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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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Contents

1	Meeting of Senate	311
2	Government Documents	311
3	Leader of the Australian Democrats and Other Office Holders—Statement by Leave	312
4	Administration of Indigenous Affairs—Select Committee—Leave to Meet During Sitting	312
5	Order of Business—Rearrangement	312
6	Australian Passports Bill 2004 Australian Passports (Application Fees) Bill 2004 Australian Passports (Transitionals and Consequentials) Bill 2004	312
7	Order of Business—Rearrangement	312
8	Consideration of Legislation	313
9	Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 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	313
10	Questions	314
11	Immigration—Ms Cornelia Rau—Answers to Questions	314
12	Foreign Affairs—Tsunami Disaster	314
13	Death of Former Member Noel Lawrence Beaton	315
14	Petition	315
15	Notices	315
16	Leave of Absence	320
17	Postponements	320
18	Aboriginal and Torres Strait Islander Heritage Protection Amendment Regulations—Motion for Disallowance	320
19	Urgency Motion—Immigration—Ms Cornelia Rau	320
20	Government Documents	321

21	Auditor-General—Audit Reports Nos 16 to 25 of 2004-05—Documents.....	322
22	Odgers' Australian Senate Practice—11th Edition—Document.....	323
23	Business of the Senate—1 January to 31 December 2004—Document	323
24	Questions on Notice Summary—Document.....	323
25	Foreign Affairs—Ukraine—Document.....	323
26	Indigenous Australians—Opening of Parliament—Document	323
27	Indigenous Australians—Palm Island—Document.....	323
28	Environment—Murray River—Document	324
29	Health—Cigarette Vending Machines—Document	324
30	Community Affairs Legislation Committee—Additional Information— Budget Estimates 2004-05	324
31	Community Affairs Legislation Committee—Documents—Department of Health and Ageing.....	324
32	Documents.....	324
33	Governor-General's Messages—Assent to Laws	337
34	Committees—Changes in Membership.....	338
35	Water Efficiency Labelling and Standards Bill 2004.....	339
36	Financial Framework Legislation Amendment Bill 2004.....	339
37	Fisheries (Validation of Plans of Management) Bill 2004 Family Law Amendment (Annuities) Bill 2004 Workplace Relations Amendment (Agreement Validation) Bill 2004 Copyright Legislation Amendment Bill 2004 Customs Amendment Bill 2004	339
38	Joint Committees—Appointment of House Members.....	340
39	Indigenous Australians—Opening of Parliament—Consideration	340
40	Auditor-General—Audit Report No. 22 of 2004-05—Consideration.....	340
41	Community Affairs Legislation Committee—Report—Private Health Insurance Incentives Amendment Bill 2004	340
42	Water Efficiency Labelling and Standards Bill 2004.....	340
43	Disability Discrimination Amendment (Education Standards) Bill 2004 [2005]	341
44	Government Documents—Consideration	341
45	Adjournment	342
46	Attendance.....	342

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Communications Authority—Telecommunications performance—Report for 2003-04.

Australian Landcare Council—Report for 2003-04.

Australian Rail Track Corporation Limited (ARTC)—
Report for 2003-04.

Statement of corporate intent 2004-05.

Australian Trade Commission (AUSTRADE)—Export Market Development Grants—List of grant recipients for 2003-04.

Centenary House—Royal Commission of inquiry into the Centenary House lease—

Fair market value vs actual rent, 1993-94 to 2004-05.

Ministerial statement by the Attorney-General (Mr Ruddock), 9 December 2004.

Report by the Royal Commissioner the Honourable David Hunt AO QC, December 2004.

Summary of findings of 1994 and 2004 Centenary House lease inquiries.

Centrelink—Report for 2003-04.

Defence Force Retirement and Death Benefits Authority—Report for 2003-04.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2004.

General Practice Education and Training—Report for 2003-04.

Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004.

Migration Review Tribunal—Report for 2003-04.

National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2003-04 on the operation of the *Industrial Chemicals (Notification and Assessment) Act 1989*.

Refugee Review Tribunal—Report for 2003-04.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—Agreement on Social Security between the Government of Australia and the Government of Malta (Valletta, 16 June 2004).

Multilateral—Text, together with national interest analysis and annexures—Amendments, agreed at Bangkok, in October 2004, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973.

Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Beijing in November 1999.

**3 LEADER OF THE AUSTRALIAN DEMOCRATS AND OTHER OFFICE HOLDERS—
STATEMENT BY LEAVE**

Senator Allison, by leave, informed the Senate of her election as Leader of the Australian Democrats, the election of Senator Bartlett as Deputy Leader and the appointment of Senator Bartlett as Australian Democrats Whip.

Document: The Leader of the Australian Democrats (Senator Allison), by leave, tabled the following document:

Australian Democrats senators portfolio allocation, as at 13 December 2004.

**4 ADMINISTRATION OF INDIGENOUS AFFAIRS—SELECT COMMITTEE—LEAVE TO
MEET DURING SITTING**

Senator Ferris, by leave and at the request of the Chair of the Select Committee on the Administration of Indigenous Affairs (Senator Moore), moved—That the Select Committee on the Administration of Indigenous Affairs be authorised to hold a public meeting during the sitting of the Senate today, to 1.30 pm.

Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Australian Passports Bill 2004 and two related bills).

Question put and passed.

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

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Minister for Defence (Senator Hill) the bills were read a third time.

7 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That intervening business be postponed till after consideration of government business orders of the day no. 4 (Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004) and no. 5 (A New Tax System (Goods and Services Tax Imposition (Recipients)—General) Bill 2004 and two related bills).

Question put and passed.

8 **CONSIDERATION OF LEGISLATION**

The Minister for Communications, Information Technology and the Arts (Senator Coonan), by leave, moved—That government business orders of the day no. 4 (Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004) and no. 5 (A New Tax System (Goods and Services Tax Imposition (Recipients)—General) Bill 2004 and two related bills) may be taken together for their remaining stages.

Question put and passed.

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

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

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

Bill taken as a whole by leave.

Senator Sherry moved the following amendment:

Schedule 1, item 14, page 8 (lines 4 and 5), omit the definition of *arbitrator*, substitute:

arbitrator, until further specified in the regulations, means a person who is a member of the Institute of Chartered Accountants in Australia or CPA Australia, and is registered to practice as an accountant.

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

On the motion of Senator Sherry the following amendment was agreed to:

Schedule 1, item 14, page 14 (line 4), after “must”, insert “be made within 28 days of the end of the offer period and”.

Bill, as amended, agreed to.

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—

Bills, taken together and as a whole by leave, agreed to.

The Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004 to be reported with an amendment and the remaining bills to be reported without requests for amendments.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted and the bills read a third time.

At 2 pm—

10 QUESTIONS

Questions without notice were answered.

11 IMMIGRATION—MS CORNELIA RAU—ANSWERS TO QUESTIONS

Senator Ludwig 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 today relating to the detention of Ms Cornelia Rau.

Debate ensued.

Question put and passed.

12 FOREIGN AFFAIRS—TSUNAMI DISASTER

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate—

- (a) extends to all Australians who suffered personal losses during the tragic 26 December Indian Ocean tsunami disaster its profound sympathy in their bereavement and wishes a speedy recovery to the injured;
- (b) expresses its deepest condolences at the tragic loss of life and property suffered by Australia's neighbours in the tsunami;
- (c) expresses its gratitude and admiration to those Australians who have so generously contributed time, effort and money to relieve the suffering of those affected; and
- (d) commits itself to work closely with the countries involved in the crisis to maintain the swift and effective response to this disaster.

Debate ensued.

Question put and passed.

13 DEATH OF FORMER MEMBER NOEL LAWRENCE BEATON

The Acting Deputy President (Senator Lightfoot) informed the Senate of the death, on 18 December 2004, of Noel Lawrence Beaton, a member of the House of Representatives for the division of Bendigo from 1960 to 1969.

14 PETITION

The following petition, lodged with the Clerk by Senator Murray, was received:

From 612 petitioners, requesting that the Senate establish a select committee to investigate the conduct of banks in relation to certain matters.

15 NOTICES

Notices of motion:

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the budgetary and environmental implications of the Government's Energy White Paper be extended to 18 April 2005. (*general business notice of motion no. 57*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 February 2005, from 9.30 am to 1.30 pm, to take evidence for the committee's inquiry into the provisions of the Australian Communications and Media Authority Bill 2004 and nine related bills. (*general business notice of motion no. 58*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 February 2005, from 3.30 pm to 8.30 pm, to take evidence for the committee's inquiry into the Regional Partnerships program. (*general business notice of motion no. 59*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—

- (1) That estimates hearings by legislation committees for 2005 be scheduled as follows:

2004-05 additional estimates:

Monday, 14 February and Tuesday, 15 February and, if required, Friday, 18 February (*Group A*)

Wednesday, 16 February and Thursday, 17 February and, if required, Friday, 18 February (*Group B*)

2005-06 Budget estimates:

Monday, 23 May to Thursday, 26 May and, if required, Friday, 27 May (*Group A*)

Monday, 30 May to Thursday, 2 June and, if required, Friday, 3 June (*Group B*)

Monday, 31 October and Tuesday, 1 November (*supplementary hearings—Group A*)

Wednesday, 2 November and Thursday, 3 November (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts
 Finance and Public Administration
 Legal and Constitutional
 Rural and Regional Affairs and Transport

Group B:

Community Affairs
 Economics
 Employment, Workplace Relations and Education
 Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
 - Tuesday, 15 March 2005 in respect of the 2004-05 additional estimates; and
 - Monday, 20 June 2005 in respect of the 2005-06 Budget estimates.

Senator Nettle: To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 16 June 2005:

- (a) the extent to which the private health insurance rebate has influenced private health insurance membership rates;
- (b) the impact of the private health insurance rebate on public hospital workloads;
- (c) the impact of the private health insurance rebate on medical, nursing and allied health professionals and, in particular, whether there has been a shift of personnel from public to private sectors, and, if so, the extent and impact on provision of public hospital services;
- (d) the implications for the Commonwealth budget of continuing the private health insurance rebate, given that insurance premiums are increasing at a higher rate than the Consumer Price Index;
- (e) the Medicare Levy Surcharge; and
- (f) any related matters.

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

- (a) notes that on 16 February 2005 the Kyoto Protocol to the United Nations Framework Convention on Climate Change will come into force having been ratified by over 80 countries; and
- (b) congratulates:
 - (i) Japan and the city of Kyoto for hosting the original conference in 1997 where the treaty was proposed, and
 - (ii) the international community for agreeing to bring into force this important first step in limiting greenhouse gas production. (*general business notice of motion no. 60*)

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

- (a) the recent death of former Chinese Premier Zhao Ziyang; and
- (b) the positive reformist role of Mr Zhao Ziyang and, in particular, his efforts for peace during the 1989 Tiananmen Square uprising. (*general business notice of motion no. 61*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) congratulates the Queensland Government on its January 2005 initiative for Queensland's Parliament House to use power from sustainable energy sources and for 100 other state government buildings to use at least 5 per cent green energy in their daily operations; and
- (b) calls on the Federal Government to also promote the use of sustainable power sources and adopt renewable energy for Parliament House, Canberra and associated government buildings, as soon as possible. (*general business notice of motion no. 62*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) notes:
 - (i) the critical shortage of child care places, particularly in inner metropolitan areas,
 - (ii) that there are, for instance, up to 1 600 children under 5 years of age on waiting lists for child care places in the City of Port Phillip where there have been no new places made available in 2005 and where two centres will soon close to make way for residential development, and
 - (iii) that women and their partners are being denied opportunities to rejoin the workforce because of such long waiting lists; and
- (b) calls on the Federal Government, as a matter of urgency, to:
 - (i) identify, in conjunction with state and local governments, those areas in greatest need of child care places,
 - (ii) acknowledge that market forces are not delivering child care places in those areas of need where real estate values make setting up new child care centres unviable and that government intervention is required, and
 - (iii) properly fund child care so it is high quality, accessible and affordable. (*general business notice of motion no. 63*)

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

- (a) notes the excellent work of the Disaster Victim Identification Team that is undertaking an extremely difficult task with great professionalism in Thailand; and
- (b) expresses its thanks to the officers of the Australian Federal Police and state and territory police forces and also to the civilian members and forensic experts of the team for their dedication and commitment under the most trying of circumstances. (*general business notice of motion no. 64*)

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

- (a) notes that:
 - (i) during the week beginning 6 February 2005, the Federation of Ethnic Communities Council's Transformations Conference is being held at the Australian National University, and
 - (ii) this international conference is a chance for Australia to show the rest of the world how it has created a harmonious society; and
- (b) wishes the conference delegates well in their proceedings. (*general business notice of motion no. 65*)

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

- (a) notes that 8 February 2005 marked the Christian feast of Shrove Tuesday; and
- (b) recognises the continuing contribution of Christianity to Australia's cultural life. (*general business notice of motion no. 66*)

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

- (a) notes that 6 February is New Zealand Waitangi Day; and
- (b) recognises the contribution of Australians of New Zealand descent to the nation. (*general business notice of motion no. 67*)

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

- (a) notes that 4 February is Sri Lanka's Independence Commemoration Day;
- (b) recognises the contribution of the Sri Lankan community in Australia; and
- (c) expresses its solidarity and sympathy with the Sri Lankan people in the aftermath of the Asian Tsunami. (*general business notice of motion no. 68*)

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

- (a) notes that 5 February 2005 marked the 60th anniversary of the liberation of Auschwitz; and
- (b) solemnly recognises the suffering of the victims and the families of victims of Auschwitz, including those in Australia. (*general business notice of motion no. 69*)

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

- (a) notes that 5 February 2005 marked the Vietnamese New Year of the Rooster;
- (b) recognises the contribution of the Vietnamese community in Australia; and
- (c) wishes all a happy and prosperous Vietnamese New Year. (*general business notice of motion no. 70*)

The Minister for Finance and Administration (Senator Minchin): To move on the next day of sitting—That the following orders operate as temporary orders until the conclusion of the 2005 sittings:

- (1) If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.
- (2) On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

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

- (a) notes that:
- (i) the circumstances and treatment of Ms Cornelia Rau are appalling and highlight systematic problems in the administration of immigration detention,
 - (ii) the Rau family have called for a full judicial inquiry,
 - (iii) Ms Rau's case is just one example of how mental health and physical health is being inappropriately diagnosed and treated in detention centres,
 - (iv) several studies have concluded that detention itself exacerbates and creates mental illness in detainees,
 - (v) independent monitoring of operations in detention centres has been totally inadequate, and
 - (vi) the conditions of the isolation unit at Baxter Detention Centre are inhumane and not appropriate for any person, be they Australian or non-citizen; and
- (b) calls on the Government to:
- (i) apologise to Ms Rau and her family immediately,
 - (ii) arrange appropriate compensation for Ms Rau for her treatment in immigration detention, and
 - (iii) instigate a royal commission to investigate:
 - (A) how a permanent resident came to be placed in immigration detention,
 - (B) the mistreatment of Ms Rau and other detainees in immigration detention, and
 - (C) conditions in detention centres around Australia and off-shore. (*general business notice of motion no. 71*)

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

Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004
 Private Health Insurance Incentives Amendment Bill 2004
 Superannuation Supervisory Levy Imposition Amendment Bill 2004 and six related bills.

Documents: Senator Minchin tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of certain bills in the 2005 summer sittings.

Notices of motion withdrawn: Senator McGauran, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given on 9 December 2004, withdrew business of the Senate notices of motion nos 3 and 4 standing in the name of Senator Tchen for 10 sitting days after today for the disallowance of 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*.

16 LEAVE OF ABSENCE

Senator Webber, by leave, moved—That leave of absence be granted to Senator Hutchins for the period 8 February to 10 February 2005, on account of ill health.

Question put and passed.

Senator Bartlett, by leave, moved—That leave of absence be granted to Senator Stott Despoja for the period 8 February to 10 February 2005, on account of maternity reasons.

Question put and passed.

17 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Greig for today, relating to the proposed accreditation of the Southern Bluefin Tuna Fisheries Management Plan, postponed till 10 March 2005.

Business of the Senate notice of motion no. 3 standing in the name of Senator Murray for today, proposing an amendment to the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the *Privacy Act 1988*, postponed till 10 February 2005.

18 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT REGULATIONS—MOTION FOR DISALLOWANCE

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the Aboriginal and Torres Strait Islander Heritage Protection Amendment Regulations 2004 (No. 1), as contained in Statutory Rules 2004 No. 176 and made under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, be disallowed.

Question put and negatived.

19 URGENCY MOTION—IMMIGRATION—MS CORNELIA RAU

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

The need for the Federal Government to:

- (a) establish a fully transparent and independent public inquiry into the detention of Ms Cornelia Rau;
- (b) establish an Inspector General of Immigration Detention and an operational secretariat for monitoring conditions of immigration detention and to deal with complaints from detainees and their advocates; and

- (c) guarantee access to immigration detainees by independent external medical and psychiatric personnel.

The proposal was supported by 4 senators.

Senator Ludwig moved the motion.

Debate ensued.

Question put and passed.

20 GOVERNMENT DOCUMENTS

The Acting Deputy President (Senator Crossin) tabled the following documents received on the dates indicated:

Aboriginal and Torres Strait Islander Commission—Report for 2003-04. [*Received 24 December 2004*]

Aboriginals Benefit Account—Report for 2003-04. [*Received 24 December 2004*]

Aged Care Act 1997—Report for 2003-04 on the operation of the Act. [*Received 27 January 2005*]

Australia and the International Financial Institutions—Reports for 2003-04. [*Received 21 December 2004*]

Australian Crime Commission—Report for 2003-04. [*Received 21 December 2004*]

Australian Hearing Services (Australian Hearing)—Report for 2003-04. [*Received 14 January 2005*]

Australian Institute of Health and Welfare—Report for 2003-04. [*Received 17 December 2004*]

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2001-04. [*Received 12 January 2005*]

Civil Aviation Safety Authority—Report for 2003-04. [*Received 21 December 2004*]

Department of Finance and Administration—Consolidated financial statements for the year ended 30 June 2004. [*Received 23 December 2004*]

Department of Health and Ageing—Report for 2003-04. [*Received 4 February 2005*]

Department of the Treasury—Tax expenditures statement 2004, January 2005. [*Received 21 January 2005*]

Foreign Investment Review Board—Report for 2003-04. [*Received 5 January 2005*]

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2004. [*Received 7 February 2005*]

Health Insurance Commission—

Equity and diversity program—Report for 2003-04. [*Received 24 December 2004*]

Report for 2003-04. [*Received 24 December 2004*]

Health Services Australia Group (HSA Group)—Report for 2003-04. [*Received 13 January 2005*]

Health Services Australia Pty Ltd—Statement of corporate intent 2004-2007. [*Received 13 January 2005*]

- Industry Research and Development Board—Report for 2003-04. [*Received 24 January 2005*]
- Medical Training Review Panel—Report for 2003-04. [*Received 23 December 2004*]
- National Blood Authority—Report for 2003-04. [*Received 6 January 2005*]
- National Capital Authority—Report for 2003-04. [*Received 24 December 2004*]
- National Occupational Health and Safety Commission—Report for 2003-04. [*Received 20 December 2004*]
- Native Title Act 1993*—Native title representative bodies—Reports for 2003-04—
 Cape York Land Council Aboriginal Corporation. [*Received 24 December 2004*]
 Carpentaria Land Council Aboriginal Corporation. [*Received 24 December 2004*]
 Central Land Council. [*Received 24 December 2004*]
 Northern Land Council. [*Received 24 December 2004*]
 Queensland South Representative Body Aboriginal Corporation. [*Received 24 December 2004*]
- Private Health Insurance Administration Council—
 Report for 2003-04. [*Received 14 December 2004*]
 Report for 2003-04 on the operations of the registered health benefits organisations. [*Received 14 December 2004*]
- Private Health Insurance Ombudsman—Report for 2003-04. [*Received 21 December 2004*]
- Productivity Commission—Report No. 30—Review of the *Disability Discrimination Act 1992*—Government response. [*Received 27 January 2005*]
- Research Involving Human Embryos Act 2002*—National Health and Medical Research Council—NHMRC Licensing Committee—Report for the period 1 April to 30 September 2004. [*Received 15 December 2004*]
- Superannuation Complaints Tribunal—Report for 2003-04. [*Received 23 December 2004*]
- Torres Strait Regional Authority—Report for 2003-04. [*Received 24 December 2004*]

21 AUDITOR-GENERAL—AUDIT REPORTS NOS 16 TO 25 OF 2004-05—DOCUMENTS

The Acting Deputy President (Senator Crossin) tabled the following documents received on the dates indicated:

- Auditor-General—Audit reports for 2004-05—
 No. 16—Performance audit—Container examination facilities: Australian Customs Service. [*Received 14 December 2004*]
 No. 17—Performance audit—The administration of the national action plan for salinity and water quality: Department of Agriculture, Fisheries and Forestry and Department of the Environment and Heritage. [*Received 15 December 2004*]
 No. 18—Performance audit—Regulation of non-prescription medicinal products: Department of Health and Ageing and Therapeutic Goods Administration. [*Received 16 December 2004*]

No. 19—Performance audit—Taxpayers' charter: Australian Taxation Office. [Received 17 December 2004]

No. 20—Performance audit—The Australian Taxation Office's management of the Energy Grants (Credits) Scheme. [Received 21 December 2004]

No. 21—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2004: Summary of results. [Received 12 January 2005]

No. 22—Performance audit—Investment of public funds. [Received 18 January 2005]

No. 23—Audit activity report: July to December 2004: Summary of outcomes. [Received 21 January 2005]

No. 24—Performance audit—Integrity of Medicare enrolment data: Health Insurance Commission. [Received 27 January 2005]

No. 25—Performance audit—Army capability assurance processes: Department of Defence. [Received 1 February 2005]

22 ODGERS' AUSTRALIAN SENATE PRACTICE—11TH EDITION—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Odgers' Australian Senate Practice—11th edition, 2004.

23 BUSINESS OF THE SENATE—1 JANUARY TO 31 DECEMBER 2004—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Business of the Senate—1 January to 31 December 2004.
Document ordered to be printed on the motion of the Senator McGauran.

24 QUESTIONS ON NOTICE SUMMARY—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Questions on notice summary—16 November to 31 December 2004.

25 FOREIGN AFFAIRS—UKRAINE—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Foreign Affairs—Ukraine—Letter to the President of the Senate from the Ambassador of Ukraine (His Excellency Dr Olexandr Mischenko) responding to the resolution of the Senate of 2 December 2004, dated 9 December 2004.

26 INDIGENOUS AUSTRALIANS—OPENING OF PARLIAMENT—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Indigenous Australians—Opening of Parliament—Letter to the President of the Senate from the Minister for Vocational and Technical Education (Mr Hargrave) responding to the resolution of the Senate of 17 November 2004, dated 10 December 2004.

27 INDIGENOUS AUSTRALIANS—PALM ISLAND—DOCUMENT

The Acting Deputy President (Senator Crossin) tabled the following document:
Indigenous Australians—Palm Island—Letter to the President of the Senate from the Acting Premier and Minister for Trade (Qld) (Mr Mackenroth) responding to the resolution of the Senate of 1 December 2004, dated 23 December 2004.
Senator Cherry, by leave, moved—That the Senate take note of the document.
Question put and passed.

28 ENVIRONMENT—MURRAY RIVER—DOCUMENT

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

Environment—Murray River—Letter to the President of the Senate from the Acting Premier and Minister for Trade (Qld) (Mr Mackenroth) responding to the resolution of the Senate of 6 December 2004, dated 4 January 2005.

29 HEALTH—CIGARETTE VENDING MACHINES—DOCUMENT

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

Health—Cigarette vending machines—Letter to the President of the Senate from the Premier of South Australia (Mr Rann) responding to the resolution of the Senate of 10 August 2004, dated 21 January 2005.

30 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Budget estimates 2004-05—vols 3, 4 and 5).

31 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—DOCUMENTS—DEPARTMENT OF HEALTH AND AGEING

Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled Hansard record of proceedings and documents received by the committee on a matter relating to the Department of Health and Ageing.

32 DOCUMENTS

The following documents were tabled by the Clerk:

Made prior to the commencement of the Legislative Instruments Act 2003 on 1 January 2005:

Aboriginal and Torres Strait Islander Commission Act—

Aboriginal and Torres Strait Islander Commission (Forgiveness of Debt) Directions 2004.

Aboriginal and Torres Strait Islander Commission (Supervision of Debts) Directions 2004.

Aged Care Act—Residential Care Subsidy Amendment Principles 2004 (No. 4).

Agricultural and Veterinary Chemicals Code Act—Statutory Rules 2004 Nos—

353—Agricultural and Veterinary Chemicals Code Amendment Regulations 2004 (No. 4).

354—Agricultural and Veterinary Chemicals Code Amendment Regulations 2004 (No. 5).

406—Agricultural and Veterinary Chemicals Code Amendment Order 2004 (No. 2).

Australian Bureau of Statistics Act—Proposals Nos—

1 of 2005—Survey of Education and Training.

2 of 2005—Survey of Tourism Marketing Expenditure.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 7 of 2004—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003).

Australian Securities and Investments Commission Act—Statutory Rules 2004 No. 397—Australian Securities and Investments Commission Amendment Regulations 2004 (No. 3).

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2004 (Amendment No. 2 of 2004).

Civil Aviation Act—

Civil Aviation Amendment Order (No. 8) 2004.

Civil Aviation Regulations—

Civil Aviation Amendment Order (No. 11) 2004.

Civil Aviation Amendment Order (No. 12) 2004.

Exemptions Nos EX41/2004-EX44/2004.

Instruments Nos CASA 570/04 and CASA 611/04.

Civil Aviation Safety Regulations—

Airworthiness Directives—

Part 105—

AD/A320/164—Cargo Restraint Strap Assemblies.

AD/A320/165—Parking Brake.

AD/A330/39 Amdt 1—Elevator Structure.

AD/A330/44—Cargo Restraint Strap Assemblies.

AD/AS 355/66 Amdt 1—Sliding Door.

AD/AS 355/83—Tail Rotor Blade Trailing Edge Tab.

AD/B717/16—Cargo Restraint Strap Assemblies.

AD/B727/193—Cargo Restraint Strap Assemblies.

AD/B737/125 Amdt 1—Centre Wing Fuel Tank Float Switch Wiring.

AD/B737/233—Cargo Restraint Strap Assemblies.

AD/B737/234—Pylon Sealing.

AD/B737/235—Fuselage Skin Area at the Dorsal Fin Assembly.

AD/B747/216 Amdt 1—Video Monitor Supports.

AD/B747/318—Cargo Restraint Strap Assemblies.

AD/B747/319—Aft Lower Lobe Cargo Compartment Side Guide Support Fittings.

AD/B757/79—Cargo Restraint Strap Assemblies.

AD/B767/14 Amdt 1—Fin Access Door.

AD/B767/167 Amdt 2—Centre/Auxiliary Fuel Tank Override/Jettison Fuel Pumps.

AD/B767/202—Cargo Restraint Strap Assemblies.

AD/BAe 146/112—Cargo Restraint Strap Assemblies.

AD/BAL/24—Solid Floor Baskets.

AD/BEECH 400/26—Spoiler Mixer Bay Drain Holes.

AD/BELL 430/1 Amdt 1—Tail Rotor Blade.

AD/CESSNA 190/8—Magnesium Inboard Aileron Hinge Brackets.

AD/DAUPHIN/74—Main Gear Box – Planet Gear Carrier.

AD/DAUPHIN/75—Fire Protection – Engine Fire Extinguishers.

AD/ECUREUIL/78 Amdt 1—Sliding Door.

AD/ECUREUIL/106—Tail Rotor Blade Trailing Edge Tab.

AD/EXTRA/9—Bottom Fuselage Cover/Firewall Sealing.

AD/F27/157—Cargo Restraint Strap Assemblies.

AD/F28/88—Cargo Restraint Strap Assemblies.
 AD/F50/89—Cargo Restraint Strap Assemblies.
 AD/F100/62—Cargo Restraint Strap Assemblies.
 AD/FU24/63—Main Spar Web.
 AD/GENERAL/37 Amdt 8—Emergency Exits.
 AD/HU 369/115—Fuselage Station 75 Control Support Bracket Assembly.
 AD/LA-4/10 Amdt 2—Aircraft Structure – Inspection for Corrosion.
 AD/S-PUMA/56—Hoist Plate Front Attachment.
 AD/TBM 700/33 Amdt 1—Vertical Stabiliser Attachment Fittings.
 AD/X-TS/7—Co-Pilot Rudder Pedal Assembly.

Part 106—

AD/CF6/57—HPT S2 NGV Distress.
 AD/THIELERT/2—Detachment of HP Fuel Pump Mounting Bolts.

Part 107—

AD/AIRCON/12 Amdt 2—Kelly Aerospace Power Systems – Cabin Combustion Heaters.
 AD/APU/17 Amdt 1—Saphir 20 Model 095 Female Quill Shaft Cycles Since New.
 AD/PHZL/68 Amdt 2—Turbine Engine; Steel Hub Propellers.

Exemption No. EX45/2004.

Class Rulings—

Addendum—CR 2003/61.
 CR 2004/138-CR 2004/153.
 CR 2005/1-CR 2005/4.

Copyright Act—Statutory Rules 2004 Nos—

362—Copyright (International Protection) Amendment Regulations 2004 (No. 2).
 363—Copyright Tribunal (Procedure) Amendment Regulations 2004 (No. 1).
 405—Copyright Amendment Regulations 2004 (No. 1).

Corporations Act—

Accounting Standard—

AASB 6—Exploration for and Evaluation of Mineral Resources.
 AASB 119—Employee Benefits.
 AASB 1048—Interpretation and Application of Standards.
 AASB 2004-1—Amendments to Australian Accounting Standards.
 AASB 2004-2—Amendments to Australian Accounting Standards.
 AASB 2004-3—Amendments to Australian Accounting Standards.

Statutory Rules 2004 Nos—

398—Corporations Amendment Regulations 2004 (No. 8).
 399—Corporations Amendment Regulations 2004 (No. 9).

Corporations (Fees) Act—Statutory Rules 2004 No. 400—Corporations (Fees) Amendment Regulations 2004 (No. 2).

Customs Act—Statutory Rules 2004 Nos—

364—Customs Amendment Regulations 2004 (No. 6).
 365—Customs Amendment Regulations 2004 (No. 7).
 366—Customs Amendment Regulations 2004 (No. 8).
 367—Customs Amendment Regulations 2004 (No. 9).

Defence Act—Determinations under section—

58B—Defence Determinations—

- 2004/48—Living-in accommodation – amendment.
- 2004/49—Overseas conditions of service – amendment.
- 2004/50—Overseas conditions of service – amendment.
- 2005/1—Hardship allowance for Aceh province, Indonesia.
- 2005/2—Hardship and civil practice support allowances – amendment.
- 2005/3—Hardship grades and post indexes – review.
- 2005/4—Travelling, vehicle and disturbance allowance – amendment.

58H—Defence Force Remuneration Tribunal Determinations Nos—

- 13 of 2004—Specialist salary structure – chaplains.
- 15 of 2004—ADF workplace remuneration arrangement: 2004-2006 and ADF star ranks' remuneration arrangement: 2004-2006 – amendment.
- 16 of 2004—Submarine service allowance – amendment.
- 17 of 2004—Navy medical grades (additional responsibility) allowance.
- 18 of 2004—Navy medical grade 4 allowance – repeal.
- 19 of 2004—Specialist operations allowance – amendment.
- 20 of 2004—Royal Australian Navy electronic warfare categories.

Defence Force (Home Loans Assistance) Act—Statutory Rules 2004 No. 376—

Defence Force (Home Loans Assistance) Amendment Regulations 2004 (No. 1).

Defence Force Retirement and Death Benefits Act—Statutory Rules 2004 Nos—

- 408—Defence Force Retirement and Death Benefits (Family Law Superannuation) Amendment Order 2004 (No. 1).
- 409—Defence Forces Retirement Benefits (Family Law Superannuation) Amendment Order 2004 (No. 1).

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 22 December 2004 [2].

Environment Protection and Biodiversity Conservation Act—

Instruments amending lists of—

- Exempt native specimens under section 303DB, dated 17 September; 14, 15 and 30 October; 1, 5, 6, 8, 9, 11 [3], 12 [2], 13, 15, 16 [2], 17, 18 [2], 19 [2], 26 [4] and 30 November; and 1, 6 and 16 December 2004.
- Specimens suitable for live import under section 303EB, dated 7 December 2004.

Notice of proposed accreditation of the Coral Sea Fishery Statement of Management Arrangements 2004/05, dated 26 November 2004.

Notice of proposed accreditation of the Western Trawl Fisheries Statement of Management Arrangements 2004, dated 26 November 2004.

Extradition Act—Statutory Rules 2004 Nos—

- 368—Extradition (Kyrgyzstan) Regulations 2004.
- 369—Extradition (Latvia) Regulations 2004.

Family Law Act—Statutory Rules 2004 Nos—

- 351—Family Law Amendment Rules 2004 (No. 3).
- 352—Family Law (Superannuation) Amendment Regulations 2004 (No. 2).
- 370—Family Law Amendment Regulations 2004 (No. 2).
- 371—Family Law Amendment Regulations 2004 (No. 3).

Federal Court of Australia Act—Statutory Rules 2004 No. 407—Federal Court Amendment Rules 2004 (No. 5).

Financial Sector (Collection of Data) Act—

Exemption from requirement to comply with reporting standards, dated 21 September 2004.

Financial Sector (Collection of Data) Determination No. 8 of 2004—References to accounting standards in reporting standards applying to authorised deposit-taking institutions.

Financial Sector (Collection of Data) Determination No. 9 of 2004—References to accounting standards in reporting standards applying to general insurers.

Foreign Acquisitions and Takeovers Act—Statutory Rules 2004 No. 401—Foreign Acquisitions and Takeovers Amendment Regulations 2004 (No. 3).

Fuel Quality Standards Act—Fuel Standard (Biodiesel) Amendment Determination 2004 (No. 1).

Goods and Services Tax Ruling GSTR 2004/9.

Great Barrier Reef Marine Park Act—Statutory Rules 2004 No. 379—Great Barrier Reef Marine Park Amendment Regulations 2004 (No. 6).

Health and Other Services (Compensation) Act—Provision of Information (Bulk Payment Agreements) Determination 2004.

Health Insurance Act—

Health Insurance (FTB(A) Family) Determination 2004.

Statutory Rules 2004 Nos—

383—Health Insurance Amendment Regulations 2004 (No. 10).

384—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2004 (No. 6).

385—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 9).

386—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 10).

387—Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 11).

Higher Education Support Act—

Commonwealth Grants Scheme Guidelines (Amendment No. 2), dated 1 December 2004.

Commonwealth Scholarships Guidelines, dated 7 December 2004.

FEE-HELP Guidelines, dated 20 December 2004.

Funding Agreements under section 30-25, dated—

15 November 2004—

Central Queensland University.

La Trobe University.

16 November 2004—University of Wollongong.

18 November 2004—University of Sydney.

1 December 2004—University of Western Australia.

3 December 2004—Macquarie University.

6 December 2004—

University of New South Wales.

University of Technology, Sydney.

University of Western Sydney.

8 December 2004—

Batchelor Institute of Indigenous Tertiary Education.

- University of Notre Dame.
- 14 December 2004—University of Melbourne.
- 15 December 2004—
 - Australian National University.
 - University of South Australia.
- 22 December 2004—
 - James Cook University.
 - University of Adelaide.
 - University of Newcastle.
- Other Grants Guidelines (Amendment), dated 8 December 2004.
- Other Grants Guidelines (Amendment No. 1), dated 6 December 2004.
- Other Grants Guidelines (Amendment No. 2), dated 21 December 2004.
- Industrial Chemicals (Notification and Assessment) Act—Statutory Rules 2004 No. 388—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2004 (No. 4).
- Insurance Act—Insurance (Prudential Standards) Determination No. 2 of 2004—References to accounting standards.
- International Organisations (Privileges and Immunities) Act—Statutory Rules 2004 No. 382—Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (Privileges and Immunities) Amendment Regulations 2004 (No. 1).
- Jervis Bay Territory Acceptance Act—Ordinance No. 1 of 2004—Rural Fires Amendment Ordinance 2004 (No. 1).
- Judiciary Act—Statutory Rules 2004 No. 372—High Court of Australia (Fees) Regulations 2004.
- Legislative Instruments Act—Statutory Rules 2004 No. 373—Legislative Instruments Regulations 2004.
- Life Insurance Act—Life Insurance (Prudential Rules) Determination No. 3 of 2004—References to accounting standards.
- Medical Indemnity Act—Medical Indemnity (Run-off Cover Claims and Administration) Protocol 2004.
- Medical Indemnity (Prudential Supervision and Product Standards) Act—Medical Indemnity (Prudential Supervision and Product Standards—Terms and Conditions for Run-off Cover) Determination 2004.
- Migration Act—
 - Statements for period 1 July to 31 December 2004 under section—
 - 48B [13].
 - 48B and 91L.
 - 91L [2].
 - 345.
 - 351 [64].
 - 417 [111].
 - Statutory Rules 2004 Nos—
 - 390—Migration Amendment Regulations 2004 (No. 8).
 - 391—Migration Agents Amendment Regulation 2004 (No. 2).
 - 392—Migration (Liberia—United Nations Security Council Resolutions) Amendment Regulations 2004 (No. 1).

- Military Rehabilitation and Compensation Act—Instrument Nos—
M17 of 2004—MRCA Private Patient Principles 2004.
M20 of 2004—Military Rehabilitation and Compensation Act Treatment (Revocation) Determination.
M21 of 2004—MRCA Treatment Principles.
M22 of 2004—MRCA Pharmaceutical Benefits Scheme.
- Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2004 (No. 5).
- Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination No. 2 of 2004.
- Mutual Assistance in Criminal Matters Act—Statutory Rules 2004 Nos—
374—Mutual Assistance in Criminal Matters Amendment Regulations 2004 (No. 1).
375—Mutual Assistance in Criminal Matters (Greece) Regulations 2004.
- National Environment Protection Council Act—
Minor Variation to the National Environment Protection (Movement of Controlled Waste between States and Territories) Measures.
National Environment Protection (Air Toxics) Measure, accompanied by the impact statement, summary of submissions and the Council's responses to submissions.
- National Health Act—
Declarations Nos PB 19 and PB 20 of 2004.
Determinations—
AOS 17/2004 and AOS 18/2004.
PHB 21/2004.
Statutory Rules 2004 No. 389—National Health (Pharmaceutical Benefits) Amendment Regulations 2004 (No. 1).
- Navigation Act—Marine Order No. 11 of 2004—Load Lines.
- Occupational Health and Safety (Commonwealth Employment) Act—Statutory Rules 2004 No. 378—Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 2).
- Ozone Protection and Synthetic Greenhouse Gas Management Act—Statutory Rules 2004 Nos—
380—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 2).
381—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 (No. 3).
- Patents Act—Statutory Rules 2004 No. 395—Patents Amendment Regulations 2004 (No. 4).
- Payment Systems and Netting Act—Statutory Rules 2004 No. 402—Payment Systems and Netting Amendment Regulations 2004 (No. 1).
- Primary Industries (Customs) Charges Act—Statutory Rules 2004 Nos—
355—Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 7).
358—Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 8).

- Primary Industries (Excise) Levies Act—Statutory Rules 2004 Nos—
357—Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 7).
359—Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 8).
- Primary Industries Levies and Charges Collection Act—Statutory Rules 2004 No. 356—Primary Industries Levies and Charges Collection Amendment Regulations 2004 (No. 4).
- Product Grant and Benefit Rulings—Addenda—PGBR 2003/1 and PGBR 2003/2.
- Product Rulings—
Notice of Withdrawal—PR 2004/72.
PR 2004/113-PR 2004/117.
PR 2005/1-PR 2005/4.
- Public Service Act—Statutory Rules 2004 No. 396—Public Service Amendment Regulations 2004 (No. 2).
- Quarantine Act—Statutory Rules 2004 Nos—
360—Quarantine Amendment Regulations 2004 (No. 2).
361—Quarantine (Cocos Islands) Repeal Regulations 2004.
- Radiocommunications Act—1900–1920 MHz and 2010–2025 MHz Bands Frequency Band Plan 2004.
- Remuneration Tribunal Act—Determination 2004/23: Remuneration and Allowances for Holders of Public Office.
- Retirement Savings Accounts Act—Statutory Rules 2004 No. 403—Retirement Savings Accounts Amendment Regulations 2004 (No. 5).
- Student Assistance Act—Statutory Rules 2004 No. 377—Student Assistance Amendment Regulations 2004 (No. 1).
- Superannuation Determination SD 2004/1.
- Superannuation Industry (Supervision) Act—Statutory Rules 2004 No. 404—Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 11).
- Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/04 (Addendum).
- Taxation Determinations—
Addenda—
TD 58.
TD 94/31.
TD 2004/72-TD 2004/90.
TD 2005/1.
- Taxation Rulings—
Addendum—TR 2000/18.
Notice of Withdrawal—TR 97/21.
Old Series—
Addendum—IT 2130.
Notices of Withdrawal—IT 214, IT 2124, IT 2154, IT 2308, IT 2354, IT 2398, IT 2407, IT 2419 and IT 2550.
TR 2004/List.
TR 2004/17 and TR 2004/18.

TR 2005/1.

Telecommunications Act—

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2004 (No. 1).

Telecommunications Technical Standard (Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network — AS/ACIF S002) Amendment 2004 (No. 1).

Telecommunications Technical Standard (Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network — AS/ACIF S002) Amendment 2004 (No. 2).

Telecommunications Technical Standard (Personal Handy Phone System — ACA TS 034-1997) Amendment 2001 (No. 1) Amendment 2004 (No. 1).

Telecommunications Technical Standard (Voice Frequency Performance Requirements for Customer Equipment — AS/ACIF S004) 2004.

Tourism Australia (Repeal and Transitional Provisions) Act—Statutory Rules 2004 Nos—

393—Australian Tourist Commission Repeal Regulations 2004.

394—Australian Tourist Commission (Allowances) Repeal Regulations 2004.

Veterans' Entitlements Act—

Instrument 2004 No. R17—Repatriation Private Patient Principles 2004.

Instrument No. R8 of 2004—Treatment Principles.

Instruments under section 196B—Instruments Nos 46-53 of 2004.

Veterans' Entitlements Treatment (Anxiety and Depressive Disorders) Determination R23/2004.

Wine Equalisation Tax Rulings—

Notice of Withdrawal—WETR 2002/2.

WETR 2004/1.

Made following the commencement of the Legislative Instruments Act 2003 on 1 January 2005 [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]:

A New Tax System (Goods and Services Tax) Act, A New Tax System (Luxury Car Tax) Act and A New Tax System (Wine Equalisation Tax) Act—Finance Minister's (A New Tax System) Directions 2005 [F2005L00125]*.

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Protection of Assets) Directions 2005 [F2005L00150]*.

Air Services Act—Air Services Regulations—Instrument No. AERU-05-01—Determination of controlled aerodromes and airspace [F2005L00035]*.

Australian National University Act—

Board of the Faculties Statute (Repeal) Statute 2004 [F2005L00160]*.

Board of the Institute of Advanced Studies Statute (Repeal) Statute 2004 [F2005L00159]*.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 1 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003) [F2005L00124]*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Amendment Order (No. 1) 2005 [F2005L00126]*.

Instrument No. CASA 33/05 [F2005L00063]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/A320/166—Elevator and Aileron Computer [F2005L00135]*.

AD/A330/41 Amdt 1—Passenger Gaseous Oxygen Containers Diaphragm [F2005L00094]*.

AD/A330/45—Wing Rib 6 [F2005L00015]*.

AD/AS 355/67 Amdt 2—Main Gearbox Lubrication Pump [F2005L00106]*.

AD/AS 355/84—Stabilisers – Upper and Lower Vertical Fin Spars [F2005L00016]*.

AD/B737/86 Amdt 1—Body Station 344 to 360 Support Structure [F2005L00071]*.

AD/B737/236—Centre Fuel Tank FQIS Wire Bundle [F2005L00095]*.

AD/B747/119 Amdt 1—Engine Bleed Air Crossover Duct [F2005L00107]*.

AD/B747/320—AFM Limitation – RVSM Operations [F2005L00070]*.

AD/B767/4 Amdt 1—Horizontal Stabiliser Pivot Fitting – Outer Pivot Pin Inspection and Inner Pin Replacement [F2005L00096]*.

AD/B767/15 Amdt 2—Entry/Service Door [F2005L00097]*.

AD/B767/76 Amdt 1—Brakes and Attachments [F2005L00069]*.

AD/B767/81 Amdt 1—Brakes [F2005L00068]*.

AD/B767/197 Amdt 2—Air Data System [F2005L00098]*.

AD/B767/204—Forward Cargo Compartment Wire Bundles [F2005L00099]*.

AD/BEECH 65/61 Amdt 4—Nose Gear Lower Shock Absorber Assembly [F2005L00076]*.

AD/BEECH 76/19—Trailing Edge Flaps [F2005L00093]*.

AD/BEECH 90/75 Amdt 4—Nose Landing Gear Lower Shock Absorber Assembly [F2005L00075]*.

AD/BEECH 200/45 Amdt 3—Nose Gear Lower Shock Absorber Assembly [F2005L00074]*.

AD/BEECH 1900/2 Amdt 1—Nose Gear Lower Shock Absorber Assembly [F2005L00072]*.

AD/BELL 206/157—Door Handle [F2005L00123]*.

AD/DAUPHIN/76—Cargo Hold Upholstering [F2005L00091]*.

AD/DHC-8/100 Amdt 1—Fluorescent Lighting System [F2005L00089]*.

AD/ECUREUIL/74 Amdt 2—Tail Servo Control Rod Eye End Fitting [F2005L00090]*.

AD/ECUREUIL/107—Stabilisers – Upper and Lower Vertical Fin Spars [F2005L00014]*.

AD/ECUREUIL/108—Tail Servo-Control [F2005L00005]*.

AD/G2T1/1—Induction System Inspection [F2005L00073]*.
 AD/SD3-60/68—Elevator Trim Tab Balance Weight Brackets
 [F2005L00013]*.
 AD/SF340/97—DC Generating System – Undervoltage Protection
 [F2005L00100]*.
 AD/S-PUMA/57—Tail Servo-Control [F2005L00004]*.

106—

AD/AL 250/82—Hydromechanical Unit Power Lever Angle
 Potentiometer [F2005L00102]*.
 AD/AL 250/84—HMU PLA Potentiometer [F2005L00103]*.
 AD/ARRIEL/20—Digital Engine Control Unit – Torque
 Measurements [F2005L00066]*.
 AD/LYC/110—Crane/Lear Romec Rotary Fuel Pump Relief Valve
 Attachment Screws [F2005L00101]*.
 AD/THIELERT/1 Amdt 1—Engine Failure Due to Electrical System
 Failure [F2005L00078]*.

107—

AD/AIRCON/13 Amdt 1—Kelly Aerospace Fuel Regulator Shutoff
 Valves & Cabin Heaters [F2005L00017]*.
 AD/FSM/25 Amdt 4—Lear Romec Fuel Pumps [F2005L00104]*.
 AD/FSM/29 Amdt 2—Precision Airmotive Corporation Carburettors
 [F2005L00105]*.

Manual of Standards Amendment (No. 1) 2004 [F2005L00113]*.

Manual of Standards Part 65 Amendment Instrument (No. 1) 2005
 [F2005L00112]*.

Consular Privileges and Immunities Act—Consular Privileges and Immunities
 (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 1)
 [F2005L00110]*.

Corporations Act—Declaration under paragraph 992B(1)(c)—ASIC Class Order
 [CO 05/21] [F2005L00140]*.

Currency Act—

Currency (Perth Mint) Determination 2004 (No. 3) Amendment Determination
 2005 (No. 1) [F2005L00121]*.

Currency (Perth Mint) Determination 2005 (No. 1) [F2005L00120]*.

Customs Act—

By-Laws—

By-Law No. 0540001 [F2005L00136]*.

By-Law No. 0540002 [F2005L00138]*.

Revocation No. 1 (2005) [F2005L00139]*.

CEO Instrument of Approval No. 1 of 2005 [F2005L00060]*.

CEO Instrument of Approval No. 2 of 2005 [F2005L00061]*.

Tariff Concession Orders—

Tariff Concession Instrument No. 0407230 [F2005L00046]*.

Tariff Concession Instrument No. 0408913 [F2005L00065]*.

Tariff Concession Instrument No. 0410029 [F2005L00007]*.

Tariff Concession Instrument No. 0410179 [F2005L00021]*.

Tariff Concession Instrument No. 0410524 [F2005L00022]*.

Tariff Concession Instrument No. 0410860 [F2005L00023]*.

Tariff Concession Instrument No. 0410861 [F2005L00024]*.

Tariff Concession Instrument No. 0410872 [F2005L00025]*.
 Tariff Concession Instrument No. 0410875 [F2005L00037]*.
 Tariff Concession Instrument No. 0410879 [F2005L00026]*.
 Tariff Concession Instrument No. 0410976 [F2005L00174]*.
 Tariff Concession Instrument No. 0410990 [F2005L00027]*.
 Tariff Concession Instrument No. 0411069 [F2005L00028]*.
 Tariff Concession Instrument No. 0411083 [F2005L00038]*.
 Tariff Concession Instrument No. 0411085 [F2005L00039]*.
 Tariff Concession Instrument No. 0411086 [F2005L00040]*.
 Tariff Concession Instrument No. 0411195 [F2005L00029]*.
 Tariff Concession Instrument No. 0411196 [F2005L00030]*.
 Tariff Concession Instrument No. 0411197 [F2005L00031]*.
 Tariff Concession Instrument No. 0411207 [F2005L00032]*.
 Tariff Concession Instrument No. 0411262 [F2005L00041]*.
 Tariff Concession Instrument No. 0411266 [F2005L00045]*.
 Tariff Concession Instrument No. 0411310 [F2005L00042]*.
 Tariff Concession Instrument No. 0411311 [F2005L00048]*.
 Tariff Concession Instrument No. 0411355 [F2005L00059]*.
 Tariff Concession Instrument No. 0411356 [F2005L00050]*.
 Tariff Concession Instrument No. 0411357 [F2005L00051]*.
 Tariff Concession Instrument No. 0411358 [F2005L00052]*.
 Tariff Concession Instrument No. 0411359 [F2005L00053]*.
 Tariff Concession Instrument No. 0411360 [F2005L00054]*.
 Tariff Concession Instrument No. 0411361 [F2005L00055]*.
 Tariff Concession Instrument No. 0411362 [F2005L00056]*.
 Tariff Concession Instrument No. 0411497 [F2005L00175]*.
 Tariff Concession Instrument No. 0411499 [F2005L00082]*.
 Tariff Concession Instrument No. 0411812 [F2005L00057]*.
 Tariff Concession Instrument No. 0411819 [F2005L00083]*.
 Tariff Concession Instrument No. 0411927 [F2005L00084]*.
 Tariff Concession Instrument No. 0411928 [F2005L00085]*.
 Tariff Concession Instrument No. 0411937 [F2005L00086]*.
 Tariff Concession Instrument No. 0411938 [F2005L00087]*.
 Tariff Concession Instrument No. 0500857 [F2005L00130]*.

Diplomatic Privileges and Immunities Act—

Diplomatic Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 1) [F2005L00108]*.

Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 21 January 2005 [2].

Environment Protection and Biodiversity Conservation Act—Instruments amending list of—

CITES species under section 303CA, dated 20 December 2004 [F2005L00011]*.

Exempt native specimens under section 303DB, dated 20 December 2004 [F2005L00058]*.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Dairy, Eggs and Fish) Orders 2005 [F2005L00161]*.

Export Control (Meat and Meat Products) Orders 2005 [F2005L00154]*.

Export Control (Prescribed Goods — General) Order 2005 [F2005L00144]*.

Financial Management and Accountability Act—Adjustments of Appropriations on Change of Agency Functions—

Direction No. 25 of 2004-2005 [F2005L00009]*.

Direction No. 26 of 2004-2005 [F2005L00036]*.

Direction No. 27 of 2004-2005 [F2005L00081]*.

Direction No. 28 of 2004-2005 [F2005L00131]*.

Health Insurance Act—

Health Insurance (Accreditation of Podiatric Surgeons) Guidelines PHB23/2004 [F2005L00047]*.

Health Insurance (Deep Brain Stimulation for Parkinson's Disease) Determination HS/01/2005 [F2005L00033]*.

QAA No. 3/2004—Declaration of Quality Assurance Activity [F2005L00020]*.

Higher Education Support Act—Higher Education Provider Approval (No. 1 of 2005)—The Southern School of Natural Therapies Limited [F2005L00148]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Migration Act—Migration Agents Regulations—MARA Notice MN4-05 of 2005—

Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2005L00115]*.

Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2005L00116]*.

Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2005L00114]*.

National Health Act—Determination HIB 1/2005 [F2005L00134]*.

National Security Information (Criminal Proceedings) Act—National Security Information (Criminal Proceedings) Regulations 2005 [F2005L00044]*.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 21 January 2005.

Remuneration Tribunal Act—Determination 2005/01: Remuneration and Allowances for Full-time Holders of Public Office [F2005L00118]*.

Safety, Rehabilitation and Compensation Act—Notice No. 1 of 2005—Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2005 [F2005L00002]*.

Telecommunications (Interception) Act—Declaration of eligible authority as agency — Tasmania Police [F2005L00151]*.

Therapeutic Goods Act—

Therapeutic Goods Advertising Code: Amendments [F2005L00179]*.

Therapeutic Goods (Emergency) Exemption 2005 (No. 1) [F2005L00178]*.

* Explanatory statement tabled with legislative instrument.

33 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:

8 December 2004—Message No. 45—*Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Election Commitments) Act 2004* (Act No. 132, 2004).

9 December 2004—Message No. 46—*Customs Amendment Act 2004* (Act No. 133, 2004).

13 December 2004—Message—

No. 47—

Tax Laws Amendment (Small Business Measures) Act 2004 (Act No. 134, 2004)

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004 (Act No. 135, 2004).

No. 48—

Vocational Education and Training Funding Amendment Act 2004 (Act No. 136, 2004)

States Grants (Primary and Secondary Education Assistance) Legislation Amendment Act 2004 (Act No. 137, 2004)

Health Insurance Amendment (100% Medicare Rebate and Other Measures) Act 2004 (Act No. 138, 2004)

Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004 (Act No. 139, 2004).

14 December 2004—Message—

No. 49—

Classification (Publications, Films and Computer Games) Amendment Act (No. 2) 2004 (Act No. 140, 2004)

Australian Security Intelligence Organisation Amendment Act 2004 (Act No. 141, 2004)

Tax Laws Amendment (Superannuation Reporting) Act 2004 (Act No. 142, 2004)

Tax Laws Amendment (Retirement Villages) Act 2004 (Act No. 143, 2004)

James Hardie (Investigations and Proceedings) Act 2004 (Act No. 144, 2004).

No. 50—

Indigenous Education (Targeted Assistance) Amendment Act 2004 (Act No. 145, 2004)

Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Act 2004 (Act No. 146, 2004)

Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Act 2004 (Act No. 147, 2004).

No. 51—

Telecommunications (Interception) Amendment (Stored Communications) Act 2004 (Act No. 148, 2004)

Aviation Security Amendment Act 2004 (Act No. 149, 2004)

National Security Information (Criminal Proceedings) Act 2004 (Act No. 150, 2004)

National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004 (Act No. 151, 2004).

15 December 2004—Message No. 52—

Surveillance Devices Act 2004 (Act No. 152, 2004)

Family Law Amendment (Annuities) Act 2004 (Act No. 153, 2004)

Copyright Legislation Amendment Act 2004 (Act No. 154, 2004)

Workplace Relations Amendment (Agreement Validation) Act 2004 (Act No. 155, 2004).

17 December 2004—Message—

No. 53—

National Water Commission Act 2004 (Act No. 156, 2004)

Higher Education Legislation Amendment Act (No. 3) 2004 (Act No. 157, 2004).

No. 54—*Fisheries (Validation of Plans of Management) Act 2004* (Act No. 158, 2004).

34 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Crossin) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—

Discharged—Senator Allison

Appointed—Senator Bartlett

Environment, Communications, Information Technology and the Arts Legislation Committee—

Discharged—Senator Allison

Appointed—

Senator Bartlett

Substitute members:

Senator Cherry to replace Senator Bartlett for matters relating to the Communications portfolio

Senator Greig to replace Senator Bartlett for matters relating to the Information Technology portfolio

Senator Ridgeway to replace Senator Bartlett for matters relating to the Arts portfolio

Participating member: Senator Allison

Environment, Communications, Information Technology and the Arts References Committee—

Appointed—Participating member: Senator Bartlett

Procedure—Standing Committee—

Discharged—Senator Allison

Appointed—Senator Bartlett.

Question put and passed.

35 WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004

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

Message no. 52, dated 9 December 2004—A Bill for an Act to provide for water efficiency labelling and the making of water efficiency standards, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

On the motion of Senator Ian Campbell the debate was adjourned and the resumption of the debate was made an order of the day for a later hour.

36 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2004

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

Message no. 53, dated 9 December 2004—A Bill for an Act to amend Commonwealth financial management legislation and other financial and reporting provisions, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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

37 FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004

FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004

WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004

COPYRIGHT LEGISLATION AMENDMENT BILL 2004

CUSTOMS AMENDMENT BILL 2004

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

Message no. 47, dated 9 December 2004—Fisheries (Validation of Plans of Management) Bill 2004.

Message no. 48, dated 9 December 2004—Family Law Amendment (Annuities) Bill 2004.

Message no. 49, dated 9 December 2004—Workplace Relations Amendment (Agreement Validation) Bill 2004.

Message no. 50, dated 9 December 2004—Copyright Legislation Amendment Bill 2004.

Message no. 51, dated 9 December 2004—Customs Amendment Bill 2004.

38 JOINT COMMITTEES—APPOINTMENT OF HOUSE MEMBERS

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 54, dated 9 December 2004—

Corporations and Financial Services—Joint Statutory Committee—
Mr Bowen and Ms AE Burke

Migration—Joint Standing Committee—Mr L Ferguson, Mrs Irwin and
Dr Lawrence

National Capital and External Territories—Joint Standing Committee—
Ms AL Ellis and Mr Snowdon

Public Accounts and Audit—Joint Statutory Committee—Ms AE Burke,
Ms Grierson, Ms King and Mr Tanner

Treaties—Joint Standing Committee—Mr Adams, Mr Ripoll and Mr Wilkie.

39 INDIGENOUS AUSTRALIANS—OPENING OF PARLIAMENT—CONSIDERATION

Senator Bartlett, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 26*).

Question put and passed.

40 AUDITOR-GENERAL—AUDIT REPORT NO. 22 OF 2004-05—CONSIDERATION

Senator Murray, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 21*).

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

41 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—PRIVATE HEALTH INSURANCE INCENTIVES AMENDMENT BILL 2004

Pursuant to order, Senator Eggleston, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following report and documents:

Community Affairs Legislation Committee—Provisions of the Private Health Insurance Incentives Amendment Bill 2004—Report, dated February 2005 and submissions [9].

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

42 WATER EFFICIENCY LABELLING AND STANDARDS BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—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 Minister for Family and Community Services (Senator Patterson) the bill was read a third time.

**43 DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS)
BILL 2004 [2005]**

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Carr was speaking.

44 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entries nos 2 and 20*) were considered:

Migration Review Tribunal—Report for 2003-04. Motion to take note of document moved by Senator Bartlett and agreed to.

Refugee Review Tribunal—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Treaty—*Multilateral*—Text, together with national interest analysis and annexure—Amendments, agreed at Bangkok, in October 2004, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973. Motion to take note of document moved by Senator Bartlett and agreed to.

Aboriginal and Torres Strait Islander Commission—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginals Benefit Account—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Central Land Council—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Northern Land Council—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Cape York Land Council Aboriginal Corporation—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

45 ADJOURNMENT

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

Debate ensued.

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

Social issues—‘Celebrating Muslim achievements in Melbourne 2003-04’—
Islamic Council of Victoria Work for the Dole Project funded by the Department
of Employment and Workplace Relations.

The Senate adjourned at 8.32 pm till Wednesday, 9 February 2005 at 9.30 am.

46 ATTENDANCE

Present, all senators except Senators Hutchins*, Mackay and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate