

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**1 MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 PETITION**

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

From 14 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

**3 NOTICES**

*Notices of motion:*

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

- (a) notes that the Tasmanian Labor Government and Forestry Tasmania, in allowing major control of plantation softwood to be held by one operator, have been negligent in failing to ensure ongoing contracts for pine resources to pine processors in north east Tasmania; and
- (b) calls on the Lennon Labor Government to use its influence to encourage Rayonier Tasmania to negotiate reasonable commercial contracts for future supply of pine resources with Auspine Limited without delay, in order to assist in the future planning of the company and to foster continued employment stability in north east Tasmania. (*general business notice of motion no. 392*)

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

- (a) notes the United Nations report condemning the operation of the military detention camp in Guantanamo Bay;
- (b) supports calls by the British Prime Minister, Mr Blair, to close the military detention camp in Guantanamo Bay;
- (c) notes the decision by the Government of the United States of America to release 119 detainees from the facility to their countries of citizenship; and
- (d) calls on the Australian Government to facilitate the return of Australian citizen, Mr David Hicks, now held at the facility for more than 4 years. (*general business notice of motion no. 393*)

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for 9 sitting days after today for the disallowance of 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*.

Business of the Senate notice of motion no. 1 for 11 sitting days after today for the disallowance of Instrument No. CASA 383/05, made under regulation 179A of the Civil Aviation Regulations 1988.

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

#### 4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 8 Australian Sports Anti-Doping Authority Bill 2005

Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005.

No. 9 Jurisdiction of Courts (Family Law) Bill 2005 [2006].

Question put and passed.

Senator Kemp moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 387 standing in the name of Senator O'Brien relating to government accountability; and
- (b) consideration of government documents.

Question put and passed.

#### 5 ROUTINE OF BUSINESS—VARIATION

The Minister for the Arts and Sport (Senator Kemp), by leave, moved—That at noon today, Senator Hill may make a valedictory statement for not longer than 20 minutes.

Question put and passed.

#### 6 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 4 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 27 March 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault of children in Australia, postponed till 27 March 2006.

Senator Bartlett, by leave and at the request of Senator Stott Despoja, moved—That general business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Discrimination against Women, be postponed till 27 March 2006.

Question put and passed.

#### 7 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for the Arts and Sport (Senator Kemp), at the request of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That on Monday, 27 March 2006:

- (a) the hours of meeting shall be 2.30 pm to 6.30 pm and 7.30 pm to 10.30 pm; and
- (b) the routine of business shall be:
  - (i) question time, and
  - (ii) the items specified in standing order 57(1)(a)(iii) to (xi).

*Statements by leave:* Senator Kemp, the Leader of the Australian Greens (Senator Bob Brown), Senator Bartlett and the Leader of the Opposition in the Senate (Senator Evans), by leave, made statements relating to the motion.

Question put and passed.

#### 8 SCIENCE AND TECHNOLOGY—SCIENCE MEETS PARLIAMENT

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 391—That the Senate—

(a) notes:

- (i) that this week is the annual ‘Science Meets Parliament’ event,
- (ii) the critical role of science in the protection of the environment and the development of new technologies and industries,
- (iii) the recent appointment to the board of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) of people with ties to the fossil fuel industry, and
- (iv) the increasing level of political interference in scientific publications and commentary; and

(b) calls on the Government to develop procedures for merit-based selection of independent CSIRO board members and to improve the public visibility of the activities of that board.

Question put.

The Senate divided—

#### AYES, 8

Senators—

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

#### NOES, 49

Senators—

Adams	Ferris (Teller)	Macdonald, Ian	Scullion
Boswell	Fielding	Marshall	Sherry
Brandis	Fierravanti-Wells	McEwen	Stephens
Brown, Carol	Fifield	McGauran	Sterle
Calvert	Forshaw	McLucas	Troeth
Campbell, George	Hogg	Moore	Trood
Carr	Humphries	Nash	Watson
Chapman	Hurley	Parry	Webber
Colbeck	Hutchins	Patterson	Wong
Conroy	Johnston	Payne	Wortley
Crossin	Kemp	Polley	
Evans	Kirk	Ray	
Ferguson	Ludwig	Ronaldson	

Question negated.

**9 DEFENCE—IRAQ—AUSTRALIAN TROOPS**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 389—That the Senate—

- (a) notes that:
- (i) 20 March 2006 is the third anniversary of the invasion of Iraq by coalition forces,
  - (ii) the suffering of the Iraqi people continues and there is no end in sight, and
  - (iii) global opinion is that the Iraq war is a mistake; and
- (b) calls on the Government to withdraw Australian troops from Iraq immediately and implement a comprehensive aid program instead.

Question put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 46**

Senators—

Adams	Ferris (Teller)	Ludwig	Scullion
Boswell	Fielding	Marshall	Sherry
Brandis	Fierravanti-Wells	McEwen	Stephens
Brown, Carol	Fifield	McGauran	Sterle
Calvert	Forshaw	McLucas	Troeth
Campbell, George	Hogg	Moore	Trood
Carr	Humphries	Nash	Watson
Colbeck	Hurley	Parry	Webber
Conroy	Hutchins	Payne	Wong
Crossin	Johnston	Polley	Wortley
Evans	Kemp	Ray	
Ferguson	Kirk	Ronaldson	

Question negatived.

**10 IMMIGRATION—MS CORNELIA RAU—COMPENSATION**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 390—That the Senate—

- (a) notes that:
- (i) Ms Cornelia Rau was discovered detained in Baxter Detention Centre on 3 February 2005, almost 13 months ago, with an untreated mental illness,
  - (ii) Ms Rau has not been compensated for her 10 months of detention, and
  - (iii) Ms Rau is currently receiving sickness benefits; and
- (b) calls on the Government to ensure that Ms Rau is properly compensated for her ordeal as a matter of urgency.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 46

Senators—

Adams	Ferris (Teller)	Marshall	Scullion
Boswell	Fierravanti-Wells	McEwen	Sherry
Brandis	Fifield	McGauran	Stephens
Brown, Carol	Forshaw	McLucas	Sterle
Calvert	Hogg	Moore	Troeth
Campbell, George	Humphries	Nash	Trood
Carr	Hurley	O'Brien	Watson
Colbeck	Hutchins	Parry	Webber
Conroy	Johnston	Payne	Wong
Crossin	Kemp	Polley	Wortley
Evans	Kirk	Ray	
Ferguson	Ludwig	Ronaldson	

Question negatived (*but see entry no. 13*).

#### 11 HEALTH—MEDICAL STUDENTS

The Leader of The Nationals in the Senate (Senator Boswell), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 388—That the Senate—

- (a) congratulates the Howard/Vaile Government on measures to increase the number of doctors in Australia by lifting the cap on full fee paying places for medicine from 10 per cent to 25 per cent; and
- (b) notes that all Labor premiers at the Council of Australian Governments' meeting embraced this initiative that will effectively offer up to an additional 400 students the opportunity to study medicine each year.

Question put.

The Senate divided—

AYES, 31

Senators—

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

## NOES, 32

Senators—

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

Question negatived (*but see entry no. 14*).

## 12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT

The Chair of the Community Affairs References Committee (Senator Moore) amended general business notice of motion no. 386 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the reports of the Community Affairs References Committee be extended as follows:

- (a) workplace exposure to toxic dust—to 31 May 2006; and
- (b) petrol sniffing in remote Aboriginal communities—to 20 June 2006.

Question put and passed.

## 13 IMMIGRATION—MS CORNELIA RAU—COMPENSATION

Senator George Campbell asked that the question on general business notice of motion no. 390 be put again (*see entry no. 10*).

Leave was granted for the question to be put again.

Question—That the motion be agreed to—put.

The Senate divided—

## AYES, 32

Senators—

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

## NOES, 34

Senators—

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

Question negatived.



**14 HEALTH—MEDICAL STUDENTS**

The Leader of The Nationals in the Senate (Senator Boswell) asked that the question on general business notice of motion no. 388 be put again (*see entry no. 11*).

Leave was granted for the question to be put again.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

**15 PUBLICATIONS—STANDING COMMITTEE—10TH REPORT**

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

PUBLICATIONS COMMITTEE

10TH REPORT

The Publications Committee, having considered documents presented to the Senate since 16 February 2006, recommends that the following be printed:

Commonwealth Grants Commission—State revenue sharing relativities—2006 update.

Indigenous Land Corporation—Report for 2004-05.

*Native Title Act 1993*—Native title representative bodies—Reports for 2004-05—

Cape York Land Council Aboriginal Corporation.

Ngaanyatjarra Council (Aboriginal Corporation).

Pooled Development Funds Registration Board—Report for 2004-05.

Wreck Bay Aboriginal Community Council—Report for 2004-05.

Senator John Watson

Chairman

2 March 2006.

Senator Watson moved—That the report be adopted.

Question put and passed.

**16 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, May to December 2005.

**17 ADDRESS BY PRIME MINISTER OF THE UNITED KINGDOM**

A message from the House of Representatives was reported informing the Senate of a resolution of that House:

Message no. 293, dated 1 March 2006, inviting senators to attend a meeting of the House for an address by the Right Honourable Tony Blair, MP, Prime Minister of the United Kingdom.

**18 STATUTE LAW REVISION BILL (NO. 2) 2005 [2006]  
FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005 [2006]**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 294, dated 1 March 2006—Statute Law Revision Bill (No. 2) 2005 [2006].

Message no. 295, dated 1 March 2006—Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005 [2006].

**19 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL 2006**

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

Message no. 296, dated 1 March 2006—A Bill for an Act relating to the grant of financial assistance to the States for primary and secondary education, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Coonan moved—That this bill be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

**20 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
PROPOSED REFERENCE**

Senator O'Brien, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 16 October 2006:

The adequacy of Australia's aviation safety regime, with particular reference to the performance by the Civil Aviation Safety Authority of its functions under the *Civil Aviation Act 1988*.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 33

Senators—

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

Question negatived.

*Statements by leave:* Senators Ian Macdonald, O'Brien and Bartlett, by leave, made statements relating to the motion.

**21 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Hurley, pursuant to notice, moved business of the Senate notice of motion no. 2—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report:

- (a) all actions carried out by the Government for assisting refugee and special humanitarian visa holders in their country of departure and managing the transition of refugees and humanitarian entrants from their country of departure to their settlement in Australia;
- (b) the processes used by the Department of Immigration and Multicultural Affairs to handle the migration of the family of Mr Richard Niyonsaba to Australia and the circumstances surrounding his death after arrival in Australia; and
- (c) recommendations for improvement in the processes for assisting refugees and humanitarian entrants in order to protect the health, safety and welfare of all future new arrivals to Australia.

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

**22 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator McLucas, pursuant to notice, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 17 August 2006:

An examination of the funding and operation of the Commonwealth-State/Territory Disability Agreement (CSTDA), including:

- (a) an examination of the intent and effect of the three CSTDAs to date;
- (b) the appropriateness or otherwise of current Commonwealth/state/territory joint funding arrangements, including an analysis of levels of unmet needs and, in particular, the unmet need for accommodation services and support;
- (c) an examination of the ageing/disability interface with respect to health, aged care and other services, including the problems of jurisdictional overlap and inefficiency; and
- (d) an examination of alternative funding, jurisdiction and administrative arrangements, including relevant examples from overseas.

Debate ensued.

*At noon:* Debate was interrupted.

**23 VALEDICTORY STATEMENT**

Pursuant to order (*see entry no. 5*), Senator Hill made his valedictory statement.

*Statement by leave:* Senator Stephens, by leave, made a statement relating to the matter.

**24 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Order read for the adjourned debate on the motion of Senator McLucas (*see entry no. 22*).

Debate resumed.

Question put.

The Senate divided—

**AYES, 33**

Senators—

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

**NOES, 34**

Senators—

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

Question negatived.

**25 ORDER OF BUSINESS—REARRANGEMENT**

The Chair of the Legal and Constitutional References Committee (Senator Crossin), by leave, moved—That business of the Senate order of the day no. 2, relating to the presentation of the final report of the Legal and Constitutional References Committee on the administration of the Migration Act, be postponed till a later hour.

Question put and passed.

**26 AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY BILL 2005  
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY (CONSEQUENTIAL AND  
TRANSITIONAL PROVISIONS) BILL 2005**

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Minister for the Arts and Sport (Senator Kemp) the bills were read a third time.

**27 JURISDICTION OF COURTS (FAMILY LAW) BILL 2005 [2006]**

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

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the bill was read a third time.

*Suspension of sitting:* On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.07 pm till 2 pm.

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*At 2 pm—*

**28 QUESTIONS**

Questions without notice were answered.

**29 MINISTERS—ANSWERS TO QUESTIONS**

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

Debate ensued.

Question put and passed.

**30 FAMILY AND COMMUNITY SERVICES—PREGNANCY COUNSELLING SERVICES—  
ANSWER TO QUESTION**

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Ageing (Senator Santoro) to a question without notice asked by Senator Stott Despoja today relating to pregnancy counselling services.

Question put and passed.

**31 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—AUSTRALIA'S ENGAGEMENT WITH THE WORLD TRADE  
ORGANISATION**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's engagement with the World Trade Organisation—Government response.

- 32 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—AUSTRALIA’S HUMAN RIGHTS DIALOGUE PROCESS**  
The Minister for Finance and Administration (Senator Minchin) tabled the following document:  
Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia’s human rights dialogue process—Government response.
- 33 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—403RD REPORT**  
The Minister for Finance and Administration (Senator Minchin) tabled the following document:  
Public Accounts and Audit—Joint Statutory Committee—403rd report—Access of Indigenous Australians to law and justice services—Government response.
- 34 AUDITOR-GENERAL—AUDIT REPORTS NOS 32 AND 33 OF 2005-06—DOCUMENTS**  
The Deputy President (Senator Hogg) tabled the following documents:  
Auditor-General—Audit reports for 2005-06—  
No. 32—Performance audit—Management of the tender process for the detention services contract: Department of Immigration and Multicultural Affairs.  
No. 33—Performance audit—Administration of petroleum and tobacco excise collections—Follow-up audit: Australian Taxation Office.  
Senator Ludwig, by leave, moved—That the Senate take note of report no. 32.  
Debate adjourned till the next day of sitting, Senator Ludwig in continuation.
- 35 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—  
ADMINISTRATION AND OPERATION OF THE MIGRATION ACT 1958**  
Pursuant to order, the Chair of the Legal and Constitutional References Committee (Senator Crossin) tabled the following report and documents:  
Legal and Constitutional References Committee—Administration and operation of the *Migration Act 1958*—Report, dated March 2006, Hansard record of proceedings [7 vols], documents presented to the committee, additional information and submissions [234].  
Report ordered to be printed on the motion of Senator Crossin.  
Senator Crossin, by leave, moved—That the Senate take note of the report.  
Debate ensued.  
Debate adjourned till the next day of sitting, Senator Bartlett in continuation.
- 36 DOCUMENTS**  
The following documents were tabled by the Clerk:  
[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]  
Australian National University Act—  
Discipline Rules 2006 [F2006L00632]\*.  
Programs and Awards Statute 2006 [F2006L00629]\*.

- Civil Aviation Act—Civil Aviation Regulations—Instruments Nos—  
 CASA 79/06—Approval – operations without an approved digital flight data recorder [F2006L00634]\*.  
 CASA EX08/06—Exemption – Qantas operations at Auckland aerodrome [F2006L00637]\*.
- Customs Act—Tariff Concession Revocation Instruments—  
 10/2006 [F2006L00638]\*.  
 11/2006 [F2006L00639]\*.  
 12/2006 [F2006L00640]\*.  
 13/2006 [F2006L00641]\*.  
 14/2006 [F2006L00642]\*.
- Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens, dated 24 February 2006—  
 [F2006L00647]\*.  
 [F2006L00649]\*.  
 [F2006L00650]\*.  
 [F2006L00651]\*.
- Higher Education Funding Act—Declaration under section 4—Australian College of Theology Council Incorporated, Australian Lutheran College, Christian Heritage College, Harvest Bible College Inc, Moore Theological College Council, Perth Bible College, Tabor College Incorporated (trading as Tabor Adelaide), Tabor College (NSW) Incorporated, and Wesley Institute [F2006L00628]\*.
- Migration Act—Migration Regulations—Instruments—  
 IMMI06/002—Tourist Visa Applications from Citizens of the People’s Republic of China [F2006L00658]\*.  
 IMMI06/013—Travel Agents for PRC Citizens applying for Tourist Visas [F2006L00646]\*.
- Telecommunications (Consumer Protection and Service Standards) Act—Telstra Carrier Charges – Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2006) [F2006L00645]\*.
- Veterans’ Entitlements Act—Statement of Principles concerning acute stress disorder No. 12 of 2006 [F2006L00627]\*.

\* Explanatory statement tabled with legislative instrument.

### 37 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

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

- Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statements of compliance—  
 Australian Institute of Family Studies [nil return].  
 Australian Trade Commission.  
 Department of Families, Community Services and Indigenous Affairs.  
 Department of Transport and Regional Services.  
 Social Security Appeals Tribunal [nil return].



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

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

Departmental and agency contracts for 2005—Letter of advice—Health and Ageing portfolio agencies.

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

Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following additional information received by the committee:

Employment, Workplace Relations and Education Legislation Committee—Budget estimates 2005-06 (Supplementary)—Additional information received between 10 February and 2 March 2006—

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

**40 COMMITTEES—APPOINTMENT OF MEMBERS**

The Acting Deputy President (Senator Murray) informed the Senate that the President had received letters nominating senators to be members of committees.

The Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald), by leave, moved—That senators be appointed to committees as follows:

**Community Affairs Legislation Committee—**

Appointed—Senator Nettle

**Parliamentary Library—Joint Standing Committee—**

Appointed—Senators Brandis, Nash and Trood.

Question put and passed.

*General business was called on.*

**41 GOVERNMENT ACCOUNTABILITY**

Senator O'Brien, pursuant to notice, moved general business notice of motion no. 387—That the Senate notes that:

- (a) over a decade in office the Howard Government has established a new low for government integrity and accountability; and
- (b) the Howard Government's record is littered with scandals involving rorts, waste and incompetence.

Debate ensued.

*At 6 pm:* Debate was interrupted.

**42 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

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

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

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

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

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

—Motion of Senator Bartlett to take note of documents debated and agreed to.

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia's role in fighting proliferation: Practical responses to new challenges. Motion of Senator Siewert to take note of document agreed to.

National Water Commission—Report for the period 17 December 2004 to 30 June 2005. Motion of Senator Siewert to take note of document debated and agreed to.

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

Employment Advocate—Report for 2004-05. Motion of Senator Siewert to take note of document debated and agreed to.

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

*General business concluded.*

#### **43 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

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

Finance and Public Administration References Committee—Reports—Matters relating to the Gallipoli Peninsula, and Government advertising and accountability—Additional information. Motion of the chair of the committee (Senator Forshaw) to take note of documents debated and agreed to.

Community Affairs References Committee—Reports—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government responses. Motion of Senator Murray to take note of document called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin's request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report debated and agreed to.

#### **44 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 22 of 2005-06—Performance audit—Cross portfolio audit of green office procurement. Motion of Senator Siewert to take note of document debated and agreed to.

Auditor-General—Audit report no. 30 of 2005-06—Performance audit—The ATO's strategies to address the cash economy: Australian Taxation Office. Motion of Senator Sherry to take note of document agreed to.

Auditor-General—Audit report no. 31 of 2005-06—Performance audit—Roads to Recovery: Department of Transport and Regional Services. Motion of Senator O'Brien to take note of document called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

**45 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.59 pm till Monday, 27 March 2006 at 2.30 pm.

**46 ATTENDANCE**

Present, all senators except Senators Abetz\* and Bishop\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate