

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 57

WEDNESDAY, 9 NOVEMBER 2005

Contents

1	Meeting of Senate	1369
2	Government Documents	1369
3	Order of Business—Rearrangement	1369
4	Community Affairs Legislation Committee—Reference	1369
5	Defence Legislation Amendment Bill (No. 2) 2005	1370
6	Australian Workplace Safety Standards Bill 2005 National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005	1371
7	Order of Business—Rearrangement	1373
8	Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005	1373
9	Matters of Public Interest	1373
10	Questions	1373
11	Industrial Relations—Proposed Changes—Answers to Questions	1374
12	Foreign Affairs—Japan—Whaling Program—Answer to Question	1374
13	Petition	1374
14	Notices	1374
15	Selection of Bills—Standing Committee—Report No. 13 of 2005	1375
16	Postponements	1376
17	Economics Legislation Committee—Extension of Time to Report	1376
18	Employment—Welfare to Work	1377
19	Legal and Constitutional References Committee—Proposed Extension of Time to Report	1377
20	Death of Mr Rod Donald	1377
21	Parliamentary Charter of Rights and Freedoms Bill 2001—Restoration to <i>Notice Paper</i>	1378
22	Commonwealth Scientific and Industrial Research Organisation	1378
23	Scrutiny of Bills—Standing Committee—Alert Digest No. 13 of 2005	1379
24	Electoral Matters—Joint Standing Committee—Report—The 2004 Federal Election—Corrigendum	1379
25	Public Works—Joint Statutory Committee—20th and 21st Reports of 2005....	1379

26	Documents.....	1380
27	Committees—Changes in Membership.....	1380
28	Governor-General’s Message—Assent to Laws.....	1380
29	Procedure—Standing Committee—Second Report of 2005—Consideration ...	1380
30	Employment, Workplace Relations and Education Legislation Committee— Reference.....	1381
31	Employment, Workplace Relations and Education Legislation Committee— Change in Membership	1382
32	Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005	1382
33	Notice	1383
34	Government Documents—Consideration	1383
35	Adjournment	1384
36	Attendance.....	1384

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 DOCUMENTS

The following government documents were tabled:

Australian Law Reform Commission—Report—No. 101—Report for 2004-05.

Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2004-05.

Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2004-05.

States Grants (Primary and Secondary Education Assistance) Act 2000—Report on financial assistance granted to each state in respect of 2004.

Treaty—*Multilateral*—Text, together with national interest analysis and annexures—United Nations Educational, Scientific and Cultural Organization International Convention Against Doping in Sport, done at Paris on 19 October 2005.

3 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That intervening business be postponed till after consideration of business of the Senate notice of motion no. 1 standing in the name of the Minister for Defence (Senator Hill) for today, proposing the reference of certain bills and related matters to the Community Affairs Legislation Committee.

Question put and passed.

4 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REFERENCE

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Defence (Senator Hill) and pursuant to notice, moved business of the Senate notice of motion no. 1—That, upon their introduction in the House of Representatives, the provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and the Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005 be referred to the Community Affairs Legislation Committee for inquiry and report by 28 November 2005, with particular reference to increasing participation by, and reducing welfare dependence of, parents, people with disabilities, the very long-term unemployed and mature age people through:

- (a) the provision of employment services and other assistance; and
- (b) a responsive compliance system that encourages and rewards active participation.

Debate ensued.

Senator Wong moved the following amendments together by leave:

Omit “28 November 2005”, substitute “7 February 2006”.

Omit all words after “with particular reference to”, substitute:

- (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—That the amendments be agreed to—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Main question put and passed.

5 DEFENCE LEGISLATION AMENDMENT BILL (NO. 2) 2005

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Senator Bishop moved the following amendment:

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

- (a) condemns the Government for its failure to implement, in full, the recommendations of the Foreign Affairs, Defence and Trade References Committee in its report, *Inquiry into the effectiveness of Australia's military justice system*; and
- (b) notes that:
 - (i) the measures contained in this bill will not be sufficient to address the issues of bullying, harassment, victimisation, intimidation, bias and failure of natural justice which have been revealed so regularly in the past decade, and
 - (ii) unless the Government properly deals with this matter in a determined fashion, the reputation of Australia's armed forces will continue to be unfairly sullied and remain a deterrent for talented young Australians to join the Australian Defence Force".

Debate ensued.

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

Main 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 (Trade) (Senator Sandy Macdonald) the bill was read a third time.

**6 AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005
NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL,
CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**

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

In the committee

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005—

Consideration resumed of the bill—and of the amendment moved by Senator Murray, also on behalf of the Leader of the Opposition in the Senate (Senator Evans):

Page 5 (after line 3), after clause 8, insert:

8A Accountability for advertising expenditure

- (1) Money must not be expended for any public education or advertising project in relation to any programs or matters arising out of 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 resumed.

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

Bill agreed to.

NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005—

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

Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted.

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

The question for the third reading was divided—

Question—That the Australian Workplace Safety Standards Bill 2005 be now read a third time—put and passed.

Question—That the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be now read a third time—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

Bills read a third time.

7 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Abetz) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005).

Question put and passed.

8 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Wong was speaking.

9 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

—————
At 2 pm—

10 QUESTIONS

Questions without notice were answered.

11 INDUSTRIAL RELATIONS—PROPOSED CHANGES—ANSWERS TO QUESTIONS

Senator Bishop 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.

12 FOREIGN AFFAIRS—JAPAN—WHALING PROGRAM—ANSWER TO QUESTION

Senator Siewert moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Siewert today relating to the Japanese whaling program.

Question put and passed.

13 PETITION

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

From 19 petitioners, requesting that the Senate take action to bring about a world's best practice bill of rights as a matter of urgency.

14 NOTICES

Senator O'Brien: To move on the next day of sitting—That the Senate notes the incompetence of the Howard Government in its failure to protect Australia's border security, quarantine and environmental integrity and its fishery resource in northern Australia and northern Australian waters. (*general business notice of motion no. 312*)

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

- (a) expresses the view that:
 - (i) the recent anti-terror raids in Sydney and Melbourne demonstrate the importance of the Government maintaining open and honest communication with Australia's Muslim communities at this crucial time,
 - (ii) keeping intermediaries between Government and the Muslim community informed on developments and listening to their views are essential to ensure that the Government is aware of how people in Muslim communities are responding to events, and to prevent further feelings of alienation amongst Muslims, and
 - (iii) a failure to defend and promote the principles at the heart of multiculturalism against attacks on them will lead to a deepening divide between people and communities of different cultures and heritage within Australia; and
- (b) calls on all political parties to promote and protect diversity in Australia by encouraging the benefits of multiculturalism and to facilitate the building of better ties. (*general business notice of motion no. 313*)

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

- (1) On Monday, 28 November and 5 December 2005, the hours of meeting shall be 12.30 pm to adjournment, and standing order 54(5) shall apply to the adjournment debate as if it were Tuesday.

- (2) On Thursday, 1 December and 8 December 2005:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 7.30 pm shall be government business only;
 - (c) divisions may take place after 4.30 pm; and
 - (d) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (3) The Senate shall sit on Friday, 2 December and 9 December 2005 and that:
- (a) the hours of meeting shall be 9.30 am to 3.30 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the Senate shall adjourn without any question being put.

Senator Milne: 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 3.30 pm on Monday, 28 November 2005, all correspondence including e-mails, directions and guidelines between the Minister and the board of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and between the Minister and the Chief Executive of the CSIRO, dated between 1 June and 1 November 2005, concerning the research and development work to be undertaken by the CSIRO. (*general business notice of motion no. 314*)

15 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2005

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

SELECTION OF BILLS COMMITTEE REPORT NO. 13 OF 2005

- (1) The committee met in private session on Tuesday, 8 November 2005 at 4.20 pm.
- (2) The committee resolved to recommend—That the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 8 February 2006.
- (3) The committee considered a proposal to refer the provisions of the Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005 to the Economics Legislation Committee, but was unable to reach agreement on whether the bill should be referred.
- (4) The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Census Information Legislation Amendment Bill 2005
 - Defence Legislation Amendment Bill (No. 2) 2005
 - European Bank for Reconstruction and Development Amendment Bill 2005.

The committee recommends accordingly.

Alan Eggleston
Acting Chair
9 November 2005.

Senator Eggleston moved—That the report be adopted.

Senator Sherry moved the following amendment:

At the end of the motion, add “and, in respect of the Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005, the bill be referred to the Economics Legislation Committee for inquiry and report by 1 December 2005”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 32

Senators—

Abetz	Eggleston (Teller)	Kemp	Patterson
Adams	Ellison	Lightfoot	Payne
Barnett	Ferguson	Macdonald, Ian	Ronaldson
Boswell	Fifield	Macdonald, Sandy	Scullion
Calvert	Heffernan	McGauran	Troeth
Campbell, Ian	Humphries	Minchin	Trood
Chapman	Johnston	Nash	Vanstone
Colbeck	Joyce	Parry	Watson

Question negatived.

Main question put and passed.

16 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for 10 November 2005, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 28 November 2005.

General business notice of motion no. 307 standing in the name of Senator Siewert for today, relating to National Recycling Week, postponed till 10 November 2005.

17 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McGauran, 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 10 November 2005.

Question put and passed.

18 EMPLOYMENT—WELFARE TO WORK

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. 308—That the Senate—

- (a) recognises:
- (i) the release of the National Centre for Social and Economic Modelling report, *Options for reducing the adverse impact of the proposed Welfare-to-Work reforms upon people with disabilities and sole parents*, on 3 November 2005, and
 - (ii) that parenting and disability contribute to additional costs to living and employment;
- (b) notes that the report finds that the Government's proposed 'welfare to work' changes will result in substantial cuts to the incomes of sole parents and people with disabilities by forcing them onto the lower Newstart Allowance and that these losses will increase over time; and
- (c) urges the Government to ensure that the welfare to work package does not result in a reduction in people's income levels.

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

Employment—Welfare to work—Copy of report to the National Foundation for Australian Women—'Options for reducing the adverse impact of the proposed welfare-to-work reforms upon people with disabilities and sole parents', by Ann Harding, Quoc Ngu Vu and Richard Percival, 3 November 2005.

Question put and negatived.

19 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED EXTENSION OF TIME TO REPORT

The Chair of the Legal and Constitutional References Committee (Senator Crossin), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 305—That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 9 February 2006.

Question put.

The Senate proceeded to divide—

The call for the division was withdrawn, by leave.

Postponement: Senator Crossin, by leave, moved—That general business notice of motion no. 305 be postponed till 10 November 2005.

Question put and passed.

20 DEATH OF MR ROD DONALD

Senator Milne, at the request of Senator Bob Brown, also on behalf of Senators Siewert, Nettle and Stott Despoja, and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 306—That the Senate—

- (a) notes the death of Mr Rod Donald, the co-leader of the New Zealand Green Party;
- (b) recognises Mr Donald's key role in the campaign for a fairer voting system and in fostering humanitarian and ecological politics in New Zealand and abroad; and
- (c) expresses its condolences to Mr Donald's family, and to the Parliament and people of New Zealand.

Question put and passed.

21 PARLIAMENTARY CHARTER OF RIGHTS AND FREEDOMS BILL 2001—RESTORATION TO NOTICE PAPER

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 309—

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That the Parliamentary Charter of Rights and Freedoms Bill 2001 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the 39th Parliament.

Question put and passed.

22 COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

Senator Stephens, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 311—That the Senate—

- (a) notes with concern that:
 - (i) the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Annual Report for 2004-05 shows a deficit increase of \$9.2 million, up 73 per cent from the deficit in the 2003-04 financial year,
 - (ii) the CSIRO's financial performance has led to a review of 780 research support jobs, of which as many as 200 jobs could be lost,
 - (iii) the number of senior executives earning salaries above \$300 000 has doubled in the 2003-04 financial year and senior executive service salaries alone are costing more than \$10 million a year,
 - (iv) revenue from consulting and research services fell by \$18 million since the 2003-04 financial year to \$60 million,
 - (v) highly talented and reputable scientists, such as climate change scientist Dr Graeme Pearman, wildlife ecologist Dr Jeff Short and feral pest control scientist Dr Roger Pech have been dismissed or made 'surplus to requirements',
 - (vi) the CSIRO sought permission to operate at a deficit of \$17 million but negotiated a deficit of \$14.5 million for the 2005-06 financial year,
 - (vii) a government funding increase of 1.5 per cent over the 2004-05 financial year will be less than the increase in the Consumer Price Index,
 - (viii) a leaked CSIRO report has flagged a significant shift in research priorities away from crop and livestock, and renewable energy research, and
 - (ix) up to \$15 million has been spent on a website that is still not running a year after it was promised; and

- (b) urges the Federal Government to:
- (i) not allow Australia's premier research institution to sink further into the red,
 - (ii) investigate the accounts of the CSIRO, and
 - (iii) restore the focus of the CSIRO to research in the national interest.

Question put.

The Senate divided—

AYES, 28

Senators—

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

NOES, 31

Senators—

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

Question negatived.

23 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 13 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 document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 13 of 2005, dated 9 November 2005.

24 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—THE 2004 FEDERAL ELECTION—CORRIGENDUM

Senator McGauran, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following document:

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

Senator Carr moved—That the Senate take note of the document.

Question put and passed.

25 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—20TH AND 21ST REPORTS OF 2005

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

Public Works—Joint Statutory Committee—

20th report of 2005—Proposed CSIRO minerals laboratory extensions at Waterford, Perth, WA, dated November 2005.

21st report of 2005—Proposed fit-out of new leased premises for AusAID at London Circuit, City, ACT, dated November 2005.

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

Question put and passed.

26 DOCUMENTS

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(f)—Cessation of membership of Employment National Limited.

Sydney Airport Curfew Act—Dispensation Report 10/05.

27 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Family and Community Services (Senator Patterson), by leave, moved—That senators be discharged from and appointed to committees as follows:

Electoral Matters—Joint Standing Committee—

Discharged—Senator Forshaw

Appointed—Senator Hogg

Public Works—Joint Statutory Committee—

Discharged—Senator Wortley

Appointed—Senator Forshaw.

Question put and passed.

28 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

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

8 November 2005—Message No. 43—

Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act 2005 (Act No. 129, 2005)

Copyright Amendment (Film Directors' Rights) Act 2005 (Act No. 130, 2005)

Customs Tariff Amendment (Commonwealth Games) Act 2005 (Act No. 131, 2005).

29 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2005—

CONSIDERATION

Order of the day read for the consideration of the Procedure Committee's second report of 2005.

The Minister for Family and Community Services (Senator Patterson) moved—That—

(1) The following recommendations of the Procedure Committee in its second report of 2005, presented on 28 October 2005, be adopted:

(a) that standing order 74(5), relating to unanswered questions on notice, be amended as set out in the report with immediate effect; and

- (b) that standing order 164, relating to orders for the production of documents, be amended as set out in the report with immediate effect.
- (2) The Senate endorse the conclusion of the Procedure Committee in its second report of 2005, relating to repeated motions for suspension of standing orders.

Question put and passed.

Accordingly the standing orders were amended as follows:

74 Questions on notice

Amend paragraph (5) to read as follows:

- (5) If a minister does not answer a question on notice asked by a senator within 30 days of the asking of that question, or if a question taken on notice during a hearing of a legislation committee considering estimates remains unanswered 30 days after the day set for answering the question, and a minister does not, within that period, provide to the senator who asked the question an explanation satisfactory to that senator of why an answer has not yet been provided:
 - (a) at the conclusion of question time on any day after that period, the senator may ask the relevant minister for such an explanation; and
 - (b) the senator may, at the conclusion of the explanation, move without notice – That the Senate take note of the explanation; or
 - (c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion with regard to the minister's failure to provide either an answer or an explanation.

164 Order for the production of documents

Insert new paragraph (3):

- (3) If a minister does not comply with an order for the production of documents, directed to the minister, within 30 days after the date specified for compliance with the order, and does not, within that period, provide to the Senate an explanation of why the order has not been complied with which the Senate resolves is satisfactory:
 - (a) at the conclusion of question time on each and any day after that period, a senator may ask the relevant minister for such an explanation; and
 - (b) the senator may, at the conclusion of the explanation, move without notice – That the Senate take note of the explanation; or
 - (c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion in relation to the minister's failure to provide either an answer or an explanation.

30 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REFERENCE

Order of the day read for the adjourned debate on the motion of Senator Crossin— That the following bills be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 6 December 2005:

Commonwealth Radioactive Waste Management Bill 2005

Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005.

Debate resumed.

The Minister for Family and Community Services (Senator Patterson) moved the following amendment:

Omit “6 December 2005”, substitute “29 November 2005”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

31 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

The Acting Deputy President (Senator Hutchins) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, moved—That Senator Trood replace Senator Johnston on the Employment, Workplace Relations and Education Legislation Committee for the committee's inquiry into the Commonwealth Radioactive Waste Management Bill 2005 and a related bill.

Question put and passed.

32 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Siewert moved the following amendment:

Omit all words after "That", substitute "the Senate rejects this bill and expects the Government to:

- (a) desist from interfering with the independence of universities;
- (b) increase public funding of Australia's higher education sector;
- (c) recognise that university staff should be entitled to collectively bargain with universities, without prescriptive government interference; and

- (d) refrain from insisting on its ideological industrial relations agenda being applied to universities”.

Debate ensued.

At 6.50 pm: Debate was interrupted.

33 NOTICE

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins) gave a notice of motion as follows: 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 the last sitting day in 2006:

The scope and opportunity for naval shipbuilding in Australia, and, in particular:

- (a) the capacity of the Australian industrial base to construct large naval vessels over the long term and on a sustainable basis;
- (b) the comparative economic productivity of the Australian shipbuilding industrial base and associated activity with other shipbuilding nations;
- (c) the comparative economic costs of maintaining, repairing and refitting large naval vessels throughout their useful lives when constructed in Australia vice overseas; and
- (d) the broader economic development and associated benefits accrued from undertaking the construction of large naval vessels.

34 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2004-05. Motion to take note of document moved by the Parliamentary Secretary (Trade) (Senator Sandy Macdonald) and agreed to.

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

Director of National Parks—Report for 2004-05. Motion to take note of document moved by Senator Crossin and agreed to.

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2004-05. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

Department of Family and Community Services—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Commissioner for Complaints [Aged care]—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Health and Ageing—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Supervising Scientist—Report for 2004-05 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Aged Care Standards and Accreditation Agency Limited—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Education, Science and Training—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Industrial Relations Court of Australia—Report for 2004-05. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

General business orders of the day nos 10 to 15, 17 to 21, 23 to 25, 27 to 44, 46 to 56, 58 to 62, 65, 66, 68 to 71, 73 to 78, 80 to 88, 90 to 136, 138 and 139 relating to government documents were called on but no motion was moved.

35 ADJOURNMENT

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

Debate ensued.

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

Industrial Relations—Proposed changes—Copy of paper—‘The impact of proposed industrial relations reforms on young Australians’ by Dr Richard Dennis.

Debate continued

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 7.48 pm till Thursday, 10 November 2005 at 9.30 am.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate