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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 **PETITION**

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

From 42 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

3 **NOTICES**

Senator Stott Despoja: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Privacy Act 1988* to provide for the uniform application of the Act and to remove from the Act the exemption for political acts and practices, and for related purposes. ***Privacy (Equality of Application) Amendment Bill 2005.*** (*general business notice of motion no. 298*)

Senator Bob Brown: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 10 December 2005:

All aspects of Australia's response to the earthquake catastrophe in Pakistan, Afghanistan and India and, in particular, the timing, volume and substance of the Government's aid.

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

- (a) recognises:
 - (i) the impacts of climate change are already destroying fresh water supplies in the Pacific region, and
 - (ii) that climate change and increased frequency of extreme weather events are likely to lead to displacement of people;
- (b) notes that people displaced by climate change are not currently regarded as refugees; and
- (c) calls on the Government to take action to incorporate a definition of environmental refugee into the 1951 Convention relating to the Status of Refugees. (*general business notice of motion no. 299*)

4 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 5 Migration and Ombudsman Legislation Amendment Bill 2005.
- Customs Tariff Amendment (Commonwealth Games) Bill 2005.
- No. 6 Consular Privileges and Immunities Amendment Bill 2005.
- No. 7 Copyright Amendment (Film Directors' Rights) Bill 2005.

Question put and passed.

Senator Sandy Macdonald, by leave, moved—That—

- (1) The Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2004] and the Electoral Amendment (Political Honesty) Bill 2003 [2004] may be considered together during the second reading debate.
- (2) The order of general business for consideration today be as follows:
 - (a) general business orders of the day no. 4 (Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2004]) and no. 6 (Electoral Amendment (Political Honesty) Bill 2003 [2004]); and
 - (b) consideration of government documents.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 288 standing in the name of Senator Siewert for today, relating to illegal shark fishing in Australian waters, postponed till 7 November 2005.

6 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Eggleston, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2005 be extended to 9 November 2005.

Question put and passed.

7 ENVIRONMENT—WEEDBUSTER WEEK

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 294—That the Senate—

- (a) notes that the second week in October is National Weedbuster Week; and
- (b) calls on the Government to:
 - (i) list the infestation of introduced gamba grass (*Andropogon gayanus*) across the top end of the Northern Territory as a key threatening process under the *Environment Protection and Biodiversity Conservation Act 1999*,
 - (ii) list the infestation of introduced buffel grass (*Cenchrus ciliaris*) in central Australia as a key threatening process under the Act, and
 - (iii) include gamba grass and buffel grass on the list of Weeds of National Significance due to their severe adverse impacts on ecosystems.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett

Brown, Bob
Milne

Murray
Nettle

Siewert (Teller)
Stott Despoja

NOES, 54

Senators—

| | | | |
|--------------------|-------------------|------------------|-----------|
| Abetz | Evans | Lightfoot | Polley |
| Adams | Faulkner | Ludwig | Ronaldson |
| Barnett | Ferguson | Lundy | Santoro |
| Bishop | Fielding | Macdonald, Ian | Scullion |
| Boswell | Fierravanti-Wells | Macdonald, Sandy | Stephens |
| Brandis | Fifield | Marshall | Sterle |
| Brown, Carol | Hill | Mason | Troeth |
| Calvert | Hogg | McEwen | Trood |
| Campbell, George | Humphries | McGauran | Watson |
| Carr | Hurley | McLucas | Webber |
| Chapman | Hutchins | Moore | Wong |
| Colbeck | Johnston | Nash | Wortley |
| Crossin | Joyce | Parry | |
| Eggleston (Teller) | Kirk | Payne | |

Question negatived.

8 IMMIGRATION—XUE-JUN WANG

Senator Bob Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 283—That the Senate—

(a) notes:

- (i) 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, and
- (ii) that China is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and that Article 18 of the covenant protects the right to religious freedom and freedom of expression;

(b) calls on the Chinese Government to ratify the ICCPR and to uphold human rights including freedom of speech; and

(c) calls on the Australian Government to make representations to the Chinese Government on behalf of Xue-Jun Wang so that he can visit China in the future.

Statements by leave: Senators George Campbell, Bob Brown and Stott Despoja and the Leader of the Opposition in the Senate (Senator Evans), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

| | | | |
|------------|----------|--------|------------------|
| Allison | Fielding | Murray | Siewert (Teller) |
| Bartlett | Milne | Nettle | Stott Despoja |
| Brown, Bob | | | |

NOES, 48

Senators—

| | | | |
|----------------------|-------------------|------------------|-----------|
| Abetz | Crossin | Joyce | Parry |
| Adams | Eggleston | Kirk | Payne |
| Barnett | Evans | Lightfoot | Polley |
| Bishop | Ferguson | Ludwig | Ronaldson |
| Brandis | Fierravanti-Wells | Lundy | Scullion |
| Brown, Carol | Fifield | Macdonald, Sandy | Stephens |
| Calvert | Heffernan | Marshall | Sterle |
| Campbell, G (Teller) | Hogg | Mason | Troeth |
| Carr | Humphries | McEwen | Trood |
| Chapman | Hurley | McLucas | Watson |
| Colbeck | Hutchins | Moore | Webber |
| Conroy | Johnston | Nash | Wortley |

Question negated.

9 HEALTH—VISUAL IMPAIRMENT

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 292—That the Senate—

(a) notes that:

- (i) there are 45 million blind people and a further 135 million people with serious visual impairment in the world today,
- (ii) if urgent action is not taken these numbers will double over the next 20 years,
- (iii) cost-effective interventions are available for all major blinding conditions,
- (iv) the resources available are insufficient to tackle the problem, particularly in developing countries where nine out of 10 of the world's blind live, and
- (v) there is a lack of trained eye personnel, medicines, ophthalmic equipment, eye care facilities and patient referral systems; and

(b) urges the Government to assist the Vision 2020 international partnership of organisations and individuals in its aim to prevent an additional 100 million people from being blind by 2020.

Question put and negated. All Australian Greens senators, by leave, recorded their votes for the ayes.

10 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—PROPOSED EXTENSION OF TIME TO REPORT

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 286—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on industrial agreements be extended to 30 November 2005.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

11 FOREIGN AFFAIRS—UNITED NATIONS

Senator Milne amended general business notice of motion no. 297 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that 24 October is United Nations Day, which marks the 60th birthday of the United Nations (UN);
- (b) commends the principles and ideals of the UN, including continued support for the principles of multilateralism;
- (c) recognises that the UN is only as good as its member nations' efforts and commitment; and
- (d) calls on the Government to work with other UN members to:
 - (i) further international cooperation to reduce hunger and poverty as agreed by world leaders in the 2000 UN Millennium Declaration and the 2005 World Summit,
 - (ii) act on all Millennium Development Goals,
 - (iii) strengthen efforts to quickly and efficiently define terrorism,
 - (iv) make renewed efforts towards preventing nuclear proliferation,
 - (v) secure further agreements on preventing climate change, and
 - (vi) reform the UN Security Council.

Question put.

The Senate divided—

AYES, 29

Senators—

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

NOES, 32

Senators—

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

Question negatived.

12 FOREIGN AFFAIRS—BURMA—AUNG SAN SUU KYI

Senator Stott Despoja, also on behalf of Senators Nettle and Humphries, amended general business notice of motion no. 293 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

- (i) that on 24 October 2005 Daw Aung San Suu Kyi will have spent a total of 10 years in detention,
- (ii) the Joint Action Committee for a Democratic Burma will conduct a candlelight vigil to pray for the release of Daw Aung San Suu Kyi and all remaining political prisoners, and
- (iii) the continued suffering of the Burmese people at the hands of the Burmese military regime; and

(b) urges the Government to maintain pressure on the regime.

Question put and passed.

13 FOREIGN AFFAIRS—EARTHQUAKE—PAKISTAN, INDIA AND AFGHANISTAN

Senator Bob Brown, pursuant to notices of motion not objected to as formal motions, moved general business notices of motion nos 295 and 296, by leave together and in an amended form—That the Senate offers its great sympathy and condolences to the people of Pakistan, India and Afghanistan following the catastrophic earthquake.

Question put and passed.

14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Eggleston, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 290—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 October 2005, from 4 pm, to take evidence for the committee's inquiries into the provisions of the Therapeutic Goods Amendment Bill 2005, the provisions of the Health Legislation Amendment Bill 2005 and the provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005.

Question put and passed.

15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Eggleston, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 291—That the time for the presentation of the following reports of the Community Affairs Legislation Committee be extended to 7 November 2005:

- (a) provisions of the Therapeutic Goods Amendment Bill 2005;
- (b) provisions of the Health Legislation Amendment Bill 2005; and
- (c) provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005.

Question put and passed.

16 POSTPONEMENT

Senator Milne, by leave, moved—That business of the Senate notice of motion no. 1 standing in her name for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, be postponed till 8 November 2005.

Question put and passed.

17 PUBLICATIONS—STANDING COMMITTEE—7TH REPORT

The Chair of the Standing Committee on Publications (Senator Watson) tabled the following report:

PUBLICATIONS COMMITTEE
7TH REPORT

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

The Committee, having considered documents presented to the Parliament since 16 September 2005, recommends that the following be printed:

- Attorney-General's Department—Report for 2004-05.
- Australia Council—Report for 2004-05.
- Australian Postal Corporation (Australia Post)—Report for 2004-05.
- Australian Bureau of Statistics—Report for 2004-05.
- Australian Competition and Consumer Commission—Report for 2004-05.

Australian Electoral Commission—
 Election 2004—Funding and disclosure report.
 Report for 2004-05.

Australian Federal Police—Report for 2004-05.

Australian Film Commission—Report for 2004-05.

Australian Film, Television and Radio School—Report for 2004-05.

Australian War Memorial—Report for 2004-05.

Commonwealth Grants Commission—Report for 2004-05.

Commonwealth Ombudsman—Inquiry into the circumstances of the Vivian Alvarez matter—Report by the Commonwealth Ombudsman of an inquiry undertaken by Mr Neil Comrie, AO, APM (Report no. 3 of 2005).

Crimes Act 1914—Controlled operations—Report for 2004-05.

Department of Human Services—Report for 2004-05.

Department of Industry, Tourism and Resources—Report for 2004-05.

Department of the Prime Minister and Cabinet—Report for 2004-05.

Employment Advocate—Report for 2004-05.

Export Finance and Insurance Corporation—Report for 2004-05.

Export Market Development Grants Act—Review of the Export Market Development Grants Scheme 2005, June 2005.

Family Law Council—Report for 2004-05.

Family Law Council—Report for 2004-05—Corrigendum.

Federal Police Disciplinary Tribunal—Report for 2004-05.

Film Australia Limited—Report for 2004-05.

Higher education—Report for 2004-05.

Housing Assistance Act 1996—Report for 2003-04.

Medibank Private—Report for 2004-05.

National Competition Council—Report for 2004-05.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2004-05 on the operation of the *Industrial Chemicals (Notification and Assessment) Act 1989*.

National Library of Australia—Report for 2004-05.

National Museum of Australia—Report for 2004-05.

National Occupational Health and Safety Commission—Report for 2004-05.

National Water Commission—Report for 17 December 2004 to 30 June 2005.

Northern Territory Fisheries Joint Authority—Report for 2002-03.

Productivity Commission—Report No. 32—Review of Part X of the *Trade Practices Act 1974*: International liner cargo shipping, 23 February 2005.

Public Service Commissioner—Report, incorporating the report of the Merit Protection Commissioner for 2004-05.

Repatriation Commission, Military Rehabilitation and Compensation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 2004-05.

Special Broadcasting Service Corporation (SBS)—Report for 2004-05.

Torres Strait Protected Zone Joint Authority—Report for 2002-03.

Senator John Watson
 Chairman
 13 October 2005.

Senator Watson moved—That the report be adopted.

Question put and passed.

**18 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REPORT—OPERATION OF THE WINE-MAKING INDUSTRY**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Murray) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—The operation of the wine-making industry—Report, dated October 2005, Hansard record of proceedings, additional information and submissions [30].

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

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

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

**19 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06**

Senator McGauran, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston), tabled additional information received by the committee (Budget estimates 2005-06—vols 1 and 2).

**20 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—
MATTERS RELATING TO THE GALLIPOLI PENINSULA**

Pursuant to order, Senator Bishop, on behalf of the Finance and Public Administration References Committee, tabled the following report and documents:

Finance and Public Administration Legislation Committee—Matters relating to the Gallipoli Peninsula—Report, dated October 2005, Hansard record of proceedings, documents presented to the committee, answers to questions on notice and submissions [15].

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

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

Debate ensued.

Question put and passed.

21 CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) BILL 2005

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

Message no. 232, dated 12 October 2005—A Bill for an Act to amend the *Customs Tariff Act 1995*, 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 made an order of the day for a later hour.

22 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS AND OTHER MEASURES) BILL 2005

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

Message no. 233, dated 12 October 2005—A Bill for an Act to amend the *Telecommunications (Interception) Act 1979*, and for other 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.

23 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—PROPOSED REFERENCE

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall), pursuant to notice, moved business of the Senate notice of motion no. 2—That, because of the Government's failure to provide a short and reasonable extension of time of only 7 sitting days to the Employment, Workplace Relations and Education References Committee to complete its current inquiry on industrial agreements, the following matter be referred to the Employment, Workplace Relations and Education References Committee for further inquiry and report by 1 December 2005:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed Federal Government changes, meet the social and economic needs of all Australians, with particular reference to:

- (a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
- (b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
- (c) the parties' ability to genuinely bargain, focussing on groups such as women, youth and casual employees;
- (d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
- (e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
- (f) Australia's international obligations.

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

24 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—STUDENT ASSISTANCE LEGISLATION AMENDMENT BILL 2005

Pursuant to order, Senator McGauran, 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 Student Assistance Legislation Amendment Bill 2005—Report, dated October 2005, answers to questions on notice and submissions [9].

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

25 ECONOMICS REFERENCES COMMITTEE—REPORT—POSSIBLE LINKS BETWEEN HOUSEHOLD DEBT, DEMAND FOR IMPORTED GOODS AND AUSTRALIA'S CURRENT ACCOUNT DEFICIT

Pursuant to order, the Chair of the Economics References Committee (Senator Stephens) tabled the following report and documents:

Economics References Committee—Consenting adults deficits and household debt: Links between Australia's current account deficit, the demand for imported goods and household debt—Report, dated October 2005, Hansard record of proceedings [2 vols], additional information and submissions [18].

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

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

Debate adjourned, Senator Stephens in continuation. Leave was granted for Senator Stephens to continue her remarks at the commencement of the time for consideration of committee reports and government responses later today (*see entry no. 40*).

After 12.45 pm—

26 MIGRATION AND OMBUDSMAN LEGISLATION AMENDMENT BILL 2005

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) the report from the committee was adopted and the bill read a third time.

27 CUSTOMS TARIFF AMENDMENT (COMMONWEALTH GAMES) BILL 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.

Question put and passed.

Bill read a second time.

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

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

28 CONSULAR PRIVILEGES AND IMMUNITIES AMENDMENT BILL 2005

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

29 COPYRIGHT AMENDMENT (FILM DIRECTORS' RIGHTS) BILL 2005

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

Suspension of sitting: On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.51 pm till 2 pm.

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At 2 pm—

30 QUESTIONS

Questions without notice were answered.

31 INDUSTRIAL RELATIONS—PROPOSED CHANGES—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

32 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SOCIAL ISSUES—POVERTY IN AUSTRALIA

The Deputy President (Senator Hogg) informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The urgent need for the Government to take action as a matter of priority to address poverty in Australia.

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

33 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—PROPOSED REFERENCE

The Minister for Defence (Senator Hill), by leave, moved—That, upon its introduction in the House of Representatives, the provisions of the Anti-Terrorism Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 8 November 2005.

Debate ensued.

Senator Bartlett moved the following amendment:

Omit "8 November 2005", substitute "the first sitting day of 2006".

Debate ensued.

Senator Bartlett, by leave, withdrew the amendment.

Senator Bartlett, by leave and at the request of Senator Stott Despoja, moved the following amendment:

Omit “8 November 2005”, substitute “28 November 2005”.

Debate continued.

Question—That the amendment be agreed to—put.

A division was called for.

After 4.30 pm: Pursuant to the order of the Senate of 9 February 2005 (*see entry no. 4, 9 February 2005*), consideration of the matter was adjourned.

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald) moved—That the votes be taken immediately after prayers on the next day of sitting.

Senator Bob Brown moved the following amendment:

Omit all words after “immediately”.

Ruling of the Acting Deputy President: The Acting Deputy President (Senator Brandis) ruled that the amendment was not in order because the order of the Senate of 9 February 2005 required that the matter be adjourned to the next day of sitting.

Question put and passed.

After 6 pm: The Acting Deputy President (Senator Brandis) reminded the Senate that the standing orders provide for the consideration of government documents to be called on at this time.

Leave was granted to enable the tabling of certain documents and for a motion relating to the membership of committees to be moved prior to the consideration of government documents.

34 AUDITOR-GENERAL—AUDIT REPORT NO. 12 OF 2005-06—DOCUMENT

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

Auditor-General—Audit report no. 12 of 2005-06—Performance audit—Review of the evaluation methods and continuous improvement processes for Australia’s national counter-terrorism coordination arrangements.

35 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—CORPORATE INSOLVENCY LAWS

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald) tabled the following document:

Corporations and Financial Services—Joint Statutory Committee—Report—Corporate insolvency laws: A stocktake—Government response.

Senator Wong, by leave, moved—That the Senate take note of the document.

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

36 DOCUMENTS

The following documents were tabled by the Clerk:

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

Acts Interpretation Act—Statement pursuant to subsection 34C(7) relating to the delay in presentation of a report—Authorisations for the acquisition and use of assumed identities for 2003-04—Australian Crime Commission.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX44/05—Exemption – from having training and checking organisation [F2005L03078]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105—AD/LA-4/25 Amdt 2—Horizontal and Vertical Stabiliser Attachment Fitting [F2005L03076]*.

107—AD/PARA/15—VEGA 120 Type Reserve Canopy [F2005L03077]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2005/39—Air traffic controllers and Defence travel card.

2005/40—Overseas Conditions of Service – ancillary services.

2005/41—Settling in and settling out – meal costs.

Maritime Transport and Offshore Facilities Security Act—Maritime Transport and Offshore Facilities Security Act Notice about How Incident Reports Are To Be Made (No. 2) [F2005L03075]*.

Social Security Act—Social Security (Tasmanian Motor Accidents Insurance Board ‘Future Care Payments’ Exemption) (DEST) Determination 2005 [F2005L03068]*.

Sydney Airport Curfew Act—Dispensation Report 8/05 [2 dispensations].

* Explanatory statement tabled with legislative instrument.

37 COMMITTEES—CHANGES IN MEMBERSHIP

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

Senator George Campbell, by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Allison for the committee’s inquiry into petrol sniffing in remote Aboriginal communities

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator Polley

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Participating member: Senator Polley

Substitute member: Senator Chapman to replace Senator Ferguson for the consideration of the 2005-06 supplementary Budget estimates on 2 November and 3 November 2005

Foreign Affairs, Defence and Trade References Committee—

Appointed—Participating member: Senator Polley

Legal and Constitutional Legislation and References Committees—

Appointed—Participating member: Senator Heffernan

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—

Participating member: Senator Polley

Substitute member: Senator Troeth to replace Senator Ferris for the consideration of the 2005-06 supplementary Budget estimates on 31 October and 1 November 2005

Rural and Regional Affairs and Transport References Committee—

Appointed—Participating member: Senator Polley.

Question put and passed.

General business was called on.

38 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Ombudsman Act 1976—Inquiry into the circumstances of the Vivian Alvarez matter—Report by the Commonwealth Ombudsman of an inquiry undertaken by Mr Neil Comrie, AO, APM (Report no. 3 of 2005).

Reports to the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) from the Secretary, Department of Immigration and Multicultural and Indigenous Affairs—

Implementation of the recommendations of the Palmer report of inquiry into the circumstances of the immigration detention of Cornelia Rau, dated September 2005.

Response to the recommendations of the report of the Commonwealth Ombudsman of the inquiry into the circumstances of the Vivian Alvarez matter, dated October 2005.

—Motion of Senator Bartlett to take note of documents debated. Debate adjourned till Thursday at general business, Senator Hutchins in continuation.

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia's role in fighting proliferation: Practical responses to new challenges. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

Housing Assistance Act 1996—Report for 2003-04 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

National Water Commission—Report for the period 17 December 2004 to 30 June 2005. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

NetAlert Limited—Report for 2004-05. Motion of Senator Kirk to take note of document debated. Debate adjourned till Thursday at general business, Senator Lundy in continuation.

Northern Territory Fisheries Joint Authority—Report for 2002-03. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

Employment Advocate—Report for 2004-05. Motion of Senator Siewert to take note of document debated. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

Treaty—*Multilateral*—Text, together with national interest analysis and annexures—Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, done at New York on 25 May 2000. Motion of Senator Kirk to take note of document called on. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the period 1 January to 30 June 2005. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Lundy in continuation.

General business concluded.

39 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06

Senator McGauran, at the request of the respective chairs, tabled additional information received by committees as follows:

Budget estimates 2005-06—Additional information—

Employment, Workplace Relations and Education Legislation Committee—vol. 7.

Legal and Constitutional Legislation Committee—7 vols.

Rural and Regional Affairs and Transport Legislation Committee—Answers to questions on notice.

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

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

Economics References Committee—Report—Consenting adults deficits and household debts: Links between Australia's current account deficit, the demand for imported goods and household debt. Motion of the chair of the committee (Senator Stephens) to take note of report debated. Debate adjourned till the next day of sitting, Senator Chapman in continuation.

Electoral Matters—Joint Standing Committee—Report—The 2004 federal election—Report of the inquiry into the conduct of the 2004 federal election and matters related thereto. Motion of Senator Mason to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence annual report 2003-04. Motion of Senator Bishop to take note of report debated. Debate adjourned till the next day of sitting, Senator Hutchins in continuation.

Finance and Public Administration References Committee—Report—Regional Partnership and Sustainable Regions programs. Motion of the chair of the committee (Senator Forshaw) to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Interim report—The removal, search for and discovery of Ms Vivian Solon. Motion of the chair of the committee (Senator Hutchins) to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin's request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. On the motion of Senator Webber debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Quality and equity in aged care. Motion of the chair of the committee (Senator Marshall) to take note of report debated. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

At 8 pm—

41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.38 pm till Monday, 7 November 2005 at 12.30 pm.

42 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate