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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Crime Commission—

Intergovernmental committee responses to the Australian Crime Commission annual report for 2004-05.

Report for 2004-05.

Bureau of Meteorology—Report for 2004-05.

Copyright Agency Limited—Report for 2004-05.

General Practice Education and Training Limited—Report for 2004-05.

Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2005.

Pharmaceutical Benefits Pricing Authority—Report for 2004-05.

Treaties—

Bilateral—Text, together with national interest analyses and annexures—Agreement on the Promotion of Aviation Safety between the Government of Australia and the Government of the United States of America (Canberra, 21 June 2005) and Implementation Procedures for Airworthiness, covering Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance between Authorities under the Agreement on the Promotion of Aviation Safety between the Government of Australia and the Government of the United States of America, done at Canberra on 21 June 2005 (Gold Coast, 26 September 2005).

Multilateral—Text, together with national interest analysis and annexures—

Amendments, done at Nairobi, Kenya on 25 November 2005, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979.

Protocol of Amendments, adopted in Monaco on 14 April 2005, to the Convention on the International Hydrographic Organization, done at Monaco on 3 May 1967.

3 MARITIME LEGISLATION AMENDMENT BILL 2005 [2006]

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.

Debate resumed.

Senator O'Brien moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) failing to uphold Australia's national interest by adopting anti-Australian shipping policies that favour foreign vessels and crew despite the risk to national security, Australian jobs and the natural environment;
- (b) failing to ensure adequate security in relation to the shipping of dangerous goods and hazardous material, including explosives precursors such as ammonium nitrate; and
- (c) failing to ensure ships comply with the requirement to provide details of crew and cargo 48 hours before arrival”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 38

Senators—

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

Question 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 Minister for the Arts and Sport (Senator Kemp) the bill was read a third time.

4 ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

Senator O'Brien moved the following amendment:

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

- (a) calls on the Government to introduce energy efficiency to all sectors of the community, including transport and housing, as well as business;
- (b) condemns the Government for failing to support the alternative fuel and renewable energy industries; and
- (c) condemns the Government for not adopting the bipartisan recommendations put forward by the House of Representatives Standing Committee on Environment and Heritage in its report on sustainable cities”.

Debate ensued.

At 2 pm: Debate was interrupted while the Leader of the Australian Democrats (Senator Allison) was speaking.

5 MINISTRY AND MINISTERIAL ARRANGEMENTS

The Leader of the Government in the Senate (Senator Minchin), by leave, informed the Senate of changes to the Howard Ministry.

Document: Senator Minchin tabled a document, dated 7 February 2006, showing all members of the Howard Ministry and listing Senator Minchin as Leader of the Government in the Senate and Senator Coonan as Deputy Leader.

Statement by leave: The Leader of the Opposition in the Senate (Senator Evans), by leave, made a statement relating to the matter.

6 THE NATIONALS WHIP—APPOINTMENT

The Leader of The Nationals in the Senate (Senator Boswell), by leave, informed the Senate of the appointment of Senator Scullion as The Nationals Whip.

7 QUESTIONS

Questions without notice were answered.

8 MINISTERS—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

9 FOREIGN AFFAIRS—WEST PAPUA—ASYLUM SEEKERS—ANSWER TO QUESTION

Senator Nettle moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to a question without notice asked by Senator Nettle today relating to asylum seekers from West Papua.

Question put and passed.

10 DEATH OF FORMER MEMBER THE HONOURABLE SIR REGINALD WILLIAM COLIN SWARTZ, KBE, ED

The President informed the Senate of the death, on 2 February 2006, of the Honourable Sir Reginald William Colin Swartz, KBE, ED, a member of the House of Representatives for the division of Darling Downs from 1949 to 1972, and, at various times in that period, a minister.

The Leader of the Government in the Senate (Senator Minchin), by leave, moved—That the Senate records its deep regret at the death, on 2 February 2006, of the Honourable Sir Reginald William Colin Swartz, KBE, ED, former federal minister, Leader of the House of Representatives and member for Darling Downs, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

11 PETITIONS

The following 8 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senators Abetz and Heffernan, from 15, 15 and 197 petitioners, respectively, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator Bartlett, from 15 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003 [2004].

Senator Faulkner, from 13 petitioners, requesting that the Senate take action to assist David Hicks to gain his release and be repatriated to Australia.

Senator Forshaw, from 124 petitioners, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

Senator Stott Despoja, from 903 petitioners, requesting that the Senate reject the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 to ensure that all students have access to the services and representation provided by student organisations.

Senator Stott Despoja, from 94 petitioners, requesting that the Senate take action to ensure that Austudy recipients are eligible for rent assistance.

12 NOTICES

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a meeting during the sitting of the Senate on Wednesday, 8 February 2006, from 4.30 pm, to be briefed by a panel of experts in relation to the committee's inquiry into water policy initiatives. (*general business notice of motion no. 363*)

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

- (a) on Wednesday, 8 February 2006:
 - (i) the hours of meeting shall be 9.30 am to 11 pm,
 - (ii) the routine of business from not later than 4.30 pm shall be general business order of the day no. 47 (Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005)—second reading speeches only, and
 - (iii) at 11 pm, the Senate shall adjourn without any question being put; and
- (b) on Thursday, 9 February 2006:
 - (i) general business order of the day no. 47 (Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005) have precedence over all other business till 1 pm and from not later than 3.45 pm to 5 pm, and
 - (ii) at the conclusion of (i), the routine of business shall be:
 - (A) consideration of government documents under general business,
 - (B) consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1), and
 - (C) adjournment.

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 be extended to 16 February 2006. (*general business notice of motion no. 364*)

Senator Conroy: To move on the next day of sitting—That the Senate directs that the Chief Executive Officer of Telstra, Mr Sol Trujillo, appear and give evidence in relation to his administration of Telstra, at the estimates hearing of the Environment, Communications, Information Technology and the Arts Legislation Committee, at a time specified by the committee. (*general business notice of motion no. 365*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That the Civil Aviation Amendment Regulations 2005 (No. 3), as contained in Select Legislative Instrument 2005 No. 243 and made under the *Civil Aviation Act 1988*, be disallowed.

Senator Watson, by leave, made a statement relating to the notice of motion.

Senator Milne: To move on 9 February 2006—That the Senate—

(a) notes:

- (i) the announcement by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) that it will redirect its energy research work away from renewable energy towards 'cleaning up' coal, a priority of the Australian Government,
- (ii) a breakthrough in solar energy technology, developed by the CSIRO and a private company, with a turbine that has the potential to replace coal-fired power stations in 20 years, and
- (iii) that the CSIRO has had to look offshore for investment funding to advance its work on the solar turbine technology; and

(b) calls on the Australian Government to re-prioritise its policy and funding objectives to provide more support for renewable energy so that Australian breakthrough research is not forced offshore for further development and commercialisation. (*general business notice of motion no. 366*)

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

(a) notes:

- (i) that elections for regional government in West Papua have again been delayed by the Indonesian Government,
- (ii) reports of increasing human rights violations by the Indonesian military and militias in West Papua,
- (iii) the recent arrival of 43 asylum seekers in Australia seeking refuge from persecution in West Papua, and
- (iv) the renewal of joint training and cooperation between the Australian Defence Forces and the Indonesian Kopassus special forces; and

(b) calls on the Australian Government to:

- (i) suspend joint training and cooperation with the Indonesian special forces until a thorough and independent investigation of their involvement in human rights abuses in West Papua has concluded,
- (ii) not sign on to any agreement between Australia and Indonesia that requires Australia to recognise Indonesian sovereignty over West Papua and remain silent about human rights abuses that occur in West Papua at the hands of the Indonesian military and militias,

- (iii) work towards restoring human rights to the West Papuans,
- (iv) facilitate a meeting between the Indonesian Government and the West Papuan independence movement, and
- (v) respect the rights of the West Papuans to determine their own future.
(*general business notice of motion no. 367*)

13 ADJOURNMENT DEBATE ON TUESDAYS—TEMPORARY ORDER

The Minister for Finance and Administration (Senator Minchin), by leave, moved—That the following order operate as a temporary order until the conclusion of the 2006 sittings:

On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

Question put and passed.

14 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Kemp for 8 February and 9 February 2006, on account of government business overseas.

Question put and passed.

15 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 9 February 2006.

General business notice of motion no. 360 standing in the name of Senator Stott Despoja for today, proposing an order for the production of documents by the Minister representing the Minister for Education, Science and Training, postponed till 8 February 2006.

16 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 361—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 7 February 2006, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Future Fund Bill 2005.

Question put and passed.

17 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), amended general business notice of motion no. 362 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 14 September 2006.

Question put and passed.

18 SCIENCE AND TECHNOLOGY—GENETICALLY-MODIFIED FOODS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Stott Despoja amended general business notice of motion no. 359 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table, no later than the conclusion of question time on 8 February 2006, all of the raw data submitted to Food Standards Australia New Zealand (FSANZ) for all applications for the genetically-modified foods or foods derived from genetically-modified organisms for:

- (a) insect-resistant corn MON810 from Monsanto Australia Ltd (Monsanto), FSANZ application number A346;
- (b) insect-resistant, glufosinate-ammonium tolerant corn line Bt-11 from Syngenta, FSANZ application number A386;
- (c) insect-resistant corn MON863 from Monsanto, FSANZ application number A484; and
- (d) glufosinate-ammonium tolerant canola Topas and glufosinate-ammonium tolerant canola with fertility traits, from Aventis CropScience Pty Ltd, FSANZ application number A372.

Question put and passed.

19 PRIVILEGES—STANDING COMMITTEE—125TH REPORT

The Deputy President (Senator Hogg) tabled the following report received on 19 December 2005:

Privileges—Standing Committee—125th report—Parliamentary privilege—Precedents, procedures and practice in the Australian Senate 1966-2005, dated December 2005.

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

20 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

The Deputy President (Senator Hogg) tabled the following report and documents received on 19 December 2005:

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated December 2005 and Hansard record of proceedings.

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

21 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—INTERIM REPORT—ADMINISTRATION AND OPERATION OF THE MIGRATION ACT 1958

The Deputy President (Senator Hogg) tabled the following interim report received on 21 December 2005:

Legal and Constitutional References Committee—Administration and operation of the *Migration Act 1958*—Interim report, dated 21 December 2005.

Reporting date: Senator George Campbell, by leave and at the request of the Chair of the Legal and Constitutional References Committee (Senator Crossin), moved—That the final report of the Legal and Constitutional References Committee on its inquiry into the administration and operation of the *Migration Act 1958* be presented by 27 February 2006.

Question put and passed.

**22 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06**

The Deputy President (Senator Hogg) tabled the following additional information received on the dates indicated:

Budget estimates 2005-06—Employment and Workplace Relations portfolio—vols 8 to 13. [*Received 25 January 2006*]

Budget estimates 2005-06 (Supplementary)—Documents presented to the committee and additional information—1 November 2005 to 23 January 2006—

Education, Science and Training portfolio. [*Received 23 January 2006*]

Employment and Workplace Relations portfolio. [*Received 23 January 2006*]

**23 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES
COMMITTEE—GOVERNMENT RESPONSE—BUILDING AND CONSTRUCTION
INDUSTRY IMPROVEMENT BILLS**

The Deputy President (Senator Hogg) tabled the following document received on 22 December 2005:

Employment, Workplace Relations and Education References Committee—Report—Beyond Cole: The future of the construction industry: Confrontation or co-operation? [Exposure draft of the Building and Construction Industry Improvement Bill 2002 and the provisions of the Building and Construction Industry Improvement Bill 2003 and the Building and Construction Industry Improvement (Consequential and Transitional) Bill 2003]—Government response, dated December 2005.

**24 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT
RESPONSE—LEGAL AID AND ACCESS TO JUSTICE**

The Deputy President (Senator Hogg) tabled the following document received on 3 February 2006:

Legal and Constitutional References Committee—Report—Legal aid and access to justice—Government response.

25 GOVERNMENT DOCUMENTS

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

Aged Care Act 1997—Report for 2004-05 on the operation of the Act. [*Received 21 December 2005*]

Australian National Training Authority—Australian vocational education and training system—Report for 2004—Corrigendum. [*Received 23 December 2005*]

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2004-05. [*Received 23 December 2005*]

Civil Aviation Safety Authority—Report for 2004-05. [*Received 15 December 2005*]

Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2005. [*Received 5 January 2006*]

Department of Education, Science and Training—Report for 2004-05—Correction. [*Received 25 January 2006*]

Department of Finance and Administration—Consolidated financial statements for the year ended 30 June 2005. [*Received 21 December 2005*]

Department of the Treasury—Tax expenditures statement 2005, December 2005. [Received 21 December 2005]

Director of Public Prosecutions—Report for 2004-05—Correction. [Received 5 January 2006]

Health Insurance Act 1973—Biennial review of the Medicare provider number legislation, December 2005. [Received 22 December 2005]

Medical Training Review Panel—Report for 2004-05. [Received 21 December 2005]

Mid-year economic and fiscal outlook—2005-06—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2005. [Received 5 January 2006]

National Blood Authority—Report for 2004-05. [Received 20 December 2005]

National Native Title Tribunal—Report for 2004-05. [Received 23 December 2005]

National Rural Advisory Council—Reports—

2001-02, including a report on the Rural Adjustment Scheme. [Received 12 January 2006]

2002-03. [Received 12 January 2006]

2003-04. [Received 12 January 2006]

Natural Heritage Trust—Report for 2004-05. [Received 21 December 2005]

Office of Film and Literature Classification—Classification Board and Classification Review Board—Reports for 2004-05. [Received 23 December 2005]

Private Health Insurance Administration Council—

Report for 2004-05. [Received 16 January 2006]

Report for 2004-05 on the operations of the registered health benefits organisations. [Received 20 December 2005]

Prohibition of Human Cloning Act 2002 and *Research Involving Human Embryos Act 2002*—Legislation Review Committee—Report on the review of the Acts, December 2005. [Received 19 December 2005]

Research Involving Human Embryos Act 2002—National Health and Medical Research Council—NHMRC Licensing Committee—Report for the period 1 April to 30 September 2005. [Received 21 December 2005]

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2005. [Received 9 December 2005]

26 AUDITOR-GENERAL—AUDIT REPORTS NOS 21 TO 28 OF 2005-06—DOCUMENTS

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

Auditor-General—Audit reports for 2005-06—

No. 21—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2005. [Received 21 December 2005]

No. 22—Performance audit—Cross portfolio audit of Green Office procurement. [Received 22 December 2005]

No. 22—Performance audit—Cross portfolio audit of Green Office procurement—Corrigendum. [Received 6 February 2006]

No. 23—Protective security audit—IT security management. [*Received 22 December 2005*]

No. 24—Performance audit—Acceptance, maintenance and support management of the JORN system: Department of Defence; Defence Materiel Organisation. [*Received 23 January 2006*]

No. 25—Performance audit—ASIC's implementation of financial services licences. [*Received 24 January 2006*]

No. 26—Performance audit—Forms for individual service delivery: Australian Bureau of Statistics; Centrelink; Child Support Agency; Medicare Australia. [*Received 25 January 2006*]

No. 27—Performance audit—Reporting of expenditure on consultants. [*Received 30 January 2006*]

No. 28—Performance audit—Management of net appropriation agreements. [*Received 31 January 2006*]

27 COMMUNITY AFFAIRS REFERENCES COMMITTEE—CHILDREN IN INSTITUTIONAL CARE—STATE AND TERRITORY GOVERNMENTS—RESPONSES—DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents:

Community Affairs References Committee—Children in institutional care—States and territories—Response—Letters to the President of the Senate, responding to the resolutions of the Senate of 29 November 2005, from the—

Minister for Family and Community Services (Northern Territory) (Ms Lawrie), dated 9 January 2006.

Premier of Queensland (Mr Beattie), dated 22 December 2005.

Premier of Victoria (Mr Bracks), dated 23 December 2005.

28 ODGERS' AUSTRALIAN SENATE PRACTICE—11TH EDITION (SUPPLEMENT)—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Odgers' Australian Senate Practice—11th edition (Supplement)—Updates to 31 December 2005.

29 BUSINESS OF THE SENATE—1 JANUARY TO 31 DECEMBER 2005—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Business of the Senate—1 January to 31 December 2005.

Document ordered to be printed on the motion of Senator Ferris.

30 QUESTIONS ON NOTICE SUMMARY—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Questions on notice summary—16 November 2004 to 31 December 2005.

31 WORK OF COMMITTEES—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Work of committees—Year statistics: 1 January to 31 December 2005; and half-year statistics: 1 July to 31 December 2005.

Document ordered to be printed on the motion of Senator Ferris.

**32 SENATE COMMITTEE REPORTS—REGISTER OF COMMITTEE REPORTS—
NOVEMBER 2004 TO DECEMBER 2005—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document:

Senate Committee Reports—Register of committee reports—41st Parliament:
November 2004 to December 2005.

**33 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL
INFORMATION—BUDGET ESTIMATES 2005-06**

Senator Ferris, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Budget estimates 2005-06—Prime Minister and Cabinet portfolio, Finance and Administration portfolio, including Department of Human Services and agencies—vol. 5).

**34 COMMUNITY AFFAIRS REFERENCES COMMITTEE—CHILDREN IN INSTITUTIONAL
CARE—STATE AND TERRITORY GOVERNMENTS—RESPONSES—DOCUMENTS—
CONSIDERATION**

Senator Murray, by leave, moved—That the Senate take note of the documents tabled earlier today (*see entry no. 27*).

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

35 POSTPONEMENT

Senator George Campbell, by leave and at the request of the Chair of the Economics References Committee (Senator Stephens), moved—That business of the Senate notice of motion no. 3 standing in the name of Senator Stephens for today, proposing the reference of a matter to the Economics References Committee, be postponed till 8 February 2006.

Question put and passed.

**36 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—REPORT—AUSTRALIAN SPORTS ANTI-DOPING
AUTHORITY BILLS**

Pursuant to order, Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Provisions of the Australian Sports Anti-Doping Authority Bill 2005 and the Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005—Report, dated February 2006, Hansard record of proceedings and submissions [9].

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

**37 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—DEFENCE
LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES) BILL 2005**

Pursuant to order, Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005—Report, dated February 2006, Hansard record of proceedings and submissions [17].

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

38 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Family Assistance) (Administration) Act—

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2005 (No. 2) [F2005L04174]*.

Family Assistance (Public Interest Certificate Guidelines) Determination 2005 [F2005L04264]*.

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2005 (No. 2) [F2005L04268]*.

Aboriginal Land Grant (Jervis Bay Territory) Act—Aboriginal Land Grant (Jervis Bay Territory) By-Laws 2005 [F2005L04071]*.

Aged Care Act—

Aged Care (Amount of flexible care subsidy – multi-purpose services) Determination 2005 (No. 3) [F2005L04239]*.

Aged Care (Residential Care Subsidy – Amount of Respite Supplement) Determination 2005 [F2005L04260]*.

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Southern and Eastern Scalefish and Shark Fishery (Specified Non-Quota Species) Temporary Order 2005 [F2005L04168]*.
Southern Bluefin Tuna Fishery Management Plan 1995—2005/2006 SBT Provisional National Catch Allocation Determination [F2006L00001]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 84 – 2005 [F2005L03939]*.

Fuel Quality Standards Act—Fuel Quality Information Standard (Ethanol) Amendment Determination 2005 (No. 1) [F2006L00179]*.

Goods and Services Tax Rulings—

GSTR 2005/6.

Notice of Withdrawal—GSTR 2000/36.

Great Barrier Reef Marine Park Act—Select Legislative Instrument 2005 No. 309—Great Barrier Reef Marine Park Amendment Regulations 2005 (No. 3) [F2005L04030]*.

Health Insurance Act—

Declaration of quality assurance activity—QAA No. 3/2005 [F2005L04159]*.

Health Insurance (Allied Health and Dental Services) Amendment Determination 2005 (No. 2) [F2005L04032]*.

Health Insurance Determination HS/6/01 (Amendment) HS/06/05 [F2005L04089]*.

Health Insurance (Positron Emission Tomography) Determination HS/07/05 [F2005L04087]*.

Health Insurance Regulations—Health Insurance (Requirements for Allied Health Professionals) Determination 2005 [F2005L04046]*.

Select Legislative Instruments 2005 Nos—

311—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2005 (No. 5) [F2005L04093]*.

312—Health Insurance (General Medical Services Table) Amendment Regulations 2005 (No. 5) [F2005L04092]*.

Higher Education Funding Act—Declaration under section 4—Carnegie Mellon University [F2006L00192]*.

Higher Education Support Act—

Declaration of percentage of Commonwealth supported places to be provided by Table A providers for a course of study in medicine, dated 25 November 2005 [F2005L03930]*.

Higher Education Provider Approval (No. 15 of 2005)—Shafston Institute of Technology Pty Ltd [F2005L04241]*.

Other Grants Guidelines, dated 9 December 2005 [F2005L04164]*.

Horticultural Marketing and Research and Development Services Act—Horticultural Marketing and Research and Development Services {Regulated Horticultural Products and Markets [Stone Fruit (Peaches and Plums) to Taiwan]} Revocation Order 2005 [F2005L03851]*.

Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2005 (No. 1) [F2005L03878]*.

Income Tax Assessment Act 1936—Select Legislative Instruments 2005 Nos—

326—Income Tax Amendment Regulations 2005 (No. 8) [F2005L03989]*.

327—Income Tax Amendment Regulations 2005 (No. 9) [F2005L04027]*.

Income Tax Assessment Act 1936 and Taxation Administration Act—Shortened Document Retention Periods (Individuals with Simple Tax Affairs) Determination 2006 [F2006L00216]*.

Income Tax Assessment Act 1997—

Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2005 (No. 2) [F2005L04024]*.

Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2005 (No. 3) [F2005L04252]*.

Select Legislative Instrument 2005 No. 328—Income Tax Assessment Amendment Regulations 2005 (No. 4) [F2005L04023]*.

Jervis Bay Territory Acceptance Act—Ordinance 2005 No. 1—Supervision of Offenders (Community Service Orders) Ordinance 2005 [F2005L04119]*.

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

40.

125.

Legislative Instruments Act—Select Legislative Instrument 2005 No. 300—Legislative Instruments Amendment Regulations 2005 (No. 5) [F2005L04094]*.

Life Insurance Act—

Life Insurance (Prudential Rules) Determinations Nos—

4 of 2005—Prudential Rules No. 26 – Collection of Statistics [F2005L04165]*.

5 of 2005—Prudential Rules No. 35 – Financial Statements [F2005L04170]*.

6 of 2005—Prudential Rules No. 49 – Contract Classification for the purpose of regulatory reporting to APRA [F2005L04171]*.

7 of 2005—Prudential Rules No. 50 – Revised Starting Amounts [F2005L04172]*.

Record of resolutions of the Life Insurance Actuarial Standards Board: actuarial standards [F2005L04213]*.

Medical Indemnity (Competitive Advantage Payment) Act—Select Legislative Instrument 2005 No. 313—Medical Indemnity (Competitive Advantage Payment) Regulations 2005 [F2005L04110]*.

Medical Indemnity (Run-off Cover Support Payment) Act—Select Legislative Instrument 2005 No. 314—Medical Indemnity (Run-off Cover Support Payment) Amendment Regulations 2005 (No. 1) [F2005L04108]*.

Medical Indemnity (UMP Support Payment) Act—Select Legislative Instrument 2005 No. 315—Medical Indemnity (UMP Support Payment) Amendment Regulations 2005 (No. 1) [F2005L04109]*.

Migration Act—

Migration Agents Regulations—MARA Notices—

MN5-06b of 2006—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2006L00317]*.

MN5-06c of 2006—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2006L00318]*.

MN5-06f of 2006—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2006L00315]*.

MN5-06g of 2006—Migration Agents (Continuing Professional Development – *Pro bono* Activities) [F2006L00316]*.

Migration Regulations—

Disclosure of information to prescribed bodies (Regulation 5.34D), dated 19 January 2006 [F2006L00227]*.

Disclosure of information to prescribed international organisations (Regulation 5.34E), dated 19 January 2006 [F2006L00226]*.

Entertainment Visa: Performing at non-commercial festivals (Regulation 1205(2)(a)(ii)(B)), dated 28 November 2005 [F2005L04006]*.

Migration occupations in demand (Regulation 1.03), dated 30 November 2005 [F2005L04002]*.

Organisations that may sponsor short stay business visitors (Regulation 459.214(c)), dated 29 November 2005 [F2005L03893]*.

Payment of visa application charges and fees in foreign currencies (Regulation 5.36(1A)(a)), dated 8 December 2005 [F2005L04060]*.

Places and currencies for paying of fees (Paragraphs 5.36(1)(a) and 5.36(1)(b)), dated 8 December 2005 [F2005L04058]*.

Skilled Australian Sponsored (Migrant) Visa: Residential postcodes, “skilled occupations” and points (Regulations 1.03 and 2.26B), dated 30 November 2005 [F2005L04008]*.

States and Territories with English language training arrangements (Regulations 134.222C(2)(a), 139.226(b), 863.226(b) and 882.225(b)), dated 15 December 2005 [F2005L04085]*.

Travel agents for PRC citizens applying for tourist visas (Regulation 1218(1)(b)(iii)), dated 8 December 2005 [F2005L04123]*.

Travel agents for PRC citizens applying for tourist visas (Regulation 1218(1)(b)(iii)), dated 15 December 2005 [F2005L04155]*.

Select Legislative Instruments 2005 Nos—

317—Migration Amendment Regulations 2005 (No. 11) [F2005L03892]*.

339—Migration Amendment Regulations 2005 (No. 12) [F2005L03909]*.

Statement for period 1 July to 31 December 2005 under section 33, dated 8 October 2005.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 1/00 – Reversing Lamps) 2005 [F2005L03873]*.

Vehicle Standard (Australian Design Rule 3/02 – Seats and Seat Anchorages) 2005 [F2005L03887]*.

Vehicle Standard (Australian Design Rule 4/03 – Seatbelts) 2005 [F2005L03905]*.

Vehicle Standard (Australian Design Rule 5/04 – Anchorages for Seatbelts) 2005 [F2005L03906]*.

Vehicle Standard (Australian Design Rule 6/00 – Direction Indicators) 2005 [F2005L03907]*.

Vehicle Standard (Australian Design Rule 8/01 – Safety Glazing Material) 2005 [F2005L03908]*.

Vehicle Standard (Australian Design Rule 13/00 – Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles) 2005 [F2005L03991]*.

Vehicle Standard (Australian Design Rule 19/02 – Installation of Lighting and Light Signalling Devices on L-Group Vehicles) 2005 [F2005L04012]*.

Vehicle Standard (Australian Design Rule 31/01 – Brake Systems for Passenger Cars) 2005 [F2005L03852]*.

- Vehicle Standard (Australian Design Rule 34/01 – Child Restraint Anchorages and Child Restraint Anchor Fittings) 2005 [F2005L03997]*.
- Vehicle Standard (Australian Design Rule 35/01 – Commercial Vehicle Brake Systems) 2005 [F2005L04015]*.
- Vehicle Standard (Australian Design Rule 38/02 – Trailer Brake Systems) 2005 [F2005L04016]*.
- Vehicle Standard (Australian Design Rule 42/04 – General Safety Requirements) 2005 [F2005L03996]*.
- Vehicle Standard (Australian Design Rule 61/02 – Vehicle Marking) 2005 [F2005L03994]*.
- Vehicle Standard (Australian Design Rule 72/00 – Dynamic Side Impact Occupant Protection) 2005 [F2005L03992]*.
- Vehicle Standard (Australian Design Rule 73/00 – Offset Frontal Impact Occupant Protection) 2005 [F2005L03990]*.
- Vehicle Standard (Australian Design Rule 79/00 – Emission Control for Light Vehicles) 2005 [F2005L04079]*.
- Vehicle Standard (Australian Design Rule 79/01 – Emission Control for Light Vehicles) 2005 [F2005L04080]*.
- Vehicle Standard (Australian Design Rule 79/02 – Emission Control for Light Vehicles) 2005 [F2005L04081]*.
- Vehicle Standard (Australian Design Rule 81/01 – Fuel Consumption Labelling for Light Vehicles) 2005 [F2005L04084]*.
- Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 [F2005L03850]*.
- Mutual Assistance in Criminal Matters Act—Select Legislative Instrument 2005 No. 281—Mutual Assistance in Criminal Matters (Convention against Corruption) Regulations 2005 [F2006L00055]*.
- National Health Act—
 - Arrangements Nos—
 - PB 6 of 2006—Highly Specialised Drugs Program [F2006L00175]*.
 - PB 10 of 2006—Special Authority Program [F2006L00228]*.
 - Declaration No. PB 3 of 2006 [F2006L00171]*.
 - Determinations—
 - HIB 24/2005 [F2005L04083]*.
 - HIB 1/2006 [F2006L00081]*.
 - HIB 2/2006 [F2006L00178]*.
 - Nos—
 - PB 1 of 2006 [F2005L04167]*.
 - PB 2 of 2006 [F2005L04049]*.
 - PB 4 of 2006 [F2006L00173]*.
 - PB 5 of 2006 [F2006L00174]*.
 - PB 7 of 2006 [F2006L00176]*.
 - PB 8 of 2006 [F2006L00088]*.
 - PSO 11/2005 [F2005L04247]*.
 - PSO 12/2005 [F2005L04249]*.
- Determinations under section—
 - 84BA, dated 16 December 2005 [F2005L04208]*.
 - 84HA, dated 22 December 2005 [F2005L04251]*.

National Health (Immunisation Program – Designated Vaccines) Determination 2005 [F2005L04267]*.

National Health (Pharmaceutical Benefits — early supply) Instrument 2005 [F2005L04243]*.

Select Legislative Instrument 2005 No. 316—National Health Amendment Regulations 2005 (No. 2) [F2005L04090]*.

Native Title Act—Select Legislative Instrument 2005 No. 288—Native Title (Representative Bodies – Audit of Financial Statements) Regulations 2005 [F2005L03872]*.

Petroleum Resource Rent Tax Assessment Act—Select Legislative Instrument 2005 No. 329—Petroleum Resource Rent Tax Assessment Regulations 2005 [F2005L03882]*.

Petroleum (Submerged Lands) Act—Select Legislative Instrument 2005 No. 318—Petroleum (Submerged Lands) (Management of Environment) Amendment Regulations 2005 (No. 1) [F2005L03952]*.

Privacy Act—Select Legislative Instrument 2005 No. 301—Privacy (Private Sector) Amendment Regulations 2005 (No. 1) [F2005L04091]*.

Product Grants and Benefits Ruling—Addendum—PGBR 2005/2.

Product Rulings—

Addenda—

PR 2003/37.

PR 2004/9, PR 2004/11-PR 2004/13, PR 2004/18, PR 2004/19, PR 2004/22, PR 2004/29, PR 2004/43, PR 2004/51, PR 2004/58, PR 2004/77, PR 2004/89, PR 2004/90, PR 2004/100 and PR 2004/101.

PR 2005/12, PR 2005/15, PR 2005/16, PR 2005/33, PR 2005/34, PR 2005/38, PR 2005/39 and PR 2005/42.

Notices of Withdrawal—PR 2005/101, PR 2005/105 and PR 2005/106.

PR 2005/114-PR 2005/119.

Quarantine Act—Quarantine Amendment Proclamation 2005 (No. 4) [F2005L04021]*.

Radiocommunications Act—

Radiocommunications (Certificates—27 GHz Band) Determination (Revocation) 2005 [F2005L04054]*.

Radiocommunications (Foreign Space Objects) Amendment Determination 2005 (No. 1) [F2005L04041]*.

Radiocommunications Licence Conditions (Scientific Licence) Amendment Determination 2005 (No. 2) [F2006L00083]*.

Remuneration and Allowances Act—Select Legislative Instrument 2005 No. 308—Remuneration and Allowances Regulations 2005 [F2005L04096]*.

Remuneration Tribunal Act—Determinations—

2005/18: Remuneration and Allowances for Holders of Public Office and Members of Parliament [F2005L04038]*.

2005/19: Principal Executive Office – Classification Structure and Terms and Conditions [F2005L04037]*.

2005/20: Remuneration and Allowances for Holders of Public Office [F2006L00217]*.

- Renewable Energy (Electricity) Act—Select Legislative Instrument 2005 No. 310—Renewable Energy (Electricity) Amendment Regulations 2005 (No. 5) [F2005L04003]*.
- Retirement Savings Accounts Act—Select Legislative Instruments 2005 Nos—
- 330—Retirement Savings Accounts Amendment Regulations 2005 (No. 4) [F2005L04048]*.
 - 331—Retirement Savings Accounts Amendment Regulations 2005 (No. 5) [F2005L04026]*.
- Safety, Rehabilitation and Compensation Act—
- Safety, Rehabilitation and Compensation (Definition of ACT Employee) Notice 2005 (1) [F2005L04156]*.
 - Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2005 (No. 3) [F2005L04010]*.
 - Safety, Rehabilitation and Compensation (Licence Eligibility) Notice 2005 (No. 1) [F2006L00084]*.
 - Safety, Rehabilitation and Compensation (Licence Eligibility) Notice 2005 (No. 2) [F2006L00097]*.
 - Safety, Rehabilitation and Compensation (Rate of Interest Payable) Notice 2005 (1) [F2005L04063]*.
 - Safety, Rehabilitation and Compensation (Specified Rate per Kilometre) Notice 2005 (1) [F2005L04064]*.
- Seafarers Rehabilitation and Compensation Act—Seafarers Rehabilitation and Compensation (Specified Rate per Kilometre) Notice 2005 (1) [F2005L04065]*.
- Social Security Act—Social Security Foreign Currency Exchange Rate Determination 2006 (No. 1) [F2006L00225]*.
- Social Security (Administration) Act—Explanatory statement to Social Security (Public Interest Certificate Guidelines) Determination 2005 (DEWR) [F2005L03511] (*in substitution for explanatory statement tabled with instrument on 28 November 2005*).
- Superannuation Act 1976*—Superannuation (Family Law – Superannuation Act 1976) Amendment Orders 2005 (No. 2) [F2005L03986]*.
- Superannuation Act 2005*—Superannuation (PSSAP) Approved Authority Exclusion Declaration 2005 [F2005L04211]*.
- Superannuation Contributions Determinations—Notices of Withdrawal—SCD 2005/1-SCD 2005/5.
- Superannuation Guarantee Determination—Notice of Withdrawal—SGD 93/5.
- Superannuation Industry (Supervision) Act—Select Legislative Instruments 2005 Nos—
- 332—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 6) [F2005L03987]*.
 - 333—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 7) [F2005L04028]*.
 - 334—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 8) [F2005L04025]*.
 - 335—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 9) [F2005L04047]*.

Superannuation (Resolution of Complaints) Act—Select Legislative Instruments
2005 Nos—

336—Superannuation (Resolution of Complaints) Amendment Regulations
2005 (No. 1) [F2005L03988]*.

337—Superannuation (Resolution of Complaints) Amendment Regulations
2005 (No. 2) [F2005L03891]*.

Taxation Determinations—

Addenda—

TD 2000/7 and TD 2000/52.

TD 2002/3 and TD 2002/17.

TD 2003/12.

TD 2004/13.

Notices of Withdrawal—

TD 92/170.

TD 98/28.

TD 2005/52-TD 2005/54.

TD 2006/1.

Taxation Rulings—

Addenda—TR 2000/8 and TR 2000/18.

TR 2005/D17 and TR 2005/20-TR 2005/24.

TR 2005/List.

Telecommunications Act—

Telecommunications Cabling Provider Amendment Rules 2005 (No. 1)
[F2005L04052]*.

Telecommunications (Operational Separation – Designated Services)
Determination (No. 1) 2005 [F2005L04245]*.

Telecommunications (Requirements for Operational Separation Plan)
Determination (No. 1) 2005 [F2005L04248]*.

Telecommunications Technical Standard (Analogue Interworking and
non-interference requirements for Customer Equipment for connection to the
Public Switched Telephone Network – AS/ACIF S002:2005) 2005
[F2006L00085]*.

Telecommunications Technical Standard (Information Technology Equipment
– Safety, Part 1: General requirements – AS/NZS 60950.1:2003) 2005
[F2005L04044]*.

Telecommunications Technical Standard (Requirements for connection to an
air interface of a Telecommunications Network – Part 3: GSM Customer
Equipment – AS/ACIF S042.3:2005) 2005 [F2006L00086]*.

Telecommunications Technical Standard (Requirements for DSL Customer
Equipment for connection to the Public Switched Telephone Network –
AS/ACIF S041:2005) 2005 [F2006L00087]*.

Telecommunications Technical Standard (Safety of Information Technology
Equipment – AS/NZS 60950:2000 (Incorporating Amendment No. 1)) 2005
[F2005L04042]*.

Telecommunications (Consumer Protection and Service Standards) Act—Telstra
Carrier Charges – Price Control Arrangements, Notification and Disallowance
Determination No. 1 of 2005 [F2005L04228]*.

Telecommunications (Interception) Act—

Select Legislative Instrument 2005 No. 302—Telecommunications (Interception) Amendment Regulations 2005 (No. 1) [F2005L04097]*.

Telecommunications (Interception) (Emergency Service Facility – Australian Capital Territory) Instrument 2005 [F2005L04122]*.

Telecommunications (Interception) (Emergency Service Facility – New South Wales) Instrument 2005 [F2005L04111]*.

Telecommunications (Interception) (Emergency Service Facility – Northern Territory) Instrument 2005 [F2005L04121]*.

Telecommunications (Interception) (Emergency Service Facility – Queensland) Instrument 2005 [F2005L04114]*.

Telecommunications (Interception) (Emergency Service Facility – South Australia) Instrument 2005 [F2005L04116]*.

Telecommunications (Interception) (Emergency Service Facility – Tasmania) Instrument 2005 [F2005L04118]*.

Telecommunications (Interception) (Emergency Service Facility – Victoria) Instrument 2005 [F2005L04112]*.

Telecommunications (Interception) (Emergency Service Facility – Western Australia) Instrument 2005 [F2005L04115]*.

Telecommunications (Numbering Charges) Act—Telecommunications (Date of Imposition of Charge) Determination 2006 [F2006L00219]*.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Small Business Program Determination 2005 [F2005L04234]*.

Therapeutic Goods Act—Therapeutic Goods Order No. 74—Standards for blood components [F2006L00146]*.

Torres Strait Fisheries Act—

Select Legislative Instrument 2005 No. 295—Torres Strait Fisheries Amendment Regulations 2005 (No. 1) [F2005L04104]*.

Torres Strait Finfish Fishery—Torres Strait Fisheries Management Notice No. 75—Prohibitions relating to the taking, processing and carrying of finfish (gear, size and area restrictions and take and carry limit) [F2005L03945]*.

Torres Strait Spanish Mackerel Fishery—Torres Strait Fisheries Management Notice No. 74—Prohibitions relating to the taking, processing and carrying of Spanish mackerel (gear and size restrictions and take and carry limit) [F2005L03933]*.

Torres Strait Trochus Fishery—Torres Strait Fisheries Management Notice No. 76—Prohibitions relating to the taking, processing and carrying of trochus (gear and size restrictions) [F2005L03985]*.

Veterans' Entitlements Act—

Determinations of Non-warlike Service—

Operation Azure, dated 8 December 2005 [F2005L04106]*.

Operation Spire, dated 8 December 2005 [F2005L04103]*.

Determination of Warlike Service—Operation Palate II, dated 8 December 2005 [F2005L04107]*.

Determination under section 46L, dated 19 January 2005 [F2005L03993]*.

Instructions under sections—

25A, dated 17 January 2006 [F2006L00229]*.

30C, dated 17 January 2006 [F2006L00230]*.

74, dated 17 January 2006 [F2006L00232]*.

Instrument No. 2005/R27—Veterans' Entitlements (Repatriation Private Patient Principles 2004 – New Member for NATMOC) Instrument 2005 [F2005L04158]*.

Statements of Principles concerning—

Dermatomyositis No. 51 of 2005 [F2005L04142]*.

Dermatomyositis No. 52 of 2005 [F2005L04143]*.

Epilepsy No. 49 of 2005 [F2005L04140]*.

Epilepsy No. 50 of 2005 [F2005L04141]*.

Epileptic seizure No. 47 of 2005 [F2005L04138]*.

Epileptic seizure No. 48 of 2005 [F2005L04139]*.

Guillain-Barre syndrome No. 53 of 2005 [F2005L04144]*.

Guillain-Barre syndrome No. 54 of 2005 [F2005L04145]*.

Malignant neoplasm of the pancreas No. 45 of 2005 [F2005L04132]*.

Malignant neoplasm of the pancreas No. 46 of 2005 [F2005L04133]*.

Narcolepsy No. 57 of 2005 [F2005L04148]*.

Narcolepsy No. 58 of 2005 [F2005L04149]*.

Peripheral neuropathy No. 41 of 2005 [F2005L04128]*.

Peripheral neuropathy No. 42 of 2005 [F2005L04129]*.

Steatohepatitis No. 55 of 2005 [F2005L04146]*.

Steatohepatitis No. 56 of 2005 [F2005L04147]*.

Sudden unexpected death No. 43 of 2005 [F2005L04130]*.

Sudden unexpected death No. 44 of 2005 [F2005L04131]*.

Water Efficiency Labelling and Standards Act—Water Efficiency Labelling and Standards Amendment Declaration 2005 (No. 1) [F2005L04055]*.

Governor-General's Proclamations—Commencement of Provisions of Acts—

Copyright Amendment (Film Directors' Rights) Act 2005—Schedule 1—19 December 2005 [F2005L04088].*

Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Act 2005—Items 1, 2 and 9 of Schedule 2—17 December 2005 [F2005L04095].*

Murray-Darling Basin Amendment Act 2003—Schedule 1—21 December 2005 [F2005L04082].*

National Health Amendment (Immunisation Program) Act 2005—Parts 1 and 2 of Schedule 1—1 January 2006 [F2005L04086].*

Telecommunications Legislation Amendment (Competition and Consumer Issues) Act 2005—Schedule 11—1 January 2006 [F2005L04117].*

* Explanatory statement tabled with legislative instrument.

39 COMMITTEES—CHANGES IN MEMBERSHIP

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

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

Community Affairs Legislation Committee—

Appointed—Participating member: Senator Patterson

Employment, Workplace Relations and Education Legislation Committee—

Appointed—Participating member: Senator Patterson

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

Discharged—Senator Santoro

Appointed—Senator Patterson

Legal and Constitutional Legislation Committee—

Appointed—Participating member: Senator Patterson.

Question put and passed.

40 GOVERNOR-GENERAL'S AND ADMINISTRATOR'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

12 December 2005—Message No. 47—

Migration and Ombudsman Legislation Amendment Act 2005 (Act No. 141, 2005)

Defence Legislation Amendment Act (No. 2) 2005 (Act No. 142, 2005).

14 December 2005—Message—

No. 48—

Higher Education Legislation Amendment (2005 Measures No. 3) Act 2005 (Act No. 143, 2005).

No. 49—

Anti-Terrorism Act (No. 2) 2005 (Act No. 144, 2005)

Commonwealth Radioactive Waste Management Act 2005 (Act No. 145, 2005)

Commonwealth Radioactive Waste Management (Related Amendments) Act 2005 (Act No. 146, 2005)

Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Act 2005 (Act No. 147, 2005)

Tax Laws Amendment (Superannuation Contributions Splitting) Act 2005 (Act No. 148, 2005).

No. 50—

Indigenous Education (Targeted Assistance) Amendment Act 2005 (Act No. 149, 2005)

Family and Community Services Legislation Amendment (Welfare to Work) Act 2005 (Act No. 150, 2005)

National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Act 2005 (Act No. 151, 2005)

Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Act 2005 (Act No. 152, 2005).

No. 51—

Workplace Relations Amendment (Work Choices) Act 2005 (Act No. 153, 2005)

Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2005 (Act No. 154, 2005).

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

19 December 2005—Message—

No. 52—

Health Legislation Amendment Act 2005 (Act No. 155, 2005)

Higher Education Legislation Amendment (2005 Budget Measures) Act 2005 (Act No. 156, 2005)

Education Services for Overseas Students Amendment Act 2005 (Act No. 157, 2005)

Higher Education Legislation Amendment (2005 Measures No. 4) Act 2005 (Act No. 158, 2005)

Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Act 2005 (Act No. 159, 2005).

No. 53—

Tax Laws Amendment (2005 Measures No. 4) Act 2005 (Act No. 160, 2005)

Tax Laws Amendment (Improvements to Self Assessment) Act (No. 2) 2005 (Act No. 161, 2005)

Tax Laws Amendment (2005 Measures No. 5) Act 2005 (Act No. 162, 2005)

Health Insurance Amendment (Medicare Safety-nets) Act 2005 (Act No. 163, 2005)

European Bank for Reconstruction and Development Amendment Act 2005 (Act No. 164, 2005).

41 MIGRATION AMENDMENT REGULATIONS—PROPOSED DISALLOWANCES

Senator Bartlett, pursuant to notice, moved business of the Senate notice of motion no. 1—That Schedule 7 of the Migration Amendment Regulations 2005 (No. 8), as contained in Select Legislative Instrument 2005 No. 221 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put and negatived.

Senator Ludwig, pursuant to notice, moved business of the Senate notice of motion no. 2—That item 2 [Division 1.4E—Sponsorship: trade skills training (incorporating Subdivisions 1.4E.1 to 1.4E.4)] of Schedule 7 of the Migration Amendment Regulations 2005 (No. 9), as contained in Select Legislative Instrument 2005 No. 240 and made under the *Migration Act 1958*, be disallowed.

Debate ensued.

Question put and negatived.

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

Order of the day read for the adjourned debate on the motion of the Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall)—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 20 June 2006:

The role and performance of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in the light of current Government policy, and the organisation's attempts at refocusing its research endeavours, taking into account the following:

- (a) the evolving role of the CSIRO as a public research institution, and the ability of the CSIRO to initiate and manage change;
- (b) the challenge of commercialisation, enhancement of the CSIRO 'brand', and the dilemma of choosing a national or global approach to research development;

- (c) intellectual property concerns, including the rewarding of researchers;
- (d) managing competition in the research sector, including competition between public research bodies, between the CSIRO and the private research sector, and the obligation of the CSIRO to cover the research spectrum; and
- (e) management culture within the CSIRO, including its corporate profile, communication performance and community engagement, and its capacity to instil a modern research culture and to recruit and retain research personnel.

Debate resumed.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

43 ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time—and on the amendment moved by Senator O'Brien (see entry no. 4).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Main 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.

Explanatory memorandum: The Minister for the Environment and Heritage (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

Senator Milne moved the following amendments together by leave:

Clause 3, page 2 (lines 4 to 17), omit the clause, substitute:

3 Object

- (1) The objects of this Act are to:
 - (a) facilitate the establishment of a national energy efficiency target; and
 - (b) promote the identification and implementation of measures to reduce energy consumption through energy efficiency.
- (2) In order to achieve its objects, this Act:
 - (a) requires the Minister to establish a taskforce of experts to report on the implementation of a national energy efficiency target; and
 - (b) requires corporations to undertake an assessment of their energy efficiency opportunities to a minimum standard in order to improve the way in which those opportunities are identified and evaluated; and
 - (c) requires corporations to publicly report on the outcomes of that assessment in order to demonstrate to the community that those businesses are effectively managing their energy; and

- (d) requires corporations to implement identified energy efficiency measures contained in their energy assessment; and
- (e) establishes an Energy Savings Fund.

Page 15 (after line 24), after Part 6, insert:

Part 6A—Implementation of identified energy efficiency measures

20A Requirement to implement identified energy efficiency measures

- (1) A registered corporation required to lodge an assessment plan in accordance with Part 5 must identify as part of the plan a program of energy saving capital improvements (the *energy audit*) which have a payback period specified in subsection (5).
- (2) A portion of the saving identified in the energy audit required by subsection (1) must be made within three years from the commencement of this Act.
- (3) The regulations shall include provision for a registered corporation to delay the implementation of an energy audit lodged under subsection (1) if the registered corporation provides satisfactory evidence of an intention to implement the energy audit.
- (4) A registered corporation must provide an annual summary of the implementation of the energy audit of the previous year and a summary of the proposed implementation of the energy audit for the following year for the register to be maintained by the Secretary in accordance with section 12.
- (5) The regulations must set a sliding scale to progressively lower the duration of the energy payback period from not more than two years in the financial years 2006-2007 and 2007-2008 to not more than four years by the financial years 2010-2011 and 2011-2012.

Page 29 (after line 28), at the end of Part 8, add:

Division 7—Energy Efficiency Target Taskforce

38A Establishment of Energy Efficiency Target Taskforce

The Minister must before the expiration of 3 months after the commencement of this Act establish an Energy Efficiency Target Taskforce to inquire into and report on the establishment of a national energy efficiency target.

38B Membership

The Minister will appoint 4 members to the Energy Efficiency Target Taskforce with the following expertise:

- (a) one member representing industry;
- (b) one member representing conservation interests;
- (c) one member representing the Commonwealth who shall convene and chair the taskforce;
- (d) one member with expertise and qualifications in energy conservation.

38C Report of the Energy Efficiency Target Taskforce

- (1) The Taskforce is to report to the Minister within 18 months of the commencement of this Act.

- (2) The Minister must cause a copy of the report of the Taskforce to be tabled in each House of Parliament within 5 sitting days of receiving it.

Page 29 (after line 28), after Part 8, insert:

Part 8A—Energy Savings Fund

38D Establishment of Energy Savings Fund

The Energy Savings Fund is established by this section.

38E Purposes of Energy Savings Fund

- (1) The purposes of the Energy Savings Fund (the *Fund*) are to provide funding:
 - (a) to encourage energy savings; and
 - (b) to address peak demand for energy; and
 - (c) to stimulate investment in innovative energy savings measures; and
 - (d) to increase public awareness and acceptance of the importance of energy savings measures; and
 - (e) to encourage cost effective energy savings measures that reduce greenhouse gas emissions arising from the use of energy; and
 - (f) to provide funding for contributions made by the Commonwealth for the purposes of national energy regulation.
- (2) It is not a purpose of the Fund to provide funding for investment in low emission power generation, or any other kind of power generation, where the primary purpose of the generation is to generate energy for sale into the power grid.

38F Payments into Energy Savings Fund

There is payable into the Fund:

- (a) all money received from contributions required to be made to the Fund under section 38H; and
- (b) all money appropriated by Parliament for the purposes of the Fund; and
- (c) the proceeds of the investment of money in the Fund.

38G Payments out of Energy Savings Fund

- (1) There is payable from the Energy Savings Fund any money:
 - (a) approved by the Minister to fund all or any part of the cost of any energy savings measure that the Minister is satisfied promotes a purpose referred to in subsection 38E(1); and
 - (b) approved by the Minister to fund all or any part of the contributions that the Commonwealth is required to make for the purposes of national energy regulation; and
 - (c) required to meet administrative expenses related to the Fund; and
 - (d) required to meet administrative expenses of the Minister in connection with the Minister's functions under this Act.
- (2) In exercising the Minister's functions under paragraph (1)(a) (but without limiting the generality of that paragraph), the Minister may:
 - (a) approve selection criteria from time to time to be applied to determine the kinds of energy savings measures that will be eligible for funding from the Fund; and

- (b) require a person or body seeking funding for an energy savings measure to do either or both of the following as a precondition to applying for or obtaining funding:
 - (i) to submit an energy savings action plan that includes details about the measure;
 - (ii) to provide any other information requested by the Minister about the measure; and
- (c) obtain and have regard to any advice, recommendations or other information provided to the Minister by a committee appointed by the Minister, or by any other person or body that the Minister considers relevant.

38H Minister may require registered corporations to make contributions

- (1) The Minister may by regulation require registered corporations to make an annual contribution for a specified financial year to the Fund.
- (2) A regulation made for the purposes of subsection (1):
 - (a) must specify the annual contributions payable by each registered corporation to which it applies (being an amount that does not exceed the maximum amount, if any, prescribed by the regulations); and
 - (b) may specify that an annual contribution may be paid by instalments during the financial year to which the regulation applies; and
 - (c) must specify the time or, in the case of an annual contribution that is payable by instalments, the times at which any contribution required under the regulation is to be made; and
 - (d) may be made before or within the first 3 months of the financial year to which it relates.

Debate ensued.

At 6.50 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Troeth) reported progress.

44 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entries nos 2 and 25*) were considered:

Treaty—*Multilateral*—Text, together with national interest analysis and annexures—Amendments, done at Nairobi, Kenya on 25 November 2005, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Prohibition of Human Cloning Act 2002 and Research Involving Human Embryos Act 2002—Legislation Review Committee—Report on the review of the Acts, December 2005. Motion to take note of document moved by Senator Bartlett and debated. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Natural Heritage Trust—Report for 2004-05. Motion to take note of document moved by Senator Milne. Debate adjourned till Thursday at general business, Senator Milne in continuation.

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2004-05. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

National Native Title Tribunal—Report for 2004-05. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

National Rural Advisory Council—Report for 2001-02, including a report on the Rural Adjustment Scheme. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

National Rural Advisory Council—Report for 2002-03. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Private Health Insurance Administration Council—Report for 2004-05. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

45 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.31 pm till Wednesday, 8 February 2006 at 9.30 am.

46 ATTENDANCE

Present, all senators.

HARRY EVANS
Clerk of the Senate