years of immigration Australia has never experienced acts of terrorism arising from our migrant Muslim communities, but that Australia has benefited enormously from the successful immigration of such communities;
- (e) noting also the commitment expressed by Muslims and Australian Arabs in the press on the weekend of 22 and 23 September 2001 to condemning terrorism;
- (f) is concerned at the current unhealthy level of physical and verbal attacks on these communities, especially their mosques, schools, women and children; and
- (g) calls on the Australian community, at all levels, to give Australia's migrant Muslim community the respect we give to all other religious groups.

Question put and passed.

13 **PARLIAMENTARY ZONE—PROPOSED APPROVAL OF WORKS PROPOSAL**

Motion determined as not formal: The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) requested that government business notice of motion no. 2 standing in his name for today, relating to the approval of works proposed for the Parliamentary Zone, be taken as formal.

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

14 **PUBLIC EDUCATION**

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

- (a) recognises that failure to invest in public education is undermining Australia's capacity to meet its economic and social needs into this century and calls upon the next government to increase public education spending to meet the Organisation for Economic Co-operation and Development average by 2004;
- (b) recommends that this additional funding be distributed between all sectors of education including universities, TAFE, adult learning and schools;
- (c) is deeply concerned that the distribution of schools funds under the *States Grants (Primary and Secondary Education Assistance) Act 2000* is unfair, unjust and damaging, as evidenced by:
 - (i) the continued decline in public education's share of the total Commonwealth schools budget, and

- (ii) the excessive and extravagant increases in annual per capita Commonwealth funding of many of the wealthiest private schools; and
- (d) calls for the next government, as a matter of urgency, to repeal this Act and replace it with legislation that:
 - (i) ensures that public education's share of Commonwealth schools funding is restored to at least 50 per cent by 2004 and to 70 per cent by 2007 by measures including increasing public education expenditure, curtailing the growth in total funding of private schools and decreasing the funding of the wealthier private schools, and
 - (ii) ensures that the distribution and quantity of federal funding of private schools neither exacerbates socio-economic inequality nor endangers the local, regional or national viability of the nation's government school systems as the dominant provider of primary and secondary education.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 39

Senators—

Bishop	Evans	Lightfoot	Ray
Brandis	Ferguson	Ludwig (Teller)	Schacht
Buckland	Ferris	Lundy	Sherry
Campbell, George	Forshaw	Mason	Tambling
Chapman	Gibbs	McGauran	Tchen
Conroy	Gibson	McKiernan	Tierney
Cook	Herron	McLucas	Troeth
Crane	Hogg	Murphy	Watson
Crossin	Hutchins	Patterson	West
Eggleston	Knowles	Payne	

Question negatived.

15 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Legal and Constitutional References Committee (Senator McKiernan), pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Legal and Constitutional References Committee on the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000 be extended to the last sitting day in March 2002.

Question put and passed.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Motion determined as not formal: The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) requested that general business notice of motion no. 1050 standing in his name for today, relating to authorisation for the committee to meet during the sitting of the Senate today, be taken as formal.

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

Suspension of standing orders: Senator Ridgeway, at the request of the Leader of the Australian Democrats (Senator Stott Despoja) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Stott Despoja 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. 1050.

Debate ensued.

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

Transport—Ansett—Copy of letter from the Administrator, Ansett Group, to the Minister for Transport and Regional Services (Mr Anderson), dated 25 September 2001.

Debate continued.

Question put and passed.

Senator Ridgeway, at the request of Senator Stott Despoja, moved—That general business notice of motion no. 1050 may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Ridgeway moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on 25 September 2001, from 6.30 pm, to take evidence for the committee's inquiry into Ansett Australia.

Question put and passed.

17 ENVIRONMENT—LOGGING OF NATIVE FORESTS

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

(a) notes that:

- (i) a record 1.09 million tonnes of timber from Victoria's native forests last financial year is to be woodchipped,
- (ii) this compares with just 650 000 tonnes of timber for sawlogs,

- (iii) woodchip volumes from Victorian native forests have more than doubled since 1997 when the first Victorian Regional Forest Agreement was signed, and
- (iv) woodchip volumes from East Gippsland forests rose from 155 918 tonnes in the 1998-99 financial year to 399 201 tonnes in the 2000-01 financial year; and
- (b) urges the Victorian State Government to phase-out logging in native forests by buying out forestry agreements and, in the interim, substantially increase the proportion of native forest timber that is value-added at sawmills.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison
Bartlett
Bourne (Teller)

Brown
Cherry
Greig

Lees
Murray

Ridgeway
Stott Despoja

NOES, 33

Senators—

Bishop
Brandis
Buckland
Campbell, George
Chapman
Collins
Cook
Coonan
Crane

Eggleston
Forshaw
Gibbs
Gibson
Herron
Hogg
Hutchins
Lightfoot
Ludwig (Teller)

Macdonald, Sandy
Mackay
McGauran
McKiernan
Murphy
Patterson
Payne
Ray
Schacht

Sherry
Tambling
Tchen
Troeth
Watson
West

Question negatived.

18 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—11TH, 12TH AND 13TH REPORTS OF 2001

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

11th report of 2001—New freight and passenger facilities at Rumah Baru on West Island, Cocos (Keeling) Islands.

12th report of 2001—Redevelopment of residential areas at Royal Military College, Duntroon, Australian Capital Territory.

13th report of 2001—Defence Intelligence Training Centre at Cunungra, Queensland.

Senator McGauran, by leave, moved—That the Senate take note of the reports.

Question put and passed.

19 DOCUMENTS

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice pursuant to paragraph 45(1)(a)—Participation in formation of Australian Strategic Policy Institute Ltd (ASPI).

Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Order 2001.

Telecommunications (Interception) Act—Declaration under section 34—Declaration of the Anti-Corruption Commission of Western Australia, dated 24 September 2001.

20 TREASURY LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL (NO. 2) 2001**SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2000**

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

Message no. 831, dated 24 September 2001—Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001.

Message no. 832, dated 24 September 2001—Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000.

21 NATIONAL CRIME AUTHORITY LEGISLATION AMENDMENT BILL 2001

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

Message no. 833, dated 24 September 2001—National Crime Authority Legislation Amendment Bill 2001.

22 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

17 September 2001—Message—

No. 35—

Financial Sector (Collection of Data) Act 2001 (Act No. 104, 2001)

Migration Legislation Amendment (Immigration Detainees) Act (No. 2) 2001 (Act No. 105, 2001)

Corporations (Compensation Arrangements Levies) Act 2001 (Act No. 106, 2001)

Corporations (Fees) Amendment Act 2001 (Act No. 107, 2001)

Corporations (National Guarantee Fund Levies) Amendment Act 2001 (Act No. 108, 2001)

No. 36—

Finance and Administration Legislation Amendment (Application of Criminal Code) Act 2001 (Act No. 109, 2001)

States Grants (Primary and Secondary Education Assistance) Amendment Act 2001 (Act No. 110, 2001)

Health and Aged Care Legislation Amendment (Application of Criminal Code) Act 2001 (Act No. 111, 2001)

Reconciliation and Aboriginal and Torres Strait Islander Affairs Legislation Amendment (Application of Criminal Code) Act 2001 (Act No. 112, 2001)

18 September 2001—Message—

No. 37—

Wool International Amendment Act 2001 (Act No. 113, 2001)

Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Act 2001 (Act No. 114, 2001)

Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001 (Act No. 115, 2001)

Innovation and Education Legislation Amendment Act (No. 2) 2001 (Act No. 116, 2001)

Treasury Legislation Amendment (Application of Criminal Code) Act (No. 3) 2001 (Act No. 117, 2001)

No. 38—*Environmental Legislation Amendment Act 2001* (Act No. 118, 2001)

19 September 2001—Message No. 39—*General Insurance Reform Act 2001* (Act No. 119, 2001).

**23 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—REPORT—METHODS OF APPOINTMENT TO THE ABC
BOARD**

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Allison) tabled the following report and documents:

Above board? Methods of appointment to the ABC Board, dated September 2001, *Hansard* record of the committee's proceedings and submissions [720].

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

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

Debate ensued.

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

24 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for the Environment and Heritage (Senator Hill), at the request of the Parliamentary Secretary to Cabinet (Senator Heffernan) and pursuant to notice, moved—That, on Tuesday, 25 September 2001:

- (a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at midnight.

Debate ensued.

Question put and passed.

25 PARLIAMENTARY ZONE—APPROVAL OF WORKS PROPOSAL

The Minister for the Environment and Heritage (Senator Hill), at the request of the Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) and pursuant to notice of motion not objected to as a formal motion, 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 content of slivers for Reconciliation Place in the Parliamentary Zone.

Debate ensued.

On the motion of the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson) the debate was adjourned.

Senator Patterson moved—That the resumption of the debate be made an order of the day for a later hour.

Debate ensued.

Question put and passed.

26 MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) BILL 2001
MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) (CONSEQUENTIAL PROVISIONS) BILL 2001
BORDER PROTECTION (VALIDATION AND ENFORCEMENT POWERS) BILL 2001
MIGRATION LEGISLATION AMENDMENT BILL (NO. 6) 2001
MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 2001
MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2001
MIGRATION LEGISLATION AMENDMENT (JUDICIAL REVIEW) BILL 1998 [2001]

Order of the day read for the adjourned debate on the motions of the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), the Minister for the Environment and Heritage (Senator Hill), the Special Minister of State (Senator Abetz), and the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Immigration and Multicultural Affairs (Senator Patterson)—That these bills be now read a second time.

Debate resumed.

Senator Cherry moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to refrain from pursuing legal costs from the applicants or their lawyers involved in the Federal Court actions relating to the people rescued by the *MV Tampa*”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Allison
 Bartlett
 Bourne (Teller)

Brown
 Cherry

Greig
 Murray

Ridgeway
 Stott Despoja

NOES, 41

Senators—

Abetz	Denman	Lightfoot	Ray
Bishop	Ellison	Ludwig (Teller)	Reid
Boswell	Evans	Macdonald, Sandy	Schacht
Brandis	Forshaw	Mackay	Tambling
Buckland	Gibbs	Mason	Tchen
Campbell, George	Gibson	McGauran	Troeth
Carr	Harris	McKiernan	Watson
Cook	Herron	McLucas	West
Coonan	Hogg	Murphy	
Crane	Hutchins	O'Brien	
Crossin	Kemp	Payne	

Question negatived.

Main question put.

The Senate divided—

AYES, 42

Senators—

Bishop	Denman	Kemp	Payne
Boswell	Ellison	Lightfoot	Ray
Brandis	Evans	Ludwig (Teller)	Reid
Buckland	Ferris	Macdonald, Sandy	Schacht
Calvert	Forshaw	Mackay	Tambling
Campbell, George	Gibbs	Mason	Tchen
Carr	Gibson	McGauran	Troeth
Collins	Harris	McKiernan	Watson
Cook	Herron	McLucas	West
Crane	Hogg	Murphy	
Crossin	Hutchins	O'Brien	

NOES, 10

Senators—

Allison	Brown	Harradine	Ridgeway
Bartlett	Cherry	Murray	Stott Despoja
Bourne (Teller)	Greig		

Question agreed to.

Bills read a second time.

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

In the committee

MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) BILL 2001—

Bill, taken as a whole by leave, debated.

Senator Bartlett moved the following amendment:

Page 2 (after line 13), after clause 4, insert:

5 Expiration of Act

This Act ceases to be in force on 1 July 2002.

Debate ensued.

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

Senator Brown moved the following amendment:

Schedule 1, item 1, page 3 (lines 13 and 14), omit paragraph (e) of the definition of *excised offshore place*.

Debate ensued.

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

Senator Brown moved the following amendment:

Schedule 1, item 1, page 3 (line 13), after “Territory”, insert “except Tasmania”.

Debate ensued.

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

Bill agreed to.

MIGRATION AMENDMENT (EXCISION FROM MIGRATION ZONE) (CONSEQUENTIAL PROVISIONS) BILL 2001—

Bill taken as a whole by leave.

Senator Bartlett moved the following amendment:

Page 2 (after line 28), after clause 4, insert:

5 Expiration of Act

This Act ceases to be in force on 1 July 2002.

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

Senator Bartlett moved the following amendments together by leave:

Schedule 1, item 4, page 3 (line 18), at the end of subsection (3), add “for a period not exceeding 14 days”.

Schedule 1, item 4, page 3 (line 23), at the end of subsection (4), add “for a period not exceeding 14 days”.

Schedule 1, item 7, page 5 (after line 15), after subsection (1), insert:

(1A) Paragraph (1)(c) does not apply to a period of detention that exceeds 14 days.

Debate ensued.

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

Senator Bartlett moved the following amendments together by leave:

Schedule 1, item 6, page 4 (after line 23), after subsection (3), insert:

- (3A) The Minister must not make a declaration under subsection (3) in respect of a country unless that country:
 - (a) is a party to:
 - (i) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1989; and
 - (ii) the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966; and
 - (iii) the Refugees Convention as amended by the Refugees Protocol; and
 - (b) has entered into an agreement with Australia to admit the persons concerned.

Schedule 1, item 6, page 4 (after line 23), after subsection (3), insert:

- (3B) The Minister's power to make or revoke a declaration under subsection (3) includes the power to make or revoke a declaration in respect of specified persons seeking asylum.
- (3C) In making a declaration under subsection (3) in respect of specified persons seeking asylum, the Minister must take into account any information provided by those persons that a declared specified country does not or will not, or is unlikely to:
 - (a) provide access to those persons to effective procedures for assessing their need for protection; or
 - (b) provide protection to those persons, pending determination of their refugee status; or
 - (c) provide protection to those persons, pending their voluntary repatriation to their country of origin or resettlement in another country; or
 - (d) meet relevant human rights standards in providing protection to those persons.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, item 7.

Schedule 1, item 7 debated.

Question—That Schedule 1, item 7 stand as printed—put.

The committee divided—

AYES, 50

Senators—

Abetz	Eggleston	Kemp	Patterson
Bishop	Ellison	Knowles	Payne
Boswell	Evans	Lightfoot	Ray
Brandis	Ferguson	Ludwig	Reid
Buckland	Ferris	Macdonald, Ian	Schacht
Calvert (Teller)	Forshaw	Macdonald, Sandy	Sherry
Campbell, George	Gibbs	Mackay	Tchen
Chapman	Gibson	Mason	Tierney
Collins	Harris	McGauran	Troeth
Cook	Herron	McKiernan	Watson
Coonan	Hill	McLucas	West
Crane	Hogg	Murphy	
Crossin	Hutchins	O'Brien	

NOES, 11

Senators—

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

Item agreed to.

The Senate continued to sit till 12 midnight—
WEDNESDAY, 26 SEPTEMBER 2001 AM

At 12 midnight: The President resumed the chair and the Chair of Committees (Senator West) reported progress.

27 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 12.28 am till Wednesday, 26 September 2001 at 9.30 am.

28 ATTENDANCE

Present, all senators except Senators Ian Campbell, Crowley*, Heffernan and Newman (* on leave).

HARRY EVANS
Clerk of the Senate