

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 50

MONDAY, 10 OCTOBER 2005

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**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 CONSIDERATION OF LEGISLATION**

The Minister for Justice and Customs (Senator Ellison) amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—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:

Customs Tariff Amendment (Commonwealth Games) Bill 2005  
Education Services for Overseas Students Amendment Bill 2005  
Health Insurance Amendment (Medicare Safety-nets) Bill 2005  
Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005  
Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005  
Migration and Ombudsman Legislation Amendment Bill 2005  
Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005  
Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005  
Therapeutic Goods Amendment Bill (No. 2) 2005.

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*Documents:* Senator Ellison tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2005 spring sittings.

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Debate ensued.

Senator Ellison, by leave, amended the motion to omit the following bills:

Health Insurance Amendment (Medicare Safety-nets) Bill 2005  
Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005.

Debate continued.

Question put and passed.

**3 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.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison), also on behalf of the Leader of the Opposition in the Senate (Senator Evans), moved the following amendment:

Page 9 (after line 18), after clause 14, insert:

**14A Accountability for advertising expenditure**

- (1) Money appropriated by section 23 must not be expended for any public education or advertising project in relation to matters or actions authorised by this Act, where the cost of the project is estimated or contracted to be \$100,000 or more, unless a statement has been presented to the Senate in accordance with this section.
- (2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.
- (3) The statement must indicate in relation to the proposed project:
  - (a) the purpose and nature of the project; and
  - (b) the intended recipients of the information to be communicated by the project; and
  - (c) who authorised the project; and
  - (d) the manner in which the project is to be carried out; and
  - (e) who is to carry out the project; and
  - (f) whether the project is to be carried out under a contract; and
  - (g) whether such contract was let by tender; and
  - (h) the estimated or contracted cost of the project; and
  - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
  - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.
- (4) In subsection (3), *Audit and JCPAA guidelines* means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

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

4 **ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**  
**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—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.

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*In the committee*

**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES)  
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005—**

Bill, taken as a whole by leave, debated.

Senator Wong moved the following amendments together by leave:

Clause 4, page 3 (lines 1 to 10), omit the clause, substitute:

**4 Transfer of liabilities from Stevedoring Industry Finance Committee and retention of management of actions**

- (1) On the commencement of this section:
  - (a) a liability of any kind (whether actual, potential or contingent) of the Stevedoring Industry Finance Committee established by section 4 of the *Stevedoring Industry Finance Committee Act 1977* ceases to be a liability of the Committee and becomes a liability of the Commonwealth; and
  - (b) the Commonwealth becomes the successor in law in relation to the liability.
- (2) Notwithstanding anything in subsection (1), the Commonwealth must, if requested by the Committee, transfer to the Committee the management of any action or actions, and take any steps necessary to enable the Committee to:
  - (a) become a party to any action or actions; or
  - (b) apply to court to join any other persons to any action or actions; or
  - (c) conduct or settle any action or actions; or
  - (d) enforce a judgement relating to any action or actions.

Page 3 (after line 10), after clause 4, insert:

**4A Review of Stevedoring Industry Finance Committee's consideration of claims**

- (1) Not later than 1 July 2006, the Minister must cause to be conducted a review of the management of asbestos related claims by the Stevedoring Industry Finance Committee for the purpose of making recommendations about whether that management by the Committee should continue.
- (2) A review conducted in accordance with subsection (1) must call for submissions from the public and may conduct public hearings.
- (3) A review conducted in accordance with subsection (1) must be completed and a written report provided to the Minister, not later than 31 August 2006.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days after receiving it.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 35

Senators—

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

Question negatived.

*After 2 pm:* The President resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

5 **QUESTIONS**

Questions without notice were answered.

6 **UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT**

The President made a statement relating to remarks made by Senator Bob Brown and a matter raised by the Minister for the Environment and Heritage (Senator Ian Campbell) during debate on 6 October 2005.

7 **INDUSTRIAL RELATIONS—PROPOSED CHANGES—ANSWERS TO QUESTIONS**

Senator Wong moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to proposed changes to industrial relations.

Debate ensued.

Question put and passed.

8 **FAMILY AND COMMUNITY SERVICES—CHILD CARE—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 child care.

Question put and passed.

## 9 PETITIONS

The following 2 petitions, lodged with the Clerk by Senator Heffernan, were received:

From 13 petitioners, requesting that the Senate take action to expedite the entry of Christian refugees into Australia.

From 43 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

## 10 NOTICES

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Santoro): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold public meetings during the sittings of the Senate, to take evidence for the committee's review of the *Australian Crime Commission Act 2002*, on the following days:

Tuesday, 11 October 2005, from 4 pm to 7 pm

Thursday, 13 October 2005, from 9.30 am to 11.30 am. (*general business notice of motion no. 278*)

The Deputy Chair of the Finance and Public Administration References Committee (Senator Watson): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on government advertising be extended to 1 December 2005. (*general business notice of motion no. 279*)

The Deputy Chair of the Legal and Constitutional Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be extended to the first sitting day in 2006. (*general business notice of motion no. 280*)

Senator Siewert: To move on 12 October 2005—That the Senate—

(a) notes that:

- (i) the Luxembourg Income Study database claims that Australia has the fourth worst level of poverty of 24 major developed economies,
- (ii) in the Organisation for Economic Co-operation and Development (OECD) report, *Income distribution and poverty in OECD countries in the second half of the 1990s*, released in 2005, Australia had the 11th highest level of poverty of 27 major developed economies,
- (iii) Professor Peter Saunders, of the Social Policy Research Centre at the University of New South Wales, estimates that federal government spending equal to 2.4 per cent of Australia's gross domestic product would eliminate poverty in Australia,
- (iv) there has been no official government inquiry into national poverty since the inquiry conducted by Professor Henderson in the 1970s,
- (v) the governments of France, New Zealand, Ireland and Britain currently have official government poverty reduction strategies but Australia has none,



- (vi) the Community Affairs References Committee report, *A hand up not a hand out: Renewing the fight against poverty—Report on poverty and financial hardship*, tabled on 11 March 2004, recommended ‘that a comprehensive anti-poverty strategy be developed at the national level’, and
  - (vii) Anti-Poverty Week will be held from 16 October to 22 October 2005; and
- (b) calls on the Government to:
- (i) increase the current payment level of Newstart and Austudy allowances to the level of aged pensions (which is just above the half-median income poverty line), and
  - (ii) develop a national poverty strategy that includes better job opportunities for poor people and better government research into national poverty. (*general business notice of motion no. 281*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That, on Wednesday, 12 October 2005, the Senate meet at 10 am, to enable senators to attend a commemorative service honouring the victims of the October 2002 terrorists attacks in Bali.

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

- (a) notes that:
- (i) Sunday, 9 October 2005 marked the beginning of National Mental Health Week, the theme for 2005 being ‘Family, Friends and Intimate Relationships’,
  - (ii) Monday, 10 October 2005 is World Mental Health Day, the theme for 2005 being ‘Mental and Physical Health Across the Life Span’,
  - (iii) one in five Australians will, at some time in their lives, experience some form of mental illness,
  - (iv) mental illness manifests itself in many forms including depression, anxiety, schizophrenia, bipolar disorder and eating disorders,
  - (v) up to 12 per cent of those seriously affected by mental illness will eventually end their lives, compared with about one per cent for the whole population,
  - (vi) most people with mental illness recover well and are able to lead fulfilling lives in the community when they receive appropriate ongoing treatment and support,
  - (vii) only about half of those affected by mental illness actually receive treatment, and
  - (viii) in Australia there are hundreds of mental health organisations, health professionals and carers providing assistance and treatment to sufferers; and
- (b) urges the Federal Government to:
- (i) recognise that mental health is not something separate from the health care agenda, but an integral part of it,
  - (ii) show national leadership and drive a real national mental health strategy, and
  - (iii) improve those mental health services for which it has direct responsibility. (*general business notice of motion no. 282*)

Senator Bob Brown: To move on 12 October 2005—That the Senate—

- (a) notes the recent deportation of long-standing performer with the Sydney Dance Company and Australian citizen Xue-Jun Wang from China, where he was due to perform in the week beginning 16 October 2005;
- (b) condemns the actions of the Chinese Government and calls on it to uphold human rights, including freedom of speech;
- (c) notes the failure of the Australian Government to take action on behalf of Xue-Jun Wang; and
- (d) calls on the Australian Government to ensure Xue-Jun Wang can visit China in the future. (*general business notice of motion no. 283*)

Senator Nettle: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than Thursday, 13 October 2005, copies of the departmental documents on the three options for voluntary student unionism. (*general business notice of motion no. 284*)

Senator Bob Brown: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 December 2005:

- (a) the public and private commitments of the Prime Minister (Mr Howard) in his 2004 pre-election announcement on logging of old-growth forests in Tasmania, with particular reference to his commitments to the forestry division of the Construction, Forestry, Mining and Energy Union, its officers and related organisations; and
- (b) any relevant matters.

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

- (a) congratulates the Federal Government for extending the time for submissions on whether the proposed New South Wales desalination plant on the Kurnell Peninsula requires full assessment under the *Environment Protection and Biodiversity Conservation Act 1999*; and
- (b) calls on the New South Wales Government to cease any further planning for the project while a proper, rigorous environmental assessment of the proposal takes place. (*general business notice of motion no. 285*)

## 11 LEAVE OF ABSENCE

Senator George Campbell, by leave, moved—That leave of absence be granted to Senators Forshaw and Sherry for the period 10 October to 13 October 2005, on account of parliamentary business overseas.

Question put and passed.

Senator McGauran, by leave, moved—That leave of absence be granted to Senator Ferris for the period 10 October 2005 to the end of the 2005 parliamentary sittings on account of ill health, and to Senator Payne for the period 10 October and 11 October 2005, on account of family matters.

Question put and passed.

## 12 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 259 standing in the name of Senator Siewert for today, relating to deep sea bottom trawling, postponed till 11 October 2005.

General business notice of motion no. 276 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 11 October 2005.

**13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—MS VIVIAN ALVAREZ**

The Deputy President (Senator Hogg) informed the Senate that, at 8.30 am today, two senators each submitted letters in accordance with standing order 75, the Leader of the Australian Democrats (Senator Allison) proposing a motion to debate a matter of urgency and Senator Ludwig proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the Deputy President (Senator Hogg) informed the Senate that Senator Ludwig had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure of the Howard Government to take responsibility for the damning report by Mr Neil Comrie into the circumstances of the Vivian Alvarez matter.

The proposal was supported by four senators and the matter was discussed.

**14 FOREIGN AFFAIRS—WEAPONS OF MASS DESTRUCTION—DOCUMENT**

The Acting Deputy President (Senator Troeth) tabled the following document received earlier today:

Foreign Affairs—Weapons of mass destruction—Australia's role in fighting proliferation: Practical responses to new challenges.

**15 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—THE 2004 FEDERAL ELECTION**

Senator Mason, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—The 2004 federal election: Inquiry into the conduct of the 2004 federal election and matters related thereto—Report, dated September 2005.

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

Debate ensued.

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

**16 DOCUMENTS**

The following documents were tabled by the Clerk:

*[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]*

Christmas Island Act—Utilities and Services Ordinance—Christmas Island Water and Sewer Services Fees and Charges Determination No. 3 of 2005 [F2005L02916]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX46/05—Exemption – from take-off minima outside Australian territory [F2005L03021]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 106—AD/LYC/112—Lycoming Crankshaft Replacement [F2005L03019]\*.

## Class Rulings—

Addendum—CR 2005/14.

CR 2005/78-CR 2005/80.

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Cocos (Keeling) Islands Water and Sewer Services Fees and Charges Determination No. 2 of 2005 [F2005L02915]\*.

Corporations Act—Accounting Standard AASB 2005-9—Amendments to Australian Accounting Standards [F2005L03009]\*.

Criminal Code Act—Select Legislative Instrument 2005 No. 214—Criminal Code Amendment Regulations 2005 (No. 13) [F2005L02976]\*.

## Customs Act—

CEO Instrument of Approval No. 98 of 2005 [F2005L02981]\*.

## Tariff Concession Orders—

0506112 [F2005L03016]\*.

0508787 [F2005L03017]\*.

0509604 [F2005L03018]\*.

0509605 [F2005L03020]\*.

0509608 [F2005L03022]\*.

0509821 [F2005L03023]\*.

## Tariff Concession Revocation Instruments—

18/2005 [F2005L03013]\*.

19/2005 [F2005L03014]\*.

20/2005 [F2005L03015]\*.

Financial Management and Accountability Act—Financial Management and Accountability Net Appropriation Agreement (Department of Communications, Information Technology and the Arts) Variation 2005 [F2005L02894]\*.

Hearing Services Administration Act—Hearing Services (Participants in the Voucher System) Amendment Determination 2005 (No. 1) [F2005L02975]\*.

*Income Tax Assessment Act 1997*—Select Legislative Instrument 2005 No. 75—Income Tax Assessment Amendment Regulations 2005 (No. 2) [F2005L00940] [tabled on 10 May 2005]—Supplementary explanatory statement.

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

40.

125.

## Migration Act—Migration Regulations—

Specification of pass mark in relation to applications for Skilled – Australian-Sponsored Overseas Students (Residence) (Class DE) Subclass 881 visas, dated 28 June 2001.

Specification of pool mark in relation to applications for Skilled – Australian-Sponsored Overseas Students (Residence) (Class DE) Subclass 881 visas, dated 28 June 2001.

## National Health Act—Determinations Nos—

PSO 8/2005 [F2005L02973]\*.

PSO 10/2005 [F2005L02974]\*.

## Product Rulings—Addenda—

PR 2003/30.

PR 2004/28, PR 2004/33 and PR 2004/66.  
PR 2005/5 and PR 2005/6.

Taxation Determination TD 2005/36.

- \* Explanatory statement tabled with legislative instrument.

**17 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2004-05—Letter of advice—Human Services portfolio agencies.

**18 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW**

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

6 October 2005—Message No. 39—*Defence Legislation Amendment Act (No. 1) 2005* (Act No. 121, 2005).

**19 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Wong, pursuant to notice, moved business of the Senate notice of motion no. 1—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.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

**20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005**

Pursuant to order, Senator Eggleston, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Provisions of the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005—Report, dated October 2005, Hansard record of proceedings, answers to questions on notice and submissions [8].

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

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

Question put and passed.

**21 ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**  
**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES) BILL 2005**

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

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*In the committee*

**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES)  
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005—**

Consideration resumed of the bill.

Question—That the bill be agreed to—divided in respect of Schedule 2.

Schedule 2 agreed to.

Bill further debated and agreed to.

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**ASBESTOS-RELATED CLAIMS (MANAGEMENT OF COMMONWEALTH LIABILITIES)  
BILL 2005—**

Bill taken as a whole by leave.

Senator Murray, also on behalf of the Leader of the Opposition in the Senate (Senator Evans), moved the following amendment:

Page 11 (after line 11), after clause 8, insert:

**8A Accountability for advertising expenditure**

- (1) Money appropriated by subsection 8(2) must not be expended for any public education or advertising project in relation to asbestos-related claims or any like-program established under this Act, where the cost of the project is estimated or contracted to be \$100,000 or more, unless a statement has been presented to the Senate in accordance with this section.
- (2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.
- (3) The statement must indicate in relation to the proposed project:
  - (a) the purpose and nature of the project; and
  - (b) the intended recipients of the information to be communicated by the project; and
  - (c) who authorised the project; and
  - (d) the manner in which the project is to be carried out; and
  - (e) who is to carry out the project; and
  - (f) whether the project is to be carried out under a contract; and
  - (g) whether such contract was let by tender; and
  - (h) the estimated or contracted cost of the project; and
  - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
  - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.
- (4) In subsection (3), *Audit and JCPAA guidelines* means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

Debate ensued.

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

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Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bills read a third time.

**22 MEDICAL INDEMNITY LEGISLATION AMENDMENT (COMPETITIVE NEUTRALITY) BILL 2005**

**MEDICAL INDEMNITY (COMPETITIVE ADVANTAGE PAYMENT) 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 these bills be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to:

- (a) address the underlying causes of the current medical indemnity insurance problems by committing to dealing with the long-term issues of improving quality patient care and reducing the incidence of medical negligence; and
- (b) establish an independent inquiry into the viability of a no-fault medical indemnity and compensation scheme, with full consumer and community consultation”.

Debate ensued.

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

Main 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 Special Minister of State (Senator Abetz) the bills were read a third time.

**23 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 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 9.50 pm:* Debate was interrupted while Senator Conroy was speaking.



24 **ADJOURNMENT**

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

Debate ensued.

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

Environment—Friends of the Earth, ‘A citizen’s guide to climate refugees’—Fact sheets [6].

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Debate continued.

The Senate adjourned at 10.25 pm till Tuesday, 11 October 2005 at 12.30 pm.

25 **ATTENDANCE**

Present, all senators except Senators Ferris\*, Forshaw\*, Payne\*, Ray\* and Sherry\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate