

2004

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 Paul Calvert) took the chair and read prayers.

2 PETITIONS

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

Senator Faulkner, from 51 petitioners, requesting that the Senate take action to assist David Hicks and Mamdouh Habib to gain their release and be repatriated to Australia.

Senator Fifield, from 33 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

3 NOTICES

Notices of motion:

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to investigate the potential for a World Heritage nomination for Tasmania's Tarkine wilderness. (*general business notice of motion no. 56*)

The Leader of the Australian Democrats (Senator Bartlett), on behalf of Senator Greig: To move on the next day of sitting—That the proposed accreditation of the Southern Bluefin Tuna Fisheries Management Plan (as amended), dated 10 November 2004 and made under subsection 33(3) of the *Environment Protection and Biodiversity Conservation Act 1999*, be opposed.

Senator Murray: To move on the next day of sitting—That the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the *Privacy Act 1988*, be amended as follows:

Paragraph (b), after "effectiveness", insert ", including how privacy principles and processes should interact with the need for access to records,".

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 3 and 4 standing in his name for 11 sitting days after today for the disallowance of the following instruments.

National Health Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 186 and made under the *National Health Act 1953*.

National Health (Private Health Insurance Levies) Regulations 2004, as contained in Statutory Rules 2004 No. 187 and made under the *National Health Act 1953*.

Senator Tchen, by leave, made a statement relating to the notice of intention.

4 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That on Thursday, 9 December 2004:

- (a) the hours of meeting shall be 9.30 am to adjournment;
- (b) the routine of business from not later than 4.30 pm shall be:
 - (i) government business,

- (ii) consideration of orders of the day relating to government documents, and
- (iii) consideration of committee reports, government responses and Auditor-General's reports;
- (c) divisions may take place after 4.30 pm; and
- (d) the question for the adjournment of the Senate shall be proposed after the Senate has considered the business listed in paragraph (b).

Question put and passed.

5 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 30 June 2005:

- (a) the overall effectiveness and appropriateness of the *Privacy Act 1988* as a means by which to protect the privacy of Australians, with particular reference to:
 - (i) international comparisons,
 - (ii) the capacity of the current legislative regime to respond to new and emerging technologies which have implications for privacy, including:
 - (A) 'Smart Card' technology and the potential for this to be used to establish a national identification regime,
 - (B) biometric imaging data,
 - (C) genetic testing and the potential disclosure and discriminatory use of such information, and
 - (D) microchips which can be implanted in human beings (for example, as recently authorised by the United States Food and Drug Administration), and
 - (iii) any legislative changes that may help to provide more comprehensive protection or improve the current regime in any way;
- (b) the effectiveness of the *Privacy Amendment (Private Sector) Act 2000* in extending the privacy scheme to the private sector, and any changes which may enhance its effectiveness; and
- (c) the resourcing of the Office of the Federal Privacy Commissioner and whether current levels of funding and the powers available to the Federal Privacy Commissioner enable her to properly fulfil her mandate.

Question put and passed.

6 SENATE VOTERS' CHOICE (PREFERENCE ALLOCATION) BILL 2004

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 55—That the following bill be introduced:

A Bill for an Act to amend the *Commonwealth Electoral Act 1918* to enable voters at Senate elections to determine the order of their party preferences in above the line voting, and for related purposes.

Question put and passed.

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

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

7 ENVIRONMENT—TASMANIA—TARKINE WILDERNESS

Senator Brown amended general business notice of motion no. 16 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate calls on the Government to provide further protection of Tasmania's Tarkine wilderness, including its temperate rainforest, coastline and Aboriginal heritage, for World Heritage listing while ensuring no overall loss of jobs in the state's forestry industry.

Question put and passed.

8 SCIENCE AND TECHNOLOGY—HUMAN CLONING

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 49—That the Senate—

(a) notes that:

- (i) in the recent United Nations (UN) debate on a ban on human cloning, the Australian Government co-sponsored a proposal from Costa Rica that it had previously stated it would oppose,
- (ii) the change in the Government's position on this issue was made without consultation with the states or the biotechnology industry, and
- (iii) a review of the *Research Involving Human Embryos Act 2002* and the *Prohibition of Human Cloning Act 2002* is due to commence shortly and the independence of such an important review should not be compromised by government commitments in the international arena;

(b) calls on the Government to consult with the states and the biotechnology industry before stating its position on human cloning at the UN in February 2005, when debate on this issue is due to recommence; and

(c) congratulates the Australian Stem Cell Centre, Australia's only Biotechnology Centre of Excellence, for holding its second successful annual scientific conference.

Statements by leave: Senators George Campbell and Harradine, by leave, made statements relating to the motion.

Question put and negatived.

9 SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Motion determined as not formal: Senator George Campbell, at the request of Senator Sherry, asked that business of the Senate notice of motion no. 2 standing in the name of Senator Sherry for today, proposing the disallowance of new Divisions 9.2A and 9.2B in item [10] of Schedule 1 to the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2), be taken as formal.

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

**10 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—REFERENCE**

Senator George Campbell, at the request of Senator Marshall and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the provisions of the Workplace Relations Amendment (Small Business Employment Protection) Bill 2004 be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 14 March 2005.

Question put and passed.

11 FOREIGN AFFAIRS—INTERNATIONAL HUMAN RIGHTS DAY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 53—That the Senate, noting that 10 December is International Human Rights Day, congratulates Mr Brian Summerfield who is celebrating the day in Melbourne by completing a bike ride around Australia during which he raised hundreds of dollars for Tibetan refugees and promoted the cause of a free Tibet.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison (Teller)	Brown	Lees	Nettle
Bartlett	Greig	Murray	Ridgeway

NOES, 40

Senators—

Barnett	Denman	Johnston	Payne
Bishop	Ellison	Kemp	Santoro
Boswell	Evans	Lightfoot	Scullion
Buckland	Faulkner	Ludwig	Sherry
Calvert	Ferguson	Lundy	Stephens
Campbell, George	Ferris (Teller)	Mackay	Tchen
Chapman	Fifield	McGauran	Troeth
Colbeck	Forshaw	McLucas	Watson
Collins	Hogg	Moore	Webber
Crossin	Humphries	O'Brien	Wong

Question negatived.

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 52—That the Senate—

- (a) notes that 10 December is International Human Rights Day and joins with the many thousands around the world, who are participating in events on this day, to:
 - (i) condemn the ongoing abuse of human rights worldwide,
 - (ii) recognise the need for concerted international action to address human rights abuses, and
 - (iii) call for urgent efforts to address the growing inequity between rich and poor which impinge on rights to life, liberty and freedom from oppression for so many millions around the globe; and
- (b) condemns the Government's appalling record in the field of human rights, and in particular the Government's:

- (i) failure to endorse the United Nations (UN) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- (ii) contravention of the UN Convention on the Rights of the Child in relation to some asylum seeker detainees,
- (iii) tacit support of United States of America tactics in the ongoing occupation of Iraq including the use of depleted uranium, napalm and cluster bombs,
- (iv) unwillingness to act in defence of Mr David Hicks and Mr Mamdouh Habib, illegally detained in Guantanamo Bay, Cuba,
- (v) failure to pursue the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and
- (vi) failure to reach UN agreed targets for international aid for poverty alleviation overseas.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison (Teller)
Bartlett

Brown
Greig

Lees
Murray

Nettle
Ridgeway

NOES, 41

Senators—

Barnett
Bishop
Boswell
Brandis
Buckland
Calvert
Campbell, George
Chapman
Colbeck
Collins
Crossin

Denman
Ellison
Evans
Faulkner
Ferguson
Ferris (Teller)
Fifield
Forshaw
Hogg
Humphries
Johnston

Kemp
Lightfoot
Ludwig
Lundy
Mackay
McGauran
McLucas
Moore
O'Brien
Payne
Santoro

Scullion
Sherry
Stephens
Tchen
Troeth
Watson
Webber
Wong

Question negatived.

12 FOREIGN AFFAIRS—EAST TIMOR

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 47—That the Senate—

(a) notes:

- (i) that the inaugural Dr Andrew McNaughtan memorial lecture was delivered on 7 December 2004, which also marked the 29th anniversary of the Indonesian invasion of East Timor,
- (ii) Dr McNaughtan's major contribution to the struggle of the East Timorese people, including his work to achieve economic justice in relation to the Timorese claim to oil and gas reserves in the Timor Sea,
- (iii) the remarks of Timorese Foreign Minister, Mr Jose Ramos Horta, who said last week that Australia's reduced compensation offer to Timor Leste 'amounted to an unacceptable blackmail', and

- (iv) the patronising and inaccurate comments by the Minister for Foreign Affairs (Mr Downer) in response to East Timorese dissatisfaction with the Australian Government's compensation offer when he said 'East Timor wouldn't be an independent country if it wasn't for Australia'; and
- (b) calls on the Government to:
- (i) negotiate a fair and equitable maritime boundary with Timor Leste according to current international law and the provisions of the United Nations Convention on the Law of the Sea,
 - (ii) respond to the request by Timor Leste for more regular meetings to settle the maritime boundary dispute between the two countries within a more reasonable timeframe,
 - (iii) return Australia to the jurisdiction of the International Court of Justice and the United Nations Convention on the Law of the Sea for the adjudication of maritime boundaries, and
 - (iv) commit to hold in trust revenues from disputed areas immediately outside the Joint Petroleum Development Area of the 20 May 2002 Timor Sea Treaty for further apportionment between Australia and Timor Leste after the maritime boundary dispute between the two countries has been settled.

Statement by leave: Senator George Campbell, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison (Teller)	Brown	Lees	Nettle
Bartlett	Greig	Murray	Ridgeway

NOES, 38

Senators—

Barnett	Crossin	Kemp	Scullion
Bishop	Denman	Ludwig	Sherry
Boswell	Eggleston	Lundy	Stephens
Brandis	Faulkner	Macdonald, Sandy	Tchen
Buckland	Ferguson	Mackay	Troeth
Calvert	Ferris (Teller)	McGauran	Watson
Campbell, George	Fifield	McLucas	Webber
Chapman	Hogg	Moore	Wong
Colbeck	Humphries	Payne	
Collins	Johnston	Santoro	

Question negatived.

13 ENVIRONMENT—TASMANIA—FORESTS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 17—That the Senate calls on the Government to provide further protection of identified Tasmanian high conservation value old-growth forests, rainforests, and other ecosystems while ensuring no overall loss of jobs in the state's forestry industry through the implementation of a sustainable industry plan based on the use of plantation timber, selective use of native timber, value-adding, and downstream processing.

Question put and passed.

14 EDUCATION—HIGHER EDUCATION

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 50—That the Senate—

- (a) notes that:
 - (i) the review of the cost adjustment factor indexation mechanism for Commonwealth funding of universities provided for under the *Higher Education Support Act 2003* will not be an independent review,
 - (ii) a review of such importance should not be conducted within the confines of the Department of Education, Science and Training and the Government,
 - (iii) the university sector has no confidence in the review of indexation delivering an appropriate outcome, and
 - (iv) without improved indexation, universities will have few alternatives to meet funding shortfalls other than increases in student fees when they approach the end of the Government's 'Our Universities: Backing Australia's Future' package in 2008;
- (b) condemns the Government for under-funding universities for the past 8 years, partly through inadequate indexation, to such an extent that universities are now turning to students to provide a short-term increase in funding; and
- (c) calls on the Government to:
 - (i) make public all paperwork pertaining to the review, in time for the sector to make informed comment before the review is completed in February 2005, and
 - (ii) rule out any further higher education contribution scheme increases.

Question put and passed.

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 48—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 9 February 2005, from 4 pm to 6 pm, in relation to its inquiry on the administration of Biosecurity Australia concerning the revised draft import risk analysis for apples from New Zealand.

Question put and passed.

16 FOREIGN AFFAIRS—WEST PAPUA

The Leader of the Australian Democrats (Senator Bartlett), at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 51—That the Senate—

- (a) notes reports of violence within the Puncak Jaya district of West Papua, including reports that:
 - (i) between 5 000 and 20 000 Papuans have fled into the mountains after raids by the Indonesian military, whose officers allegedly fired automatic weapons at villagers from helicopters,

- (ii) humanitarian access is being denied to these displaced persons and many of them are now starving, and
 - (iii) at least 18 people have died, including a number of children; and
- (b) calls on the Government to express concern to the Indonesian Government regarding these reports and encourage the Indonesian Government to:
- (i) immediately institute an investigation into the allegations,
 - (ii) ensure the safe return of the displaced Papuans to their homes,
 - (iii) enable humanitarian and human rights organisations, as well as journalists, to gain access to the affected area,
 - (iv) work to bring an end to the violence within West Papua, and
 - (v) bring the perpetrators of these crimes to justice.

Question put and negatived. Senators Brown and Nettle, by leave, recorded their votes for the ayes.

17 FLAGS AMENDMENT (EUREKA FLAG) BILL 2004—RESTORATION TO NOTICE PAPER

Senator George Campbell, at the request of Senator Marshall and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 54—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Flags Amendment (Eureka Flag) Bill 2004 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Question put and passed.

18 ROUTINE OF BUSINESS—STATEMENTS BY LEAVE

Senator Ludwig and the Minister for Justice and Customs (Senator Ellison), by leave, made statements relating to the routine of business for today.

19 PUBLICATIONS—STANDING COMMITTEE—1ST REPORT

Senator Eggleston, at the request of the Chair of the Standing Committee on Publications (Senator Watson), tabled the following report:

PUBLICATIONS COMMITTEE

1ST REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to Parliament since 12 August 2004, recommends that the following be printed:

Aboriginal and Torres Strait Islander Services—Report for 2003-04.

Aboriginal Hostels Limited—Report for 2003-04.

Aboriginal Land Commissioner—Report for 2003-04.

Administrative Appeals Tribunal—Report for 2003-04.

Administrative Review Council—Reports—
2003-04.

No. 46—Automated assistance in administrative decision making,
November 2004.

Aged Care Standards and Accreditation Agency Limited—Report for 2003-04.

- Airservices Australia—Report for 2003-04.
Albury-Wodonga Development Corporation—Report for 2003-04.
Attorney-General's Department—Report for 2003-04.
Audio-Visual Copyright Society Ltd (Screenrights)—
Report for 2003-04.
Report for 2003-04—Errata.
Australia Council—Report for 2003-04.
Australian Broadcasting Authority—Report for 2003-04.
Australian Broadcasting Corporation (ABC)—Report for 2003-04.
Australian Bureau of Statistics—Report for 2003-04.
Australian Centre for International Agricultural Research—Report for 2003-04.
Australian Communications Authority—Report for 2003-04.
Australian Competition and Consumer Commission—Report for 2003-04.
Australian Customs Service—Report for 2003-04.
Australian Electoral Commission—Report for 2003-04.
Australian Film Commission—Report for 2003-04.
Australian Film Television and Radio School—Report for 2003-04.
Australian Fisheries Management Authority—Report for 2003-04.
Australian Government Solicitor—Report for 2003-04.
Australian Greenhouse Office—Report for 2003-04.
Australian Industrial Relations Commission and the Australian Industrial
Registry—Report for 2003-04.
Australian Industry Development Corporation (AIDC)—Report for 2003-04.
Australian Institute of Aboriginal and Torres Strait Islander Studies—Report
for 2003-04.
Australian Institute of Criminology and the Criminology Research Council—
Report for 2003-04.
Australian Institute of Family Studies—Report for 2003-04.
Australian Institute of Marine Science—Report for 2003-04.
Australian Law Reform Commission—Reports—
No. 99—Genes and ingenuity: Gene patenting and human health, June
2004.
No. 100—Report for 2003-04.
Australian Maritime Safety Authority—Report for 2003-04.
Australian National Maritime Museum—Report for 2003-04.
Australian National Training Authority—
Australian vocational education and training system—Report for 2003.
Report for 2003-04.
Australian Nuclear Science and Technology Organisation (ANSTO)—Report
for 2003-04.
Australian Pesticides and Veterinary Medicines Authority—Report for
2003-04.
Australian Postal Corporation (Australia Post)—Report for 2003-04.
Australian Prudential Regulation Authority—Report for 2003-04.
Australian Radiation Protection and Nuclear Safety Agency—Report for
2003-04.
Australian Research Council—Report for 2003-04.
Australian Safeguards and Non-Proliferation Office—Report for 2003-04.

- Australian Securities and Investments Commission—Report for 2003-04.
 Australian Security Intelligence Organisation—Report for 2003-04.
 Australian Sports Commission—Report for 2003-04.
 Australian Sports Drug Agency—Report for 2003-04.
 Australian Tourist Commission—Report for 2003-04.
 Australian Trade Commission (AUSTRADE)—Report for 2003-04.
 Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2003-04.
 Australian War Memorial—Report for 2003-04.
 Australian Wine and Brandy Corporation—Report for 2003-04.
Bankruptcy Act 1966—Inspector-General in Bankruptcy—Report for 2003-04.
 Bureau of Meteorology—Report for 2003-04.
 Classification Board and Classification Review Board—Report for 2003-04 on the operation of the Act.
 Comcare—Report for 2003-04.
 Commissioner for Complaints [Aged care]—Report for 2003-04.
 Commissioner for Superannuation (ComSuper)—Report for 2003-04.
 Commissioner of Taxation—Report for 2003-04.
 Commonwealth Director of Public Prosecutions—Report for 2003-04.
 Commonwealth Grants Commission—Report for 2003-04.
 Commonwealth Ombudsman—
 Monitoring of controlled operations—Report for 2003-04, prepared pursuant to Part 1AB, Division 2A of the *Crimes Act 1914*, on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police, dated December 2004.
 Report for 2003-04.
 Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2003-04.
 Copyright Agency Limited—Report for 2003-04.
 Corporate governance—Review of the corporate governance of statutory authorities and office holders—Report, June 2003.
 Cotton Research and Development Corporation—
 Report for 2003-04.
 Report for 2003-04—Addendum.
Crimes Act 1914—Reports for 2003-04—
 Assumed identities—Australian Federal Police.
 Controlled operations.
 CrimTrac Agency—Report for 2003-04.
 CSS Board—Commonwealth Superannuation Scheme—Report for 2003-04.
 Defence Housing Authority—Report for 2003-04.
 Department of Agriculture, Fisheries and Forestry—Report for 2003-04.
 Department of Communications, Information Technology and the Arts—Report for 2003-04.
 Department of Defence—Report for 2003-04.
 Department of Education, Science and Training—Report for 2003-04.
 Department of Employment and Workplace Relations—Report for 2003-04.

- Department of Family and Community Services—Report for 2003-04—
Volume 1.
Volume 2.
- Department of Finance and Administration—Report for 2003-04.
- Department of Foreign Affairs and Trade—Reports for 2003-04—
Volume 1—Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).
- Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04.
- Department of Industry, Tourism and Resources—Report for 2003-04.
- Department of Parliamentary Services—Report for 2003-04.
- Department of the Environment and Heritage—Report for 2003-04.
- Department of the Prime Minister and Cabinet—Report for 2003-04.
- Department of the Treasury—Report for 2003-04.
- Department of Transport and Regional Services—
AusLink white paper, June 2004.
Report for 2003-04.
- Director of National Parks—Report for 2003-04.
- Employment Advocate—Report for 2003-04.
- Equal Opportunity for Women in the Workplace Agency—Report for 2003-04.
- Export Finance and Insurance Corporation (EFIC)—Report for 2003-04.
- Family Court of Australia—Report for 2003-04.
- Family Law Council—Report for 2003-04.
- Federal Court of Australia—Report for 2003-04.
- Federal Magistrates Court—Report for 2003-04.
- Federal Police Disciplinary Tribunal—Report for 2003-04.
- Federal Privacy Commissioner—Report for 2003-04.
- Film Australia Limited—Report for 2003-04.
- Financial Reporting Council and Australian Accounting Standards Board—
Report for 2003-04.
- Fisheries Research and Development Corporation—Report for 2003-04.
- Food Standards Australia New Zealand—Report for 2003-04.
- Forest and Wood Products Research and Development Corporation—Report for 2003-04.
- Freedom of Information Act 1982*—Report for 2003-04 on the operation of the Act.
- Grains Research and Development Corporation—Report for 2003-04.
- Grape and Wine Research and Development Corporation—Report for 2003-04.
- Great Barrier Reef Marine Park Authority—Report for 2003-04.
- High Court of Australia—Report for 2003-04.
- Housing Assistance Act 1996*—Report for 2002-03 on the operation of the 1999 Commonwealth-State Housing Agreement. [Final report]
- Human Rights and Equal Opportunity Commission—Report for 2003-04.
- Indigenous Business Australia—Report for 2003-04.
- Indigenous Land Corporation—Report for 2003-04.
- Industrial Relations Court of Australia—Report for 2003-04.
- Inspector-General of Intelligence and Security—Report for 2003-04.

- Inspector-General of Taxation—Report for the period 7 August 2003 to 30 June 2004.
- International Air Services Commission—Report for 2003-04.
- Land and Water Resources Research and Development Corporation—Report for 2003-04.
- Members of Parliament (Staff) Act 1984*—Report for 2003-04 on consultants engaged under section 4 of the Act.
- Military Superannuation and Benefits Board of Trustees—Report for 2003-04.
- Murray-Darling Basin Commission—Report for 2003-04.
- National Archives of Australia and National Archives of Australia Advisory Council—Report for 2003-04.
- National Competition Council—Report for 2003-04.
- National Gallery of Australia—Report for 2003-04.
- National Library of Australia—Report for 2003-04.
- National Museum of Australia—Report for 2003-04.
- National Native Title Tribunal—Report for 2003-04.
- National Oceans Office—Report for 2003-04.
- National Residue Survey—Report for 2003-04.
- National Standards Commission—Report for 2003-04.
- National Transport Commission—Report for 2003-04.
- Native Title Act 1993*—Native title representative bodies—Reports for 2003-04—
- Aboriginal Legal Rights Movement Inc.
 - Anindilyakwa Land Council.
 - Central Queensland Land Council Aboriginal Corporation.
 - Goldfields Land and Sea Council.
 - Gurang Land Council Aboriginal Corporation.
 - Kimberley Land Council.
 - North Queensland Land Council Aboriginal Corporation.
 - South West Aboriginal Land and Sea Council.
 - Tiwi Land Council.
 - Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation.
- Natural Heritage Trust—Report for 2002-03.
- Office of Parliamentary Counsel—Report for 2003-04.
- Office of the Official Secretary to the Governor-General—Report for 2003-04.
- Professional Services Review [Medical and pharmaceutical]—Report for 2003-04.
- PSS Board—Public Sector Superannuation Scheme—Report for 2003-04.
- Public Service Commissioner—Report for 2003-04, including the report of the Merit Protection Commissioner.
- Queensland Fisheries Joint Authority—Report for 2003-04.
- Remuneration Tribunal—Report for 2003-04.
- Repatriation Commission, Military Rehabilitation and Compensation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Reports for 2003-04.
- Repatriation Medical Authority—
- Report for 2003-04.
 - Report for 2003-04—Corrigendum.
- Reserve Bank of Australia—Report for 2003-04.

Rural Industries Research and Development Corporation—Report for 2003-04.
 Safety, Rehabilitation and Compensation Commission—Report for 2003-04.
 Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2003-04.
 Services Trust Funds—Report for 2003-04.
 Social Security Appeals Tribunal—Report for 2003-04.
 Special Broadcasting Service Corporation (SBS)—Report for 2003-04.
 Sugar Research and Development Corporation—Report for 2003-04.
 Supervising Scientist—Report for 2003-04.
 Telstra Corporation Limited—Report for 2003-04.
 Tobacco Research and Development Corporation—Report for 2003-04. [Final report]
 Veterans' Review Board—Report for 2003-04.
War Crimes Act 1945—Report for 2003-04 on the operation of the Act.
Witness Protection Act 1994—Report for 2003-04 on the operation of the Act.

Senator John Watson
 Chairman
 9 December 2004.

Senator Eggleston moved—That the report be adopted.

Question put and passed.

20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03 AND BUDGET ESTIMATES 2003-04

Senator Eggleston, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Barnett), tabled additional information received by the committee (Additional estimates 2002-03—vol. 6; Budget estimates 2003-04—vol. 8).

21 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Budget estimates 2004-05—4 vols).

22 SCRAFTON EVIDENCE—SELECT COMMITTEE—REPORT

The Chair of the Select Committee on the Scrafton Evidence (Senator Collins) tabled the following report and document:

Scrafton Evidence—Select Committee—Report, dated December 2004 and Hansard record of proceedings.

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

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

Debate ensued.

Question put and passed.

23 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 3) 2004

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

Message no. 37, dated 8 December 2004—A Bill for an Act to amend higher education legislation, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp, by leave, moved—That the provisions of paragraphs (5) and (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

Document: Senator Kemp tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Higher Education Legislation Amendment Bill (No. 3) 2004 in the 2004 spring sittings.

Question put and passed.

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

On the motion of Senator Buckland the debate was adjourned.

On the motion of Senator Kemp the resumption of the debate was made an order of the day for a later hour.

24 AUSTRALIAN PASSPORTS BILL 2004**AUSTRALIAN PASSPORTS (APPLICATION FEES) BILL 2004****AUSTRALIAN PASSPORTS (TRANSITIONALS AND CONSEQUENTIALS) BILL 2004**

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

Message no. 38, dated 8 December 2004—A Bill for an Act to provide for Australian passports, and for related purposes.

Message no. 39, dated 8 December 2004—A Bill for an Act to impose, as taxes, fees in relation to Australian passports and other travel documents, and for related purposes.

Message no. 40, dated 8 December 2004—A Bill for an Act to provide for transitional and consequential matters relating to the enactment of the *Australian Passports Act 2004*, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

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

25 TAX LAWS AMENDMENT (LONG-TERM NON-REVIEWABLE CONTRACTS) BILL 2004

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

Message no. 41, dated 8 December 2004—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp 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.

26 A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—GENERAL) BILL 2004

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—EXCISE) BILL 2004

A NEW TAX SYSTEM (GOODS AND SERVICES TAX IMPOSITION (RECIPIENTS)—CUSTOMS) BILL 2004

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

Message no. 42, dated 8 December 2004—A Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is neither a duty of customs nor a duty of excise.

Message no. 43, dated 8 December 2004—A Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is a duty of excise.

Message no. 44, dated 8 December 2004—A Bill for an Act to implement A New Tax System by imposing the tax payable under the GST law, so far as that tax is imposed on recipients of taxable supplies and is a duty of customs.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

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

**27 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004
SURVEILLANCE DEVICES BILL 2004
AVIATION SECURITY AMENDMENT BILL 2004**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 34, dated 8 December 2004—Telecommunications (Interception) Amendment (Stored Communications) Bill 2004.

Message no. 35, dated 8 December 2004—Surveillance Devices Bill 2004.

Message no. 36, dated 8 December 2004—Aviation Security Amendment Bill 2004.

28 NATIONAL WATER COMMISSION BILL 2004

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

Message no. 45, dated 8 December 2004—National Water Commission Bill 2004.

**29 SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT REGULATIONS—
MOTION FOR DISALLOWANCE**

Senator Sherry, pursuant to notice, moved business of the Senate notice of motion no. 2—That new Divisions 9.2A and 9.2B in item [10] of Schedule 1 to the Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 84 and made under the *Superannuation Industry (Supervision) Act 1993*, be disallowed.

Debate ensued.

Declaration of interest: Senator Murray declared an interest in relation to the matter.

Debate continued.

Question put.

The Senate divided—

AYES, 24

Senators—

Bishop	Crossin	Ludwig	O'Brien
Bolkus	Denman	Lundy	Ray
Brown	Faulkner	Mackay	Sherry
Buckland	Forshaw	McLucas	Stephens
Campbell, George	Harradine	Moore	Webber (Teller)
Collins	Hogg	Nettle	Wong

NOES, 36

Senators—

Abetz	Coonan	Johnston	Murray
Allison	Eggleston	Kemp	Patterson
Barnett	Ellison	Knowles	Payne
Bartlett	Ferguson	Lees	Ridgeway
Boswell	Ferris	Lightfoot	Santoro
Brandis	Fifield	Macdonald, Sandy	Scullion
Calvert	Greig	Mason	Tchen
Chapman	Heffernan	McGauran (Teller)	Troeth
Colbeck	Humphries	Minchin	Watson

Question negatived.

30 JAMES HARDIE (INVESTIGATIONS AND PROCEEDINGS) BILL 2004

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—*and on the amendment moved by Senator Murray:*

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

- (a) notes and strongly condemns the conduct of the James Hardie Group as identified in the Jackson Inquiry;
- (b) also notes that over the past 50 years tobacco companies have knowingly supplied and promoted a deadly product that kills over 15 000 Australians a year; and
- (c) calls on the Government to consider abrogating legal professional privilege for tobacco companies in respect of civil disputes”.

Debate resumed.

The question for the amendment was divided—

Question—That the amendment in respect of paragraph (a) be agreed to—put and passed.

Question—That the amendment in respect of paragraph (b) be agreed to—put and negatived.

Question—That the amendment in respect of paragraph (c) be agreed to—put and negatived.

Main question, as amended, put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Special Minister of State (Senator Abetz) the bill was read a third time.

31 TAX LAWS AMENDMENT (RETIREMENT VILLAGES) BILL 2004

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

Message no. 46, dated 9 December 2004—Tax Laws Amendment (Retirement Villages) Bill 2004.

Ordered, on the motion of the Special Minister of State (Senator Abetz), that the message be considered in committee of the whole immediately.

In the committee

Senator Abetz moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Moore) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 46 from the House of Representatives relating to the Tax Laws Amendment (Retirement Villages) Bill 2004 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Abetz the report from the committee was adopted.

32 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Special Minister of State (Senator Abetz), by leave, moved—That the order of Senate agreed to earlier today relating to the hours of meeting and routine of business (*see entry no. 4*) be amended as follows:

Omit paragraph (b), substitute:

(b) the routine of business from not later than 4.30 pm shall be:

(i) government business orders of the day as follows:

Classification (Publications, Films and Computer Games)
Amendment Bill (No. 2) 2004

Higher Education Legislation Amendment Bill (No. 3) 2004,

(ii) consideration of orders of the day relating to government documents,
and

(iii) consideration of committee reports, government responses and
Auditor-General's reports.

Question put and passed.

33 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 2004).

Question put and passed.

**34 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT
BILL (NO. 2) 2004**

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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Special Minister of State (Senator Abetz) the bill was read a third time.

35 HIGHER EDUCATION LEGISLATION AMENDMENT BILL (NO. 3) 2004

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

36 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Governor-General's opening speech).

Question put and passed.

37 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY

Order of the day read for the adjourned debate on the motion of Senator Knowles—That the address-in-reply be agreed to (*see entry no. 9, 17 November 2004*)—and on the amendment moved by the Leader of the Australian Democrats (Senator Bartlett):

That the following words be added to the address-in-reply:

“, but the Senate is of the opinion that the Government's failure to ratify the Kyoto Protocol, to take strong action to reduce Australia's greenhouse emissions and to urge the United States of America to do likewise, is putting at risk international efforts on climate change”.

Debate resumed.

On the motion of the Minister for Finance and Administration (Senator Minchin) the debate was adjourned till the next day of sitting.

Suspension of sitting: On the motion of Senator Minchin the sitting of the Senate was suspended at 1.58 pm till 2 pm.

At 2 pm—

38 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Kenya led by the Speaker of the National Assembly, the Honourable Francis Ole Kaparo, MP, 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.

39 LAW AND JUSTICE—JAMES HARDIE INDUSTRIES—COMPENSATION—ANSWERS TO QUESTIONS

Senator Wong moved—That the Senate take note of the answers given by the Minister for Justice and Customs (Senator Ellison) and the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Wong and Webber today relating to compensation payments by James Hardie Industries.

Debate ensued.

Question put and passed.

40 IMMIGRATION—ASYLUM SEEKERS—ANSWERS TO QUESTIONS

The Leader of the Australian Democrats (Senator Bartlett) moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked by Senators Nettle and Bartlett today relating to the continuing detention of Iraqi asylum seekers.

Question put and passed.

41 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—PRESIDENT'S REPORT ON GOVERNMENT RESPONSES

The Minister for Defence (Senator Hill) tabled the following document:

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 24 June 2004, dated 9 December 2004.

42 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT'S REPORT—GOVERNMENT RESPONSES OUTSTANDING

The Deputy President (Senator Hogg) tabled the following document:

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 9 December 2004.

43 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT

The Minister for Defence (Senator Hill) tabled the following document:

Department of Defence—Special purpose flights—Schedule for the period January to June 2004.

44 PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Defence (Senator Hill) tabled the following document:

Parliamentarians' travel paid by the Department of Finance and Administration—January to June 2004, dated December 2004.

45 FORMER PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Defence (Senator Hill) tabled the following document:

Former parliamentarians' travel paid by the Department of Finance and Administration—January to June 2004, dated December 2004.

**46 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—DOCUMENTS—
MARRIAGE LEGISLATION AMENDMENT BILL 2004**

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following documents:

Legal and Constitutional Legislation Committee—Marriage Legislation Amendment Bill 2004—Submissions [13 678].

The Leader of the Australian Democrats (Senator Bartlett), by leave, moved—That the Senate take note of the documents.

Question put and passed.

47 DOCUMENTS

The following documents were tabled by the Clerk:

Airports Act—Statement under section 243—Decision to grant an airport lease, dated 15 November 2004.

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry Amendment and Repeal Order 2004.

Civil Aviation Act—Regulations—Statutory Rules 2004 No. 345.

Class Rulings CR 2004/131-CR 2004/137.

Customs Act—Regulations—Statutory Rules 2004 No. 338.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 2 December 2004 [2].

Extradition Act—Regulations—Statutory Rules 2004 Nos 339-341.

Fisheries Management Act—Regulations—Statutory Rules 2004 Nos 335 and 336.

Freedom of Information Act—Regulations—Statutory Rules 2004 No. 342.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 2004 No. 347.

Goods and Services Tax Determination GSTD 2004/4.

Goods and Services Tax Ruling—

GSTR 2000/31 (Addendum).

GSTR 2004/7.

Health Insurance Act—Regulations—Statutory Rules 2004 No. 343.

Interstate Road Transport Act—Regulations—Statutory Rules 2004 No. 346.

Military Rehabilitation and Compensation Act—Regulations—Statutory Rules 2004 No. 350.

Parliamentary Service Act—Parliamentary Service Determinations Nos 3 and 5 of 2004.

Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2004 No. 344.

Product Ruling—

PR 2004/24 (Notice of Withdrawal).

PR 2004/112.

Retirement Savings Accounts Act—Regulations—Statutory Rules 2004 No. 348.
 Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 2004 No. 349.
 Taxation Determinations TD 2004/68-TD 2004/71.
 Veterans' Entitlements Act—Regulations—Statutory Rules 2004 No. 337.

48 ECONOMICS REFERENCES COMMITTEE—REFERENCE

The Chair of the Economics References Committee (Senator Stephens), by leave, moved—That the following matters be referred to the Economics References Committee for inquiry and report by the first sitting day in September 2005:

Possible links between household debt, demand for imported goods and Australia's current account deficit, with particular reference to:

- (a) current levels of household debt and whether these are historically high (as a proportion of household income or otherwise);
- (b) factors, including the lending policies of banks and other financial institutions, that contribute to household debt levels;
- (c) the extent to which demand for imported goods contributes to household debt levels;
- (d) the extent to which demand for imported goods by Australian households contributes to the current account deficit;
- (e) risks for households and the economy of high household debt levels;
- (f) whether there is a case for addressing the lending policies of banks and other credit providers and if so, what practical options are available;
- (g) whether there are other measures that might be taken in place of possible restrictions on lending practices which would be as effective;
- (h) whether any Commonwealth social and economic policy settings should be changed as a result of matters identified above;
- (i) whether there is a need for any other form of regulatory intervention in relation to this issue; and
- (j) any related matters.

Question put and passed.

49 COMMITTEES—CHANGES IN MEMBERSHIP

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter requesting changes in the membership of various committees.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees as follows:

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into the effectiveness of the Australian military justice system

Legal and Constitutional References Committee—

Appointed—Participating member: Senator Murray.

Question put and passed.

50 GOVERNMENT DOCUMENTS—CONSIDERATION

The following orders of the day relating to government documents were considered:

Australian Law Reform Commission—Report no. 99—Genes and ingenuity: Gene patenting and human health, June 2004. Motion of Senator Buckland to take note of document called on. On the motion of the Leader of the Australian Democrats (Senator Bartlett) debate was adjourned till Thursday at general business.

Australian War Memorial—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

Australian Electoral Commission—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to

Housing Assistance Act 1996—Report for 2002-03 on the operation of the 1999 Commonwealth-State Housing Agreement [Final report]. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Repatriation Medical Authority—Report for 2003-04—Corrigendum. Motion of Senator Buckland to take note of document agreed to.

Australian Centre for International Agricultural Research—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Office of the Federal Privacy Commissioner—Report for 2003-04 on the operation of the *Privacy Act 1988*. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Australian Greenhouse Office—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

Department of the Environment and Heritage—Report for 2003-04, including the final annual report of the Australian Heritage Commission. Motion of Senator Buckland to take note of document agreed to.

Aboriginal and Torres Strait Islander Services—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

North Queensland Land Council Native Title Representative Body Aboriginal Corporation—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

National Oceans Office—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Australian Institute of Marine Science—Report for 2003-04. Motion of Senator Buckland to take note of document agreed to.

Sydney Harbour Federation Trust—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04. Motion of Senator Buckland to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

51 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Employment, Workplace Relations and Education References Committee—Interim report—Inquiry into student income support. Motion of Senator Webber to take note of report debated and agreed to.

Legal and Constitutional References Committee—Interim report—Inquiry into Australian expatriates. Motion of Senator Wong to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Interim report—Provisions of the National Animal Welfare Bill 2003. Motion of Senator Webber to take note of report debated and agreed to.

Legal and Constitutional Legislation Committee—Report—Provisions of the Criminal Code Amendment (Suicide Related Material Offences) Bill 2004. Motion of Senator Webber to take note of report agreed to.

Legal and Constitutional References Committee—Report—The road to a republic. Motion of Senator Stott Despoja to take note of report debated and agreed to.

52 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 14 of 2004-05—Performance audit—Management and promotion of citizenship services: Department of Immigration and Multicultural and Indigenous Affairs. Motion of Senator Webber to take note of document agreed to.

53 LEAVE OF ABSENCE

The Special Minister of State (Senator Abetz) moved—That leave of absence be granted to every member of the Senate from the termination of the sitting today to the day on which the Senate next meets.

Question put and passed.

54 ADJOURNMENT

The Special Minister of State (Senator Abetz) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 5.01 pm till Tuesday, 8 February 2005 at 12.30 pm.

55 ATTENDANCE

Present, all senators except Senators Ian Campbell, Cherry, Cook*, Harris, Hutchins, Kirk, Ian Macdonald*, Murphy, Stott Despoja* and Tierney* (* on leave).

HARRY EVANS
Clerk of the Senate