

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 14

THURSDAY, 10 FEBRUARY 2005

Contents

1	Meeting of Senate	367
2	Petition.....	367
3	Notices.....	367
4	Order of Business—Rearrangement.....	368
5	Postponements.....	368
6	Foreign Affairs—Cambodia	368
7	Environment—Sustainable Energy—Parliamentary and Government Buildings.....	369
8	Community Affairs References Committee—Reference	369
9	Defence—HMAS <i>Melbourne</i> —HMAS <i>Voyager</i>	369
10	Environment—Papua New Guinea—Plastic Bag Usage.....	370
11	Environment, Communications, Information Technology and the Arts Legislation Committee—Additional Information—Budget Estimates 2004-05.....	370
12	Corporations and Financial Services—Joint Statutory Committee— Report—Australian Accounting Standards	371
13	AusLink (National Land Transport) Bill 2004 AusLink (National Land Transport—Consequential and Transitional Provisions) Bill 2004.....	371
14	Community Affairs Legislation Committee—Report—National Health Amendment (Prostheses) Bill 2004.....	371
15	Legislation Committees—Estimates Hearings.....	372
16	Governor-General’s Opening Speech—Address-in-Reply.....	372
17	Private Health Insurance Incentives Amendment Bill 2004.....	373
18	Order of Business—Rearrangement.....	374
19	Australian Sports Commission Amendment Bill 2004 [2005].....	375
20	Financial Framework Legislation Amendment Bill 2004.....	375
21	Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004.....	375
22	Questions	376
23	Immigration—Ms Cornelia Rau—Answers to Questions	376

24	Particulars of Proposed Additional Expenditure 2004-05—Documents.....	376
25	Estimates of Proposed Additional Expenditure for 2004-05—Portfolio Additional Estimates Statements—Department of the Senate— Document	376
26	Estimates of Proposed Additional Expenditure for 2004-05—Portfolio Additional Estimates Statements—Portfolios and Executive Departments—Documents.....	377
27	Superannuation—Select Committee—Government Response—Tax Arrangements for Superannuation.....	377
28	Auditor-General—Audit Report No. 26 of 2004-05—Document.....	377
29	Documents.....	377
30	Committees—Changes in Membership.....	378
31	Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003 [2004].....	379
32	Government Documents—Consideration	379
33	Auditor-General’s Reports—Orders of the Day—Consideration	380
34	Adjournment	380
35	Attendance.....	381

1 MEETING OF SENATE

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

2 PETITION

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

From 20 petitioners, requesting that the Senate take action to abolish the live export trade and replace it with an expanded chilled meat trade.

3 NOTICES

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

(a) notes:

- (i) 12 February marked the 58th anniversary of Union Day in Burma which marks the agreement among various nationalities to live together as a union with a guarantee of equality and the right to self-determination,
- (ii) that the Committee Representing the People's Parliament (CRPP) is opposed to the National Convention organised by the Burmese ruling junta, the State Peace and Development Council (SPDC), on 17 February because it lacks the legitimacy and participation of the democratically-elected representatives of the people and major political parties such as the National League for Democracy and ethnic parties,
- (iii) United States Secretary of State Condoleezza Rice's speech naming Burma as one of the 'outposts of tyranny' along with Zimbabwe, and
- (iv) that 18 members of the Parliament-elect are still in detention under severe conditions;

- (b) continues to support the CRPP as the legitimate body working towards the emergence of a parliament of elected representatives according to the 1990 election;
- (c) believes that genuine national reconciliation can be achieved through a dialogue between the National League for Democracy, ethnic nationalities and the SPDC; and
- (d) calls on the Government to urge the Burmese junta to free Daw Aung San Suu Kyi, U Tin Oo and all political prisoners unconditionally. (*general business notice of motion no. 75*)

Senator Nettle: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 15 June 2005:

The detention of Ms Cornelia Rau, with particular reference to:

- (a) the circumstances, actions and procedures which resulted in Ms Rau being detained;
- (b) how Ms Rau remained unidentified during the period in question;
- (c) the adequacy of mental health services provided to Ms Rau and other detainees;
- (d) the conditions in Australian immigration detention centres and whether they are having a harmful effect on the mental health of detainees;
- (e) the adequacy of legal assistance provided to Ms Rau and other detainees;
- (f) the actions of relevant ministers; and
- (g) any related matters.

4 ORDER OF BUSINESS—REARRANGEMENT

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

No. 4 Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004.

No. 5 Australian Sports Commission Amendment Bill 2004 [2005].

No. 6 Financial Framework Legislation Amendment Bill 2004.

Question put and passed.

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

(a) general business order of the day no. 5 (Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003 [2004]); and

(b) consideration of government documents.

Question put and passed.

5 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for today, proposing an amendment to the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the *Privacy Act 1988*, postponed till 8 March 2005.

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 7 March 2005.

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Community Affairs References Committee, postponed till 7 March 2005.

6 FOREIGN AFFAIRS—CAMBODIA

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 73—That the Senate—

(a) notes:

(i) that a closed session of the Cambodian National Assembly, under the direction of Prime Minister Hun Sen, has removed the rightful parliamentary immunity of leading opposition figures, including Mr Sam Rainsy, and

(ii) the subsequent arrest of Sam Rainsy Party Member of Parliament, Mr Cheam Channy; and

(b) calls on the Australian Government to immediately make representations to the Cambodian Government to:

(i) have parliamentary immunity reinstated, and

(ii) ensure the safety of Mr Rainsy and his colleagues and the release of Mr Cheam Channy without condition.

Question put and passed.

7 ENVIRONMENT—SUSTAINABLE ENERGY—PARLIAMENTARY AND GOVERNMENT BUILDINGS

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 62—That the Senate—

- (a) congratulates the Queensland Government on its January 2005 initiative for Queensland's Parliament House to use power from sustainable energy sources and for 100 other state government buildings to use at least 5 per cent green energy in their daily operations; and
- (b) calls on the Federal Government to also promote the use of sustainable power sources and adopt renewable energy for Parliament House, Canberra, and associated government buildings, as soon as possible.

Question put and passed.

8 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator George Campbell, at the request of Senator Cook and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 23 June 2005:

- (a) the delivery of services and options for treatment for persons diagnosed with cancer, with particular reference to:
 - (i) the efficacy of a multi-disciplinary approach to cancer treatment,
 - (ii) the role and desirability of a case manager/case co-ordinator to assist patients and/or their primary care givers,
 - (iii) differing models and best practice for addressing psycho/social factors in patient care,
 - (iv) differing models and best practice in delivering services and treatment options to regional Australia and Indigenous Australians, and
 - (v) current barriers to the implementation of best practice in the above fields; and
- (b) how less conventional and complementary cancer treatments can be assessed and judged, with particular reference to:
 - (i) the extent to which less conventional and complementary treatments are researched, or are supported by research,
 - (ii) the efficacy of common but less conventional approaches either as primary treatments or as adjuvant/complementary therapies, and
 - (iii) the legitimate role of government in the field of less conventional cancer treatment.

Question put and passed.

9 DEFENCE—HMAS MELBOURNE—HMAS VOYAGER

Senator Harris amended general business notice of motion no. 74 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) 10 February 2005 is the 41st anniversary of Australia's greatest defence peacetime tragedy when HMAS *Melbourne*, an aircraft carrier, collided with HMAS *Voyager* killing 82 officers and sailors, and

- (ii) Mr Ray Brown, National President of the Injured Service Persons Association (ISPA) and Captain Will Anderson RAAC (Retired), ISPA National Vice President, both severely injured in Australian Defence Force peacetime accidents, are calling on the Government to make an effort in publicly recognising Australian Defence Force deaths during peacetime operations;
- (b) supports and commends those naval establishments which hold small ceremonies on the anniversary;
- (c) recognises the commitment of all Australian Defence Force personnel in carrying out their duties;
- (d) notes the supreme sacrifice of those personnel who have in the exercise of peacetime duty sacrificed their lives in the service of their country; and
- (e) requests that the Minister for Veterans' Affairs (Ms De-Anne Kelly) raise the public awareness of all future anniversaries by encouraging the Government to formally hold ceremonies throughout Australia to honour all members of the Australian Defence Forces who have freely given their lives in the service of their country in peacetime duties.

Question put and passed.

10 ENVIRONMENT—PAPUA NEW GUINEA—PLASTIC BAG USAGE

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 72—That the Senate—

- (a) notes:
 - (i) the announcement by the Papua New Guinean Minister for Environment and Conservation to prohibit:
 - (A) from 1 January 2005 the importation and sale of plastic shopping bags into Papua New Guinea (PNG), and
 - (B) from 1 June 2005 the manufacture and sale of plastic bags in PNG, and
 - (ii) that the Port Moresby Chamber of Commerce supports the PNG Government's moves; and
- (b) calls on the Federal Government to commit to:
 - (i) mandatory targets for reduction of plastic bag use in Australia by June 2005, and
 - (ii) banning of single use plastic bags in Australia by 1 January 2007.

Question put and passed.

11 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Budget estimates 2004-05—vol. 2).

**12 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORT—AUSTRALIAN ACCOUNTING STANDARDS**

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Australian Accounting Standards tabled in compliance with the *Corporations Act 2001* on 30 August and 16 November 2004—Report, dated February 2005, Hansard record of proceedings and submissions [25].

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

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

Debate ensued.

Question put and passed.

**13 AUSLINK (NATIONAL LAND TRANSPORT) BILL 2004
AUSLINK (NATIONAL LAND TRANSPORT—CONSEQUENTIAL AND TRANSITIONAL
PROVISIONS) BILL 2004**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 66, dated 10 February 2005—A Bill for an Act to provide for the funding of projects related to land transport matters, and for related purposes.

Message no. 67, dated 10 February 2005—A Bill for an Act to amend laws, and to deal with transitional matters, in connection with the *AusLink (National Land Transport) Act 2004*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ellison moved—That these bills 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.

**14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—NATIONAL HEALTH
AMENDMENT (PROSTHESES) BILL 2004**

Pursuant to order, Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following report and documents:

Community Affairs Legislation Committee—Provisions of the National Health Amendment (Prostheses) Bill 2004—Report, dated February 2005, Hansard record of proceedings and submissions [12].

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

15 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—

- (1) That estimates hearings by legislation committees for 2005 be scheduled as follows:

2004-05 additional estimates:

Monday, 14 February and Tuesday, 15 February and, if required, Friday, 18 February (*Group A*)

Wednesday, 16 February and Thursday, 17 February and, if required, Friday, 18 February (*Group B*)

2005-06 Budget estimates:

Monday, 23 May to Thursday, 26 May and, if required, Friday, 27 May (*Group A*)

Monday, 30 May to Thursday, 2 June and, if required, Friday, 3 June (*Group B*)

Monday, 31 October and Tuesday, 1 November (*supplementary hearings—Group A*)

Wednesday, 2 November and Thursday, 3 November (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts
Finance and Public Administration
Legal and Constitutional
Rural and Regional Affairs and Transport

Group B:

Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
Tuesday, 15 March 2005 in respect of the 2004-05 additional estimates;
and
Monday, 20 June 2005 in respect of the 2005-06 Budget estimates.

Debate resumed.

Question put and passed.

16 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY

Order of the day read for the adjourned debate on the motion of Senator Knowles—
That the address-in-reply be agreed to (*see entry no. 9, 17 November 2004*)—*and on the amendment moved by Senator Bartlett:*

That the following words be added to the address-in-reply:

“, but the Senate is of the opinion that the Government’s failure to ratify the Kyoto Protocol, to take strong action to reduce Australia’s greenhouse emissions and to urge the United States of America to do likewise, is putting at risk international efforts on climate change”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Allison	Collins	Ludwig	Ray
Bartlett	Crossin	Marshall	Ridgeway
Bishop	Faulkner	McLucas	Sherry
Bolkus	Forshaw	Moore	Stephens
Buckland	Greig	Murphy	Webber
Campbell, G (Teller)	Hogg	Murray	Wong
Carr	Kirk	Nettle	
Cherry	Lees	O’Brien	

NOES, 29

Senators—

Abetz	Eggleston (Teller)	Lightfoot	Scullion
Barnett	Ellison	Macdonald, Ian	Tchen
Boswell	Ferguson	Macdonald, Sandy	Tierney
Brandis	Ferris	Mason	Troeth
Calvert	Fifield	McGauran	Watson
Campbell, Ian	Harris	Patterson	
Chapman	Humphries	Payne	
Coonan	Knowles	Santoro	

Question agreed to.

Main question, as amended, put and passed.

17 PRIVATE HEALTH INSURANCE INCENTIVES AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

Omit all words after “That”, substitute:

- “(a) further consideration of the bill be postponed and the bill be made an order of the day for the next day of sitting after the Government has completed a comprehensive independent review of the Private Health Insurance Rebate and has tabled a report on that review in the Senate; and
- (b) senators who have spoken to the motion ‘That this bill be now read a second time’ may speak again to that motion for up to 20 minutes each when debate on the bill resumes”.

Debate ensued.

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

Senator Nettle moved the following amendment:

Page 2 (after line 5), after clause 3, insert:

4 Cessation and review of operation of Act

- (1) This Act ceases to operate on 31 December 2005.
- (2) The Minister must cause an independent review of the operation of the private health insurance rebate to be completed by 31 December 2005.
- (3) The Minister must cause to be tabled in both Houses of the Parliament a copy of the report of the review within 15 sitting days of receiving the report.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1.

Schedule 1 agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted and the bill read a third time.

18 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Family and Community Services (Senator Patterson) moved—That the following government business orders of the day be called on immediately:

- No. 4 Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004.
- No. 5 Australian Sports Commission Amendment Bill 2004 [2005].
- No. 6 Financial Framework Legislation Amendment Bill 2004.

Senator Patterson, by leave, amended the motion to omit government business order of the day no. 4 (Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Bill 2004).

Question put and passed.

19 AUSTRALIAN SPORTS COMMISSION AMENDMENT BILL 2004 [2005]

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

Suspension of sitting: On the motion of the Minister for Family and Community Services (Senator Patterson) the sitting of the Senate was suspended at 12.17 pm till 12.45 pm.

At 12.45 pm—

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

20 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

21 FAMILY ASSISTANCE LEGISLATION AMENDMENT (ADJUSTMENT OF CERTAIN FTB CHILD RATES) BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

Suspension of sitting: On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.52 pm till 2 pm.

At 2 pm—

22 QUESTIONS

Questions without notice were answered.

23 IMMIGRATION—MS CORNELIA RAU—ANSWERS TO QUESTIONS

Senator Ludwig moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked by Senators Ludwig and Moore today relating to the detention of Ms Cornelia Rau.

Debate ensued.

Question put and passed.

24 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE 2004-05—DOCUMENTS

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2005 [Appropriation Bill (No. 3) 2004-2005].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2005 [Appropriation Bill (No. 4) 2004-2005].

Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2005 [Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005].

Statement of savings expected in annual appropriations made by Act No. 88 of 2004 (*Appropriation Act (No. 1) 2004-2005*), Act No. 89 of 2004 (*Appropriation Act (No. 2) 2004-2005*) and Act No. 90 of 2004 (*Appropriation (Parliamentary Departments) Act (No. 1) 2004-2005*).

Senator Vanstone, by leave, moved—That—

- (a) the documents, together with the final budget outcome 2003-04 (*see entry no. 42, 16 November 2004*) and the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004 (*see entry no. 2, 8 February 2005*), be referred to legislation committees for examination and report; and
- (b) consideration of the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the additional estimates.

Question put and passed.

25 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2004-05—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—DEPARTMENT OF THE SENATE—DOCUMENT

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

Estimates of proposed additional expenditure for 2004-05—Portfolio additional estimates statements—Department of the Senate.

**26 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2004-05—PORTFOLIO
ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE
DEPARTMENTS—DOCUMENTS**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following documents:

Estimates of proposed additional expenditure for 2004-05—Portfolio additional estimates statements—Portfolios and executive departments—

Agriculture, Fisheries and Forestry portfolio.

Attorney-General's portfolio.

Communications, Information Technology and the Arts portfolio.

Defence portfolio.

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

Environment and Heritage portfolio.

Family and Community Services portfolio.

Finance and Administration portfolio.

Foreign Affairs and Trade portfolio.

Health and Ageing portfolio.

Human Services.

Immigration and Multicultural and Indigenous Affairs portfolio.

Industry, Tourism and Resources portfolio.

Prime Minister and Cabinet portfolio.

Transport and Regional Services portfolio.

Treasury portfolio.

Veterans' Affairs.

**27 SUPERANNUATION—SELECT COMMITTEE—GOVERNMENT RESPONSE—TAX
ARRANGEMENTS FOR SUPERANNUATION**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Superannuation—Select Committee—Report—Superannuation and standards of living in retirement: The adequacy of the tax arrangements for superannuation and related policy—Government response.

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

Question put and passed.

28 AUDITOR-GENERAL—AUDIT REPORT NO. 26 OF 2004-05—DOCUMENT

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

Auditor-General—Audit report no. 26 of 2004-05—Performance audit—Measuring the efficiency and effectiveness of e-government.

29 DOCUMENTS

The following documents were tabled by the Clerk:

Made prior to the commencement of the Legislative Instruments Act 2003 on 1 January 2005:

Civil Aviation Act—

Civil Aviation Amendment Orders (No. R23) and (No. R52)-(No. R56) 2004.

Civil Aviation Regulations—Civil Aviation Amendment Orders (No. R1)-(No. R22), (No. R24)-(No. R51), (No. R57)-(No. R91) and (No. R95) 2004.

Civil Aviation Safety Regulations—Civil Aviation Amendment Orders (No. R92)-(No. R94) 2004.

Quarantine Act—

Quarantine Amendment Proclamation 2004 (No. 5).

Quarantine Amendment Proclamation 2004 (No. 6).

Quarantine (Christmas Island) Proclamation 2004.

Quarantine (Cocos Islands) Proclamation 2004.

Made following the commencement of the Legislative Instruments Act 2003 on 1 January 2005 [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]:

Customs Act—Tariff Concession Orders—

Tariff Concession Instrument No. 0411587 [F2005L00186]*.

Tariff Concession Instrument No. 0411588 [F2005L00187]*.

Tariff Concession Instrument No. 0411939 [F2005L00189]*.

Tariff Concession Instrument No. 0412190 [F2005L00192]*.

Tariff Concession Instrument No. 0412191 [F2005L00194]*.

Tariff Concession Instrument No. 0412267 [F2005L00243]*.

Tariff Concession Instrument No. 0412268 [F2005L00245]*.

Tariff Concession Instrument No. 0412367 [F2005L00247]*.

Tariff Concession Instrument No. 0412369 [F2005L00248]*.

Tariff Concession Instrument No. 0412370 [F2005L00249]*.

Tariff Concession Instrument No. 0412709 [F2005L00251]*.

Tariff Concession Instrument No. 0412848 [F2005L00252]*.

* Explanatory statement tabled with legislative instrument.

30 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—

Appointed—Substitute member: Senator Cook to replace Senator Hutchins for the committee's inquiry into the delivery of services and treatment options for persons with cancer

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

Appointed—Substitute member: Senator Humphries to replace Senator Santoro for the consideration of the 2004-05 additional estimates on 15 February 2005

Finance and Public Administration Legislation Committee—

Appointed—Substitute member: Senator Fifield to replace Senator Heffernan for the consideration of the 2004-05 additional estimates on 14 February and 15 February 2005.

Question put and passed.

General business was called on.

31 DEFENCE AMENDMENT (PARLIAMENTARY APPROVAL FOR AUSTRALIAN INVOLVEMENT IN OVERSEAS CONFLICTS) BILL 2003 [2004]

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

Debate resumed.

At 6 pm: Debate was interrupted while Senator Bishop was speaking.

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Law Reform Commission—Report no. 99—Genes and ingenuity: Gene patenting and human health, June 2004. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Housing Assistance Act 1996—Report for 2002-03 on the operation of the 1999 Commonwealth-State Housing Agreement [Final]. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Great Barrier Reef Marine Park Authority—Report for 2003-04. Motion of Senator Buckland to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Office of the Federal Privacy Commissioner—Report for 2003-04 on the operation of the *Privacy Act 1988*. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Oceans Office—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Sydney Harbour Federation Trust—Report for 2003-04. Motion of Senator Buckland to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04. Motion of Senator Buckland to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Parliamentarians' travel paid by the Department of Finance and Administration—January to June 2004, dated December 2004. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Refugee Review Tribunal—Report for 2003-04. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal and Torres Strait Islander Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginals Benefit Account—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Central Land Council—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Northern Land Council—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Torres Strait Regional Authority—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Cape York Land Council Aboriginal Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Environment Protection Measures (Implementation) Act 1998—Independent review by Baker and McKenzie. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos. 8 and 9 relating to government documents were called on but no motion was moved.

General business concluded.

33 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. 16 of 2004-05—Performance audit—Container examination facilities: Australian Customs Service. Motion to take note of document moved by Senator Webber. Debate adjourned till the next day of sitting, Senator Webber in continuation.

Auditor-General—Audit report no. 17 of 2004-05—Performance audit—The administration of the National Action Plan for Salinity and Water Quality: Department of Agriculture, Fisheries and Forestry; Department of the Environment and Heritage. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Auditor-General—Audit report no. 19 of 2004-05—Performance audit—Taxpayers' charter: Australian Taxation Office. Motion of Senator Watson to take note of document agreed to.

Orders of the day nos 3 and 5 to 10 were called on but no motion was moved.

34 ADJOURNMENT

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

Debate ensued.

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

The Senate adjourned at 7.02 pm till Monday, 7 March 2005 at 12.30 pm.

35 ATTENDANCE

Present, all senators except Senators Heffernan, Hutchins*, Johnston, Mackay and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate