

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 45

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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 GOVERNMENT DOCUMENT

The following government document was tabled:

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 April to 30 June 2005, together with report for 2004-05.

**3 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005
TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND
CONSUMER ISSUES) BILL 2005**

**TELECOMMUNICATIONS LEGISLATION AMENDMENT (FUTURE PROOFING AND
OTHER MEASURES) BILL 2005**

**TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT (INDUSTRY
PLANS AND CONSUMER CODES) BILL 2005**

APPROPRIATION (REGIONAL TELECOMMUNICATIONS SERVICES) BILL 2005-2006

Declaration of urgency: The Minister for Justice and Customs (Senator Ellison) declared the following bills to be urgent bills:

Telstra (Transition to Full Private Ownership) Bill 2005

Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005

Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005

Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005

Appropriation (Regional Telecommunications Services) Bill 2005-2006

and moved—That these bills be considered urgent bills.

Proposed suspension of standing orders: Senator Ludwig, at the request of the Leader of the Opposition in the Senate (Senator Evans) and pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Debate ensued.

Closure: Senator Ellison moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 35

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Fifield	Minchin	Trood
Chapman	Heffernan	Nash	Watson
Colbeck	Hill	Parry	

NOES, 32

Senators—

Bartlett	Faulkner	Lundy	Polley
Bishop	Fielding	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Carr	Hutchins	Murray	Webber
Crossin	Kirk	Nettle	Wong
Evans	Ludwig	O'Brien	Wortley

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bartlett	Faulkner	Lundy	Polley
Bishop	Fielding	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Carr	Hutchins	Murray	Webber
Crossin	Kirk	Nettle	Wong
Evans	Ludwig	O'Brien	Wortley

NOES, 35

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Fifield	Minchin	Trood
Chapman	Heffernan	Nash	Watson
Colbeck	Hill	Parry	

Question negatived.

Question—That these bills be considered urgent bills—put.

The Senate divided—

AYES, 35

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Fifield	Minchin	Trood
Chapman	Heffernan	Nash	Watson
Colbeck	Hill	Parry	

NOES, 32

Senators—

Bartlett	Faulkner	Lundy	Polley
Bishop	Fielding	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Carr	Hutchins	Murray	Webber
Crossin	Kirk	Nettle	Wong
Evans	Ludwig	O'Brien	Wortley

Question agreed to.

Allotment of time: Senator Ellison moved—That the time allotted for consideration of the remaining stages of the bills be as follows:

Second reading	till 11.30 am today
Committee of the whole	from 11.30 am till 12.45 pm, and from not later than 4.30 pm till 6.15 pm today
All remaining stages	from 6.15 pm till 6.30 pm today.

Closure: Senator Ellison moved—That the question be now put.

Proposed suspension of standing orders: The Leader of the Opposition in the Senate (Senator Evans), pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent debate taking place on the motion without limitation of time.

Closure: Senator Ellison moved—That the question be now put.

Question—That the question on the motion to suspend standing orders be now put—put.

The Senate divided—

AYES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris (Teller)	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

NOES, 31

Senators—

Bartlett	Faulkner	Lundy	Siewert
Brown, Bob	Fielding	Marshall	Stephens
Brown, Carol	Forshaw	McEwen	Sterle
Campbell, G (Teller)	Hogg	Milne	Stott Despoja
Carr	Hurley	Moore	Webber
Conroy	Hutchins	Murray	Wong
Crossin	Kirk	Nettle	Wortley
Evans	Ludwig	Polley	

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 31

Senators—

Bartlett	Faulkner	Lundy	Siewert
Brown, Bob	Fielding	Marshall	Stephens
Brown, Carol	Forshaw	McEwen	Sterle
Campbell, G (Teller)	Hogg	Milne	Stott Despoja
Carr	Hurley	Moore	Webber
Conroy	Hutchins	Murray	Wong
Crossin	Kirk	Nettle	Wortley
Evans	Ludwig	Polley	

NOES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris (Teller)	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

Question negatived.

Question—That the question on the motion for the allotment of time be now put—put.

The Senate divided—

AYES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston (Teller)	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

NOES, 31

Senators—

Bartlett	Faulkner	Lundy	Siewert
Brown, Bob	Fielding	Marshall	Stephens
Brown, Carol	Forshaw	McEwen	Sterle
Campbell, George	Hogg	Milne	Stott Despoja
Carr	Hurley	Moore	Webber (Teller)
Conroy	Hutchins	Murray	Wong
Crossin	Kirk	Nettle	Wortley
Evans	Ludwig	Polley	

Question agreed to.

Question—That the motion for the allotment of time be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston (Teller)	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

NOES, 31

Senators—

Bartlett	Faulkner	Lundy	Siewert
Brown, Bob	Fielding	Marshall	Stephens
Brown, Carol	Forshaw	McEwen	Sterle
Campbell, George	Hogg	Milne	Stott Despoja
Carr	Hurley	Moore	Webber (Teller)
Conroy	Hutchins	Murray	Wong
Crossin	Kirk	Nettle	Wortley
Evans	Ludwig	Polley	

Question agreed to.

Leave refused: Senator Conroy sought leave to make a statement relating to Senate procedures.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Conroy, at the request of the Leader of the Opposition in the Senate (Senator Evans) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Conroy making a statement.

Closure: Senator Ellison moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston (Teller)	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

NOES, 32

Senators—

Bartlett	Faulkner	Lundy	Polley
Bishop	Fielding	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Hogg	McLucas	Sterle
Campbell, G (Teller)	Hurley	Milne	Stott Despoja
Conroy	Hutchins	Moore	Webber
Crossin	Kirk	Murray	Wong
Evans	Ludwig	Nettle	Wortley

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bartlett	Faulkner	Lundy	Polley
Bishop	Fielding	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Hogg	McLucas	Sterle
Campbell, G (Teller)	Hurley	Milne	Stott Despoja
Conroy	Hutchins	Moore	Webber
Crossin	Kirk	Murray	Wong
Evans	Ludwig	Nettle	Wortley

NOES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston (Teller)	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

Question negatived.

Leave refused: Senator Bob Brown sought leave to make a statement.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Bob Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bob Brown making a statement.*Ruling of President:* The President ruled that he could not receive any further motions for the suspension of standing orders. The majority of the Senate had determined that the bills be considered as urgent bills and had also declined to suspend standing orders in its earlier votes. The majority of the Senate having determined that it should proceed with the bills as urgent bills and that standing orders should not be suspended at this time to allow other matters to be considered, he was obliged to call on the Clerk to read the order of the day for the consideration of the bills. This is in accordance with the rationale of the rulings made by President Sibraa between 1991 and 1993 and supported by the Procedure Committee, as recorded in *Odgers' Australian Senate Practice*, 11th ed, 2004, p. 169.

Dissent from ruling: Senator Bob Brown, having objected, in writing, to the ruling of the President, moved—That the Senate dissents from the ruling of the President.

Senator Bob Brown moved—That the question of dissent requires immediate determination.

Question put.

The Senate divided—

AYES, 32

Senators—

Bartlett	Faulkner	Lundy	Sherry
Bishop	Fielding	McEwen	Siewert
Brown, Bob	Forshaw	McLucas	Stephens
Brown, Carol	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Conroy	Hutchins	Murray	Webber
Crossin	Kirk	Nettle	Wong
Evans	Ludwig	Polley	Wortley

NOES, 34

Senators—

Abetz	Coonan	Johnston	Payne
Adams	Eggleston	Joyce	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Boswell	Ferguson	Mason	Scullion
Brandis	Ferris (Teller)	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry	
Colbeck	Hill	Patterson	

Question negatived.

Debate was adjourned till the next day of sitting, pursuant to standing order 198.

Order of the day read for the adjourned debate on the motions of the Minister for Communications, Information Technology and the Arts (Senator Coonan) and the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone)—That these bills be now read a second time—*and on the amendment moved by Senator Bob Brown—*

Omit all words after “That”, substitute “further consideration of the bills be made an order of the day for 4 October 2005”.

Debate resumed.

Leave refused: The Leader of the Opposition in the Senate (Senator Evans) sought leave to move a motion relating to the time allotted for the second reading of the bills.

An objection was raised and leave was not granted.

Debate continued.

Limitation of debate: The time allotted for the second reading of the bills expired.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Campbell, G (Teller)	Kirk	Nettle	Wong
Carr	Ludwig	O'Brien	Wortley
Conroy	Lundy	Polley	
Crossin	Marshall	Sherry	
Faulkner	McEwen	Siewert	

NOES, 36

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Heffernan	Minchin	Trood
Chapman	Hill	Nash	Vanstone
Colbeck	Humphries	Parry	Watson

Question negatived.

The following amendment circulated by the Australian Greens was considered:

Omit all words after “That”, substitute “further consideration of the bills be postponed and made an order of the day for the next day of sitting after the Minister for Communications, Information Technology and the Arts tables in the Senate the family impact statement on the sale of Telstra, specifying the likely impact on Australian families including costs and service availability resulting from the sale of Telstra”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Campbell, G (Teller)	Kirk	Nettle	Wong
Carr	Ludwig	O'Brien	Wortley
Conroy	Lundy	Polley	
Crossin	Marshall	Sherry	
Faulkner	McEwen	Siewert	

NOES, 36

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Heffernan	Minchin	Trood
Chapman	Hill	Nash	Vanstone
Colbeck	Humphries	Parry	Watson

Question negatived.

The following amendment circulated by the Opposition was considered:

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

- (a) condemns the Government for failing to honour the Telstra election promise of the Prime Minister (Mr Howard), that ‘we won’t sell another share until we’re satisfied, completely satisfied that things in the bush are up to scratch’; and
- (b) notes that:
 - (i) Telstra’s secret briefing to the Government on 11 August 2005 confirms that one in seven lines are faulty,
 - (ii) the Australian Communications and Media Authority has found that the worst performing exchanges in the country service rural, regional and remote communities,
 - (iii) the Minister for Communications, Information Technology and the Arts (Senator Coonan) has admitted that rural, regional and remote telephone services are less reliable than metropolitan services,
 - (iv) the Government has overseen underinvestment of \$2 to \$3 billion in the Telstra network over the past 3 to 5 years,
 - (v) the proposed Connect Australia program will not adequately address the existing service deficiencies in regional, rural and remote Australia,
 - (vi) returns from the proposed Communications Fund will provide only a fraction of the existing ongoing Telstra dividend stream to government,
 - (vii) necessary telecommunications infrastructure investment can be made from Telstra’s existing dividend stream to government, and
 - (viii) the sale of Telstra will consign regional, rural and remote Australians to second-rate telecommunications services in the future”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

Bartlett	Faulkner	McEwen	Stephens
Bishop	Forshaw	McLucas	Sterle
Brown, Bob	Hogg	Milne	Stott Despoja
Brown, Carol	Hurley	Moore	Webber
Campbell, G (Teller)	Hutchins	Murray	Wong
Carr	Kirk	Nettle	Wortley
Conroy	Ludwig	O'Brien	
Crossin	Lundy	Polley	
Evans	Marshall	Siewert	

NOES, 36

Senators—

Abetz	Coonan	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Heffernan	Minchin	Trood
Chapman	Hill	Nash	Vanstone
Colbeck	Humphries	Parry	Watson

Question negatived.

Question—That these bills be now read a second time—put.

The Senate divided—

AYES, 35

Senators—

Abetz	Eggleston	Joyce	Payne
Adams	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Sandy	Santoro
Brandis	Ferris (Teller)	Mason	Scullion
Calvert	Fierravanti-Wells	McGauran	Troeth
Campbell, Ian	Heffernan	Minchin	Trood
Chapman	Hill	Nash	Vanstone
Colbeck	Humphries	Parry	Watson
Coonan	Johnston	Patterson	

NOES, 33

Senators—

Bartlett	Faulkner	Marshall	Stephens
Bishop	Fielding	McEwen	Sterle
Brown, Bob	Forshaw	McLucas	Stott Despoja
Brown, Carol	Hogg	Milne	Webber
Campbell, G (Teller)	Hurley	Moore	Wong
Carr	Hutchins	Nettle	Wortley
Conroy	Kirk	O'Brien	
Crossin	Ludwig	Polley	
Evans	Lundy	Siewert	

Question agreed to.

Bills read a second time.

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

In the committee

Statement by Chair of Committees: The Chair of Committees (Senator Hogg) made a statement relating to provisions of the bills and section 53 of the Constitution.

TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005—

Bill, taken as a whole by leave, debated.

At 12.45 pm: The Acting Deputy President (Senator Hutchins) resumed the chair and the Temporary Chair of Committees reported progress.

4 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

5 QUESTIONS

Questions without notice were answered.

Documents: The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

Immigration—Paolin Tonin Pali and Venona Gjoke Vata—Identities of Ergi and Valbona Kola—Copies of letters, together with translations, from—
Chief of the Commissariat of Shkodra (Vice/Commissar Nikolin Bala) [Albania] to the Australian Embassy in Athens, dated 18 May 2005.
Directorate for Consular Affairs, Ministry of Foreign Affairs of Serbia and Montenegro to Australian Embassy Belgrade, dated 3 August 2005.

Further questions without notice were answered.

Documents: Senator Sherry, by leave, tabled the following documents:

Communications—Telstra—Copies of—
ASIC's investigation into Telstra—Media release by the Australian Securities and Investments Commission, dated 14 September 2005.
Transcript. [Extract from proof transcript of evidence, Parliamentary Joint Committee on Corporations and Financial Services, 13 September 2005]

Further questions without notice were answered.

6 COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS

Senator Wong moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Wong and Sherry today relating to Telstra.

Debate ensued.

Question put and passed.

7 FAMILY AND COMMUNITY SERVICES—CARERS—ANSWER TO QUESTION

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Family and Community Services (Senator Patterson) to a question without notice asked by Senator Siewert today relating to carers.

Question put and passed.

8 PETITIONS

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

Senator Lundy, from 154 petitioners, requesting that the Senate take action to ensure that an Australia Post mailbox is installed on Burkitt Street, Page, Australian Capital Territory.

Senator Stephens, from 849 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

9 NOTICES

Notices of motion:

Senator Wong: To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 28 November 2005:

The Government's proposed changes to welfare, as detailed in *Budget paper no. 2—Budget measures 2005-06*, with particular reference to:

- (a) the financial impact on people with a disability, parents and their children;
- (b) any implications for the capacity of parents to manage their family and work responsibilities, and the consequences for family life;
- (c) the effectiveness of the proposed changes in improving the employment prospects of people with disabilities and parents, including through:
 - (i) the provision of employment services assistance and training,
 - (ii) the implementation of employer demand strategies, and
 - (iii) the impact of changing the structure of income support payments on work incentives and effective marginal tax rates;
- (d) the impact of the new compliance arrangements on welfare recipients; and
- (e) the adequacy of child care assistance for parents affected by the changes, including the adequacy and accessibility of the existing Jobs, Education and Training child care assistance program.

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

- (a) notes that:
- (i) the annual Australian Book Industry Awards took place on 12 September 2005, and
 - (ii) award recipients included HarperCollins Publishers Australia (Publisher of the Year); Dymocks Booksellers Rundle Mall and The Avenue Bookstore (joint winners of Bookshop of the Year); Alliance Distribution Services (Distributor of the Year); *the CSIRO total wellbeing diet*, published by Penguin Group (Australia) (Publishing Project 2005); Sue Donovan (the Lloyd O’Neil Award for Services to Publishing); Rosalind Price (the Pixie O’Harris Award for Children’s Publishing); and Helen Garner for *Joe Cinque’s Consolation* (the Booksellers’ Choice Award);
- (b) acknowledges the important contribution of the book industry in Australia; and
- (c) recognises that books are integral to literacy, knowledge-building and education, and should be affordable and accessible to all. (*general business notice of motion no. 262*)

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Ombudsman Act 1976* and the law relating to migration, and for related purposes. ***Migration and Ombudsman Legislation Amendment Bill 2005.***

Senator Bob Brown: To move on the next day of sitting—That the Government give the Senate a detailed explanation for the detention of United States citizen, Mr Scott Parkin, before he is deprived of his right to remain in Australia. (*general business notice of motion no. 263*)

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 13 September 2005, withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the Aviation Transport Security Regulations 2005, as contained in Select Legislative Instrument 2005 No. 18 and made under the *Aviation Transport Security Act 2004* and the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004*.

10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2005

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 10 OF 2005

1. The committee met in private session on Tuesday, 13 September 2005 at 4.20 pm.
2. The committee resolved to recommend—That the *provisions* of the Student Assistance Legislation Amendment Bill 2005 be ***referred immediately*** to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 5 October 2005.

The committee recommends accordingly.

Jeannie Ferris
Chair
14 September 2005.

Senator Ferris moved—That the report be adopted.

Question put and passed.

11 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 228 standing in the name of Senator Milne for today, relating to the proposed pulp mill in Tasmania, postponed till 5 October 2005.

12 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY

Statements by leave: Senators Milne and Bartlett, by leave, made statements relating to general business notice of motion no. 260.

Senator O'Brien amended general business notice of motion no. 260 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) based on longstanding bipartisan policy, as announced by the then Prime Minister, Mr Fraser, in May 1977 (Uranium—Australia's Decision, Fraser Government, 24 May 1977), export of uranium from Australia is permitted only to those states which are party to the Nuclear Non-Proliferation Treaty and with which Australia has a bilateral safeguards agreement,
- (ii) Australia has a right to be selective as to the countries to which it is prepared to export uranium on the basis of the need for assurances that exported uranium and its derivatives cannot be used in the development of nuclear weapons or in other military programs,
- (iii) Australia has 19 bilateral safeguard agreements which cover 36 countries that are party to the treaty, providing for the continued export of uranium to those countries including existing exports to Japan, South Korea, France, Spain, Sweden, the United Kingdom, Canada, Belgium, Finland and the United States of America,
- (iv) China is a signatory to the treaty, and
- (v) India is not a signatory to the treaty; and therefore

(b) notes that Australia does not export uranium to India and the Government has no plans to alter this policy; and

(c) calls on the Government to continue to uphold our international obligations.

Question put and passed.

**13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REFERENCE**

Senator Bartlett, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Murray) 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 following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the last sitting day in March 2006:

The impact on rural water usage of recent water policy initiatives and the possible role for Commonwealth agencies, with particular reference to:

- (a) the development of water property titles;
- (b) methods of protection for rivers and aquifers;
- (c) farming innovation;
- (d) monitoring drought and predicting farm water demand; and
- (e) the implications for agriculture of predicted changes in patterns of precipitation and temperature.

Question put and passed.

14 ENVIRONMENT—SUSTAINABLE CITIES

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 258—That the Senate—

- (a) notes:
 - (i) the report of the House of Representatives Standing Committee on Environment and Heritage, *Sustainable cities*, tabled on 12 September 2005, and
 - (ii) the committee's call for the Government to exercise leadership in addressing urgent issues of sustainability, including:
 - (A) increasing funding for public transport,
 - (B) establishing an Australian sustainability charter and an independent Australian sustainability commission,
 - (C) reviewing fringe benefits tax concessions for car use,
 - (D) considering increasing the tariff on four-wheel drive vehicles, while exempting primary producers,
 - (E) coordinating a national report on options for future water use, including greater use of recycled water,
 - (F) encouraging state and territory governments to mandate disclosure of energy efficiency and greenhouse performance of residential properties at point of sale or lease,
 - (G) ensuring that Commonwealth departments improve the energy efficiency of the properties they own or lease,
 - (H) doubling the photovoltaic rebate to encourage the uptake of photovoltaic systems,
 - (I) examining the environmental and economic benefits of decentralised energy delivery and encouraging investment in this area, and
 - (J) developing a set of national environmental objectives for Australia; and

(b) calls on the Government to adopt the committee's recommendations.
Question put and negatived.

15 FOREIGN AFFAIRS—AUSTRALIA'S OVERSEAS AID

Senator Milne amended general business notice of motion no. 261 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
- (i) half of the world's population lives on less than \$US2 a day, and
 - (ii) the Prime Minister (Mr Howard) has announced that Australia's overseas aid contribution will increase by \$1.5 billion, phased in over 5 years, which will still leave Australia well short of the United Nations (UN) recommended level of 0.7 per cent of gross national income;
- (b) calls on the Government at the New York summit on the UN Millennium Development Goals, from 14 September to 16 September 2005, to commit to lifting Australia's overseas aid contribution to the UN recommended level within 3 years; and, in the meantime,
- (c) calls on the Government to double its current overseas aid budget and allocate \$5 billion in the 2006-07 Budget for the purpose.

Question put.

The Senate divided—

AYES, 7

Senators—

Bartlett
Brown, Bob

Milne
Murray

Nettle
Siewert (Teller)

Stott Despoja

NOES, 51

Senators—

Abetz
Adams
Barnett
Bishop
Boswell
Brandis
Brown, Carol
Campbell, George
Carr
Chapman
Colbeck
Crossin
Eggleston

Ellison
Ferguson
Ferris (Teller)
Fierravanti-Wells
Fifield
Forshaw
Heffernan
Hogg
Humphries
Hurley
Hutchins
Johnston
Joyce

Kirk
Ludwig
Lundy
Macdonald, Sandy
Marshall
Mason
McEwen
McGauran
McLucas
Moore
Nash
O'Brien
Parry

Payne
Polley
Ronaldson
Scullion
Stephens
Sterle
Troeth
Trood
Watson
Webber
Wong
Wortley

Question negatived.

16 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Bob Brown, by leave, amended business of the Senate notice of motion no. 2 to read as follows:

- (1) That the Senate notes that:
- (a) the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities; and

- (b) this problem is exacerbated by the proximity and availability of aromatic petrol in major town centres.
- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
 - (a) the means, including costs, of implementing a comprehensive roll out of Opal fuel throughout the central desert region of Australia (defined for these purposes as extending from Coober Pedy in South Australia to Tennant Creek in the Northern Territory and Laverton in Western Australia), and specifically to the town centres of Alice Springs and Tennant Creek;
 - (b) the recommendation of strategies to enable the comprehensive roll out of Opal fuel throughout the central desert region of Australia, including:
 - (i) proposals for any legislative amendments which may be required,
 - (ii) the identification of and assignment of a clear delineation of Commonwealth and state responsibilities for the matter, to ensure the rapid and streamlined Commonwealth/state coordination of the roll out, and
 - (iii) ensuring that mechanisms are in place to guarantee price parity throughout the specified region; and
 - (c) any related matters.

Statement by leave: Senator Bob Brown, by leave, made a statement relating to the motion.

Postponement: Senator Bob Brown, by leave, moved—That business of the Senate notice of motion no. 2 be postponed till the next day of sitting.

Question put and passed.

17 ENVIRONMENT—TASMANIA—RECHERCHE BAY

Senator Bob Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 251—That the Senate calls on the Government to protect the Recherche Bay forest in Tasmania from logging in order to protect its historic, cultural and natural values for the nation.

Question put.

The Senate divided—

AYES, 6

Senators—

Bartlett	Milne	Siewert (Teller)
Brown, Bob	Nettle	Stott Despoja

NOES, 47

Senators—

Abetz	Ellison	Kirk	Payne
Adams	Ferris	Lightfoot	Ronaldson
Barnett	Fierravanti-Wells	Ludwig	Santoro
Bishop	Fifield	Lundy	Scullion
Brandis	Forshaw	Marshall	Sterle
Campbell, G (Teller)	Heffernan	Mason	Troeth
Carr	Hogg	McEwen	Trood
Chapman	Humphries	McGauran	Watson
Colbeck	Hurley	McLucas	Webber
Coonan	Hutchins	Moore	Wong
Crossin	Johnston	Nash	Wortley
Eggleston	Joyce	Parry	

Question negatived.

18 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST NO. 11 OF 2005

Senator McGauran, at the request of the Deputy Chairman of the Standing Committee for the Scrutiny of Bills (Senator Mason), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

10th report of 2005, dated 14 September 2005.

Alert Digest No. 11 of 2005, dated 14 September 2005.

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

19 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—REPORT—16TH REPORT OF 2005

Senator Troeth, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—16th report of 2005—Proposed redevelopment of Willis Island meteorological office, Coral Sea, dated September 2005.

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

Question put and passed.

20 DOCUMENTS

The following documents were tabled by the Clerk:

Christmas Island Act—List of applied Western Australian Acts for the period 18 February to 5 September 2005.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 18 February to 5 September 2005.

Environment Protection and Biodiversity Conservation Act—Accreditation of a management plan for the purposes of a bilateral agreement—

Management Plan for the Sydney Opera House, dated August 2005.

Notice of Intent to accredit the Management Plan for the Sydney Opera House, dated 12 September 2005.

Sydney Airport Curfew Act—

Dispensation Report 5/05 (Addendum).

Dispensation Report 6/05.

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

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Attorney-General's Department and portfolio agencies.

22 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

Legal and Constitutional Legislation Committee—

Appointed—Substitute member: Senator Evans to replace Senator Kirk for the committee's inquiry into the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005

Legal and Constitutional References Committee—

Appointed—Substitute member: Senator Parry to replace Senator Fierravanti-Wells for the committee's inquiry into the administration of the Migration Act.

Question put and passed.

23 COPYRIGHT AMENDMENT (FILM DIRECTORS' RIGHTS) BILL 2005

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

Message no. 219, dated 13 September 2005—A Bill for an Act to amend the *Copyright Act 1968*, and for related purposes.

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

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

24 ADMINISTRATOR'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Administrator of the Commonwealth of Australia was reported, informing the Senate that he had assented to the following laws:

12 September 2005—Message No. 34—

Building and Construction Industry Improvement (Consequential and Transitional) Act 2005 (Act No. 112, 2005)

Building and Construction Industry Improvement Act 2005 (Act No. 113, 2005).

25 **TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005**
TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND
CONSUMER ISSUES) BILL 2005
TELECOMMUNICATIONS LEGISLATION AMENDMENT (FUTURE PROOFING AND
OTHER MEASURES) BILL 2005
TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT (INDUSTRY
PLANS AND CONSUMER CODES) BILL 2005
APPROPRIATION (REGIONAL TELECOMMUNICATIONS SERVICES) BILL 2005-2006

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

In the committee

TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005—

Consideration resumed of the bill.

Debate resumed.

Explanatory memorandum: The Minister for Communications, Information Technology and the Arts (Senator Coonan) tabled a further supplementary explanatory memorandum relating to the government amendments to be moved to the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005.

Debate continued.

Limitation of debate: The time allotted for the consideration of the bills in committee of the whole expired.

The following amendments circulated by the Australian Democrats were negatived:

In respect of the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005—

Schedule 11, item 7, page 34 (line 10), omit “Minister”, substitute “ACCC”.

Schedule 11, item 7, page 34 (lines 11 to 15), omit all the words from and including “If” to and including “Minister.”.

Schedule 11, item 7, page 34 (line 16), omit “If a final rectification plan is in force.”.

Schedule 11, item 7, page 35 (lines 5 and 6), omit the definition of “*final rectification plan*”.

Schedule 11, item 7, page 35 (line 22) to page 36 (line 9), omit subclauses 50A(2) to (6) substitute:

- (2) A determination under subclause (1) has effect accordingly.
- (3) Before making a determination under subclause (1) in relation to a service that is not an active declared service, the Minister must, by writing, request the ACCC to give a written report about whether the proposed determination would promote the achievement of the aims and objectives of this Part.

- (4) The ACCC must give the report to the Minister within 30 days after receiving a request in accordance with subclause (3).
- (5) In deciding whether to make a determination in accordance with subclause (1), the Minister must have regard to:
 - (a) the ACCC's report; and
 - (b) such other matters (if any) as the Minister considers relevant.
- (6) A determination under subclause (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Schedule 11, item 7, page 36 (after line 23), at the end of Division 1, add:

50D Wholesale pricing and price equivalence model

- (1) In setting Telstra's internal wholesale pricing and rules regarding pricing equivalence, the ACCC must approve the final price equivalence model.
- (2) Before the wholesale pricing model may be varied:
 - (a) Telstra must first consult with the ACCC; and
 - (b) the ACCC must approve the final variation to the price.

Schedule 11, item 7, page 36 (line 24) to page 37 (line 11), omit "Minister" (wherever occurring), substitute "ACCC".

Schedule 11, item 7, page 37 (line 15) to page 38 (line 24), omit "Minister" (wherever occurring), substitute "ACCC".

Schedule 11, item 7, page 37 (lines 19 and 20), omit ", the ACCC".

Schedule 11, item 7, page 38 (line 27) to page 40 (line 19), omit "Minister" (wherever occurring), substitute "ACCC".

Schedule 11, item 7, page 39 (lines 11 and 12), omit subclause 54(10).

Schedule 11, item 7, page 39 (line 20), omit "not".

Schedule 11, item 7, page 40 (lines 25 to 34), omit "Minister" (wherever occurring), substitute "ACCC".

Schedule 11, item 7, page 41 (lines 1 and 2), omit subclause 56A(3).

Schedule 11, item 7, page 41 (lines 3 to 35), omit "Minister" (wherever occurring), substitute "ACCC".

Schedule 4, heading, page 8 (line 2), omit "**Penalties**", substitute "**Divestiture, market power and penalties**".

Schedule 4, page 8 (after line 5), before item 1, insert:

1A After section 81

Insert:

81A Divestiture—misuse of market power

The Court may, on the application of the Commission, if it finds, or has in another proceeding instituted under this Part found, that a person has contravened section 46, by order, give directions that the corporation divest itself of shares or assets.

Schedule 4, page 8 (after line 23), at the end of the Schedule, add:

3 After section 151AJ

Insert:

151AJA Taking advantage of market power

In determining whether a corporation has taken advantage of its market power, a court is to consider whether:

- (a) the conduct of the corporation is materially facilitated by its substantial degree of market power; or
- (b) the corporation engages in the conduct in reliance on its substantial degree of market power; or
- (c) the corporation would be likely to engage in the conduct if it lacked a substantial degree of market power; or
- (d) the conduct of the corporation is otherwise related to its substantial degree of market power.

Schedule 4, page 8 (after line 23), at the end of the Schedule, add:

4 Subsection 152EF(1)

After “for the purpose”, insert “, or with the effect,”.

Schedule 7, page 12 (after line 25), after item 5, insert:

5A Subsection 152AT(10) (heading)

Omit “6”, substitute “3”.

5B Subsection 152AT(10)

Omit “6” (wherever occurring), substitute “3”.

5C Subsection 152AT(11)

Omit “6”, substitute “3”.

5D Subsection 152AT(12)

Omit “6” (wherever occurring), substitute “3”.

Schedule 7, page 13 (after line 3), after item 6, insert:

6A Subsection 152ATA(12) (heading)

Omit “6”, substitute “3”.

6B Subsection 152ATA(12)

Omit “6” (wherever occurring), substitute “3”.

6C Subsection 152ATA(13)

Omit “6”, substitute “3”.

6D Subsection 152ATA(14)

Omit “6” (wherever occurring), substitute “3”.

Schedule 7, page 14 (after line 11), after item 11, insert:

11A Subsection 152BU(5) (heading)

Omit “6”, substitute “3”.

11AA Subsection 152BU(5)

Omit “6” (wherever occurring), substitute “3”.

11B Subsection 152BU(6)

Omit “6”, substitute “3”.

11C Subsection 152BU(7)

Omit “6” (wherever occurring), substitute “3”.

Schedule 7, page 17 (after line 6), after item 23, insert:

23A Subsection 152CF(5) (heading)

Omit “6”, substitute “3”.

23B Subsection 152CF(5)

Omit “6” (wherever occurring), substitute “3”.

23C Subsection 152CF(6)

Omit “6” (wherever occurring), substitute “3”.

Schedule 9, page 24 (after line 4), before item 1, insert:

1A At the end of Division 2 of Part IIIA

Add:

Subdivision D—Reasonable access

44QA Reasonable access

The owner of a facility that is used to provide a service must make all reasonable endeavours to accommodate the requirements of a person seeking access.

Schedule 9, page 24 (after line 4), before item 1, insert:

1B After subsection 7(1)

Insert:

(1A) The Commission established by subsection 6A(1) must include a Telecommunications Commissioner.

Schedule 9, page 25 (after line 6), at the end of the Schedule, add:

7 After subsection 152AQA(4)

Insert:

Assessing access undertakings

(4A) The Commission must have regard to the determination when assessing access undertakings.

Schedule 9, page 25 (after line 6), at the end of the Schedule, add:

8 After subsection 152AQB(1)

Insert:

Additional core service to be determined by Minister

(1A) The Minister must, by written instrument, declare backhaul routes as a *core service* for the purpose of this section.

Schedule 9, page 25 (after line 6), at the end of the Schedule, add:

9 After subsection 152AQB(8)

Insert:

Assessing access undertakings

- (8A) The Commission must have regard to the determination when assessing access undertakings.

Schedule 11, page 29 (after line 20), after item 3, insert:

3A After subsection 63(2)

Insert:

Mandatory divestiture

- (2A) In accordance with subsection 63(2), the Minister must, by written instrument, require Telstra to cease to have any interest or control in FOXTEL by the time Telstra is majority private owned.

Schedule 11, page 29 (after line 20), after item 3, insert:

3B After subsection 63(2)

Insert:

- (2B) In accordance with subsection (2), the Minister must, by written instrument, require Telstra to cease to have any interest or control in the Hybrid Fibre Coaxial network by the time Telstra is majority private owned.
- (2C) For the purposes of subsections (2A) and (2B), *control* includes control as a result of, or by means of, trusts, agreements, arrangements, understandings and practices, whether or not having legal or equitable force and whether or not based on legal or equitable rights.

Schedule 11, page 29 (after line 20), after item 3, insert:

3C After subsection 63(2)

Insert:

Dividends

- (2D) In any year, or part of a year, in which the Commonwealth holds shares in Telstra, Telstra must not pay dividends other than from profits for the financial year to which the dividends relate or are reasonably expected to relate.

Schedule 9, page 25 (after line 6), at the end of the Schedule, add:

Telecommunications (Consumer Protection and Service Standards) Act 1999

7 At the end of section 10

Add:

- ; and (d) to ensure that the speed of the service required by this section must not be less than 512 kilobits per second from the year 2010.

Question—That Schedule 9 and Schedule 11, item 7, Division 3 and items 8 and 9 stand as printed—put and passed.

The following amendments circulated by the Government were agreed to:

In respect of the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005—

Schedule 1, item 1, page 6 (line 10), before “The purposes”, insert “(1)”.

Schedule 1, item 1, page 6 (line 13), after “158Q”, insert “, so long as the response relates to telecommunications services in regional, rural or remote parts of Australia”.

Schedule 1, item 1, page 6 (after line 18), at the end of section 158ZI, add:

(2) In this section:

Australia has the same meaning as in section 158P.

telecommunications services has the same meaning as in section 158P.

Schedule 2, item 4, page 12 (lines 24 to 29), omit subsection 158P(4), substitute:

(4) Each subsequent review must be completed within 3 years after the last day on which a copy of a statement setting out the Commonwealth Government’s response to the recommendations of the previous review was tabled in a House of the Parliament under paragraph 158Q(6)(b). For this purpose, a review is completed when the report of the review is given to the Minister under section 158Q.

Schedule 2, item 4, page 14 (after line 25), after subsection 158Q(6), insert:

(6A) A statement prepared under paragraph (6)(a) must contain an explanation of how the Commonwealth Government’s response to the recommendations will improve telecommunications services in regional, rural or remote parts of Australia.

Schedule 2, item 4, page 15 (after line 3), at the end of section 158Q, add:

Definitions

(8) In this section:

Australia has the same meaning as in section 158P.

telecommunications services has the same meaning as in section 158P.

Schedule 2, item 4, page 15 (after line 27), after subsection 158T(4), insert:

(4A) The Minister must ensure that at least one RTIRC member is nominated by an organisation that represents the interests of people, or bodies, in regional, rural or remote parts of Australia.

The following amendments circulated by the Australian Democrats were negatived:

In respect of the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005—

Schedule 1, item 1, page 7 (after line 19), at the end of section 158ZK, add:

(8) Financial assets to which this section applies must be monitored to ensure that their value does not fall below the fund amount credited in accordance with subsection 158ZJ(1).

Schedule 2, item 1, page 11 (lines 9 and 10), omit the definition of *RTIRC*, substitute:

TIRC means the Telecommunications Independent Review Committee established by Section 158R.

Schedule 2, item 2, page 11 (lines 13 and 14), omit the definition of **RTIRC Chair**, substitute:

TIRC Chair means the Chair of the Telecommunications Independent Review Committee.

Schedule 2, item 3, page 11 (lines 17 to 19), omit the definition of **RTIRC member**, substitute:

TIRC member means a member of the Telecommunications Independent Review Committee, and includes the TIRC Chair.

Schedule 2, item 4, page 12 (line 6) to page 20 (line 1), omit “**RTIRC**” (wherever occurring), substitute “**TIRC**”.

Schedule 2, item 4, page 12 (lines 1 to 6) and page 15 (lines 4 to 8), omit “regional” and “Regional” (five times occurring).

Schedule 2, item 4, page 12 (line 7) to page 20 (line 8), omit “RTIRC” (wherever occurring), substitute “TIRC”.

Schedule 2, item 4, page 12 (lines 7 to 17), omit subsections 158P(1) and (2), substitute:

- (1) The TIRC must conduct reviews of the adequacy of telecommunications services.

Note: **TIRC** means the Telecommunications Independent Review Committee established by section 158R.

- (2) In reviewing the adequacy of services in accordance with subsection (1), the TIRC must have regard to:

- (a) the extent to which those services meet the social, industrial and commercial needs of the Australian people including those in regional, rural and remote parts of Australia, for telecommunications services; and
- (b) whether those services are equitably and reasonably available throughout Australia for all people who reasonably require those services, including whether those services are:
 - (i) significant to people in regional, rural and remote parts of Australia; and
 - (ii) currently available in one or more urban parts of Australia; and
- (c) the extent to which the objects of the *Telecommunications Act 1997* are being achieved; and
- (d) the extent to which the long-term interests of end-users of telecommunications services are promoted.

Note: Section 152AB of the *Trade Practices Act 1974* sets out the requirements for the “promotion of the long-term interests of end-users”.

Schedule 2, item 4, page 13 (line 26), omit “does not include the eligible Territories”, substitute “includes the States, the Australian Capital Territory and the Northern Territory”.

Schedule 2, item 4, page 15 (line 17), at the end of subsection 158T(2), add:

- ; or (c) competition policy; or
- (d) economics; or
- (e) consumer protection; or

- (f) Australian industry; or
- (g) public policy; or
- (h) the needs of community organisations.

Schedule 2, item 4, page 16 (line 16), omit “does not include the eligible Territories”, substitute “includes the States, the Australian Capital Territory and the Northern Territory”.

Schedule 4, page 26 (after line 4), before item 1, insert:

1A After section 8AB

Insert:

8ABA Commonwealth disclosure requirements

For as long as the Commonwealth holds any shareholding in Telstra, if the Commonwealth receives any information that is publicly disclosable under the Corporations Law or Australian Stock Exchange Limited rules, the Commonwealth must advise the board to disclose the information publicly.

Schedule 1, page 10 (after line 24), at the end of the Schedule, add:

3 After section 159A

Insert:

159C Australian Broadband package

- (1) The Parliament requires the Commonwealth Government to introduce legislation before December 2006 to appropriate \$7 billion for the Australian Broadband package.
- (2) The Australian Broadband package will be used to:
 - (a) undertake a mapping exercise of optic fibre networks (including dark fibre) and telecommunications satellite coverage in Australia;
 - (b) develop a National Broadband Plan;
 - (c) fund the roll out of optic fibre networks and telecommunications coverage for a period of 5 years, commencing in accordance with legislation introduced pursuant to subsection (1).

Note: The development of a National Broadband Plan is to be done by the Department in consultation with ACMA and industry and consumer groups.

The Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005, as amended, and the remaining bills agreed to.

The Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005 to be reported with amendments, the Telstra (Transition to Full Private Ownership) Bill 2005 and the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005 to be reported without amendments and the Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005 and the Appropriation (Regional Telecommunications Services) Bill 2005-2006 to be reported without requests for amendments.

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

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

Senator Coonan moved—That these bills be now read a third time.

Debate ensued.

Limitation of debate: The time allotted for the consideration of the bills expired.

Question—That these bills be now read a third time—put.

The Senate divided—

AYES, 37

Senators—

Abetz	Ellison	Kemp	Ronaldson
Adams	Ferguson	Lightfoot	Santoro
Barnett	Ferris	Macdonald, Sandy	Scullion
Boswell	Fierravanti-Wells	Mason	Troeth
Brandis	Fifield	McGauran	Trood
Calvert	Heffernan	Minchin	Vanstone
Chapman	Hill	Nash	Watson
Colbeck	Humphries	Parry	
Coonan	Johnston	Patterson	
Eggleston (Teller)	Joyce	Payne	

NOES, 35

Senators—

Bartlett	Faulkner	Marshall	Sherry
Bishop	Fielding	McEwen	Siewert
Brown, Bob	Forshaw	McLucas	Stephens
Brown, Carol	Hogg	Milne	Sterle
Campbell, G (Teller)	Hurley	Moore	Stott Despoja
Carr	Hutchins	Murray	Webber
Conroy	Kirk	Nettle	Wong
Crossin	Ludwig	O'Brien	Wortley
Evans	Lundy	Polley	

Question agreed to.

Bills read a third time.

26 AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) BILL 2005

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

Debate resumed.

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

27 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (*see entry no. 2*) was considered:

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 April to 30 June 2005, together with report for 2004-05. Motion to take note of document moved by Senator Sherry and agreed to.

Orders of the day nos 23 to 31 relating to government documents were called on but no motion was moved.

28 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.20 pm till Thursday, 15 September 2005 at 9.30 am.

29 ATTENDANCE

Present, all senators except Senators Allison* and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate