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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 TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) AMENDMENT (NATIONAL RELAY SERVICE) BILL 2005

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

Message no. 85, dated 16 February 2005—A Bill for an Act to amend the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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 Ellison moved—That this bill be now read a second time.

Debate ensued.

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 Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

3 DEFENCE AMENDMENT BILL 2005

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

Message no. 82, dated 16 February 2005—A Bill for an Act to amend the *Defence Act 1903*, 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.

Debate ensued.

At 2 pm: Debate was interrupted.

4 QUESTIONS

Questions without notice were answered.

5 ECONOMY—INTEREST RATES—ANSWERS TO QUESTIONS

Senator Sherry moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Sherry and George Campbell today relating to the economy and interest rates.

Debate ensued.

Question put and passed.

6 INDUSTRIAL RELATIONS—WAGES—ANSWER TO QUESTION

Senator Murray moved—That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Murray today relating to industrial relations and the minimum wage.

Question put and passed.

7 DEATH OF FORMER MEMBER PETER NICHOLSON DUCKETT WHITE, MC

The President informed the Senate of the death, on 13 February 2005, of Peter Nicholson Duckett White, MC, a member of the House of Representatives for the division of McPherson from 1981 to 1990.

8 NOTICES

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 March 2005, from 10.30 am to 11.30 am, to take evidence for the committee's inquiry under standing order 25(2)(b) into the implementation of a recommendation in its report concerning the Australian meat quota consultative structure. (*general business notice of motion no. 76*)

The Leader of the Opposition in the Senate (Senator Evans), Senator Brown and the Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 21 June 2005:

- (a) whether any Australian personnel (including employees, contractors and consultants) were present, or had duties which included being present, during any interrogations or interviews (however defined) of persons detained in relation to the war in Iraq, and in particular those persons suspected of having knowledge of Iraq's weapons of mass destruction;
- (b) whether any knowledge of, or concerns regarding, the treatment of those Iraqi detainees was provided to Australian Government departments, agencies and ministers, and what actions resulted from the provision of this information;
- (c) whether the Iraq Survey Group (ISG) was able to report frankly and fearlessly on what it had found, or whether attempts were made to censor or otherwise distort its findings; and
- (d) whether any Australian personnel provided information or concerns to any part of the Australian Government relating to concerns about the functions or reports of the ISG, and what actions resulted from the provision of this information.

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 15 March 2005, from 5 pm, to take evidence for the committee's inquiry into the statutory oversight of the operations of ASIC. (*general business notice of motion no. 77*)

Senator Stott Despoja: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than the conclusion of question time on 17 March 2005, the following documents:

- (a) any instructions given by the Minister for Health and Ageing to the Department of Health and Ageing to prepare advice regarding the abortion issue within the past 12 months; and
- (b) any responses from the Department of Health and Ageing received by the Minister in relation to those instructions within the past 12 months. (*general business notice of motion no. 78*)

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

- (a) notes that:
 - (i) 8 March is International Women's Day,
 - (ii) the Women's Rights Action Network Australia recently gave Australian governments a D-minus for their handling of women's human rights,
 - (iii) the Government intends to discontinue funding to the Partnerships Against Domestic Violence program, including the Australian Domestic and Family Violence Clearinghouse, after 30 June 2005,
 - (iv) the Government is likely to halve funding in the 2005-06 financial year to the National Initiative to Combat Sexual Assault program, which may result in the Australian Centre for the Study of Sexual Assault being forced to close after 30 June 2005,
 - (v) according to forward estimates contained in the 2004-05 Budget, the Government plans to spend just \$3.4 million in the 2005-06 financial year on women's programs, compared to an estimated \$11.6 million in the 2004-05 financial year and \$25 million in the 2003-04 financial year,
 - (vi) Australia remains one of only two Organisation for Economic Co-operation and Development (OECD) countries without a national scheme of paid maternity leave, and two-thirds of working women (mostly those in lower paid positions) do not have access to paid leave on the birth of a child,
 - (vii) Australia continues to have one of the lowest female workforce participation rates in the OECD,
 - (viii) women's full-time, ordinary time earnings are still only 85 per cent of men's while women's total earnings, including part-time and casual employees, are only 66 per cent of men's, and these rates have changed little since the Howard Government was first elected in 1996, and
 - (ix) women hold only 10.2 per cent of executive management positions and only 3.2 per cent of the top executive positions in Australia, and women who are in senior management positions are paid around 90 per cent of their male counterparts; and

- (b) calls on the Government to do more for women and, in particular, to continue to fund the Australian Domestic and Family Violence Clearinghouse and the Australian Centre for the Study of Sexual Assault after 30 June 2005. (*general business notice of motion no. 79*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) congratulates the Minister Assisting the Prime Minister for Women's Issues on reaffirming at the United Nations, during the week beginning 27 February 2005, the Government's ongoing commitment to the Beijing Declaration and Platform for Action and its refusal to agree to proposals from the United States of America that would have explicitly omitted women's right to safe and legal abortion;
- (b) affirms reproductive health rights as fundamental human rights; and
- (c) calls on the governments of other states and the Northern Territory to follow the Australian Capital Territory's lead in removing pregnancy termination from the criminal code. (*general business notice of motion no. 80*)

The President: To move on 9 March 2005—That the following bill be introduced: a Bill for an Act to amend the *Parliamentary Service Act 1999*, and for related purposes. **Parliamentary Service Amendment Bill 2005.** (*general business notice of motion no. 81*)

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

- (a) congratulates the organisers of the Inner Sydney 'Blackout Violence' campaign against family violence and sexual assault against women in Aboriginal communities for receiving the 2004 Violence Against Women Prevention Award at New South Wales (NSW) Parliament on 25 November 2004 for 'outstanding contribution to the prevention and reduction of violence against women in NSW', earned through their sustained campaign which was launched in September 2004 with Aboriginal footballers wearing purple armbands at the NSW Aboriginal Rugby League Knockout;
- (b) notes that:
 - (i) the 'Blackout Violence' campaign is a local community initiative which has been successful through the hard work of Dixie Gordon, Redfern Legal Centre, Rob Welsh, Metropolitan Aboriginal Land Council and the Inner City Domestic Violence Action Group, and that they are still working to keep up the momentum of the struggle against all forms of violence against women and children in Aboriginal communities, and
 - (ii) numerous communities in Western Australia, Victoria and Queensland have been inspired by the 'Blackout Violence' campaign and have requested the assistance of the NSW organisers to apply the campaign as a national model to counter family violence;
- (c) encourages the NSW Government and the Department of Aboriginal Affairs to favourably and expeditiously approve the application for funding to formally draft the 'Blackout Violence' model for use by other Indigenous communities; and
- (d) calls on the Commonwealth Government to work with the NSW Government and in partnership with Indigenous communities and community organisations, to ensure that such community initiatives are recognised and appropriately resourced in the Governments' Indigenous Affairs policies and programs. (*general business notice of motion no. 82*)

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

- (a) congratulates the 2005 Community Development Employment Projects/Indigenous Employment Centres (CDEP/IEC) Award winners:
- Employment and Training Award: Bungala Aboriginal Corporation, Port Augusta
 - Community and Cultural Benefit Award: Broome Aboriginal Media Association
 - Business Development Award: Wunan Foundation, Kununurra
 - IEC Outstanding Achievement Award: Western Queensland Regional CDEP, Mount Isa
 - CDEP Outstanding Individual Achievement Award (Female): Linda Williams, Angurugu CDEP, Groote Eylandt
 - CDEP Outstanding Individual Achievement Award (Male): Jay Daley, Ngunnawal Aboriginal Corporation, Canberra
 - IEC Outstanding Individual Achievement Award (Female): Libby Morgan, Cairns Regional CDEP
 - IEC Outstanding Individual Achievement Award (Male): James Davies, Bungala Aboriginal Corporation, Port Augusta;
- (b) recognises that unemployment is an inter-generational problem in most Indigenous communities and that CDEP projects play a key role in restoring pride in Indigenous communities and individuals as they see the tangible results and benefits of their work;
- (c) notes that the Government is currently restructuring CDEP and expresses its concern that the important community development functions of CDEP will be discarded when the program is subsumed into the Job Network; and
- (d) calls on the Government to guarantee that in its restructure of CDEP:
- (i) community and cultural development CDEP activities will not be downgraded,
 - (ii) both CDEP positions and funding are increased,
 - (iii) communities will still be able to set their own goals for their CDEP, and
 - (iv) the role of CDEP in any future shared responsibility agreements is clarified. (*general business notice of motion no. 83*)

Senator Nettle: To move 11 sitting days after today—

No. 1—That the Approval and Notice of Approval [dated 12 November 2004 in relation to ACPE Limited], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 2—That the Approval and Notice of Approval [dated 15 November 2004 in relation to Adelaide College of Divinity Incorporated], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 3—That the Approval and Notice of Approval [dated 27 August 2004 in relation to the Australian College of Applied Psychology Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 4—That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian College of Theology Council Incorporated], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

- No. 5—That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian Institute of Public Safety Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 6—That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Australian International Hotel School], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 7—That the Approval and Notice of Approval [dated 9 November 2004 in relation to the Australian Lutheran College], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 8—That the Approval and Notice of Approval [dated 27 August 2004 in relation to Avondale College Limited], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 9—That the Approval and Notice of Approval [dated 27 August 2004 in relation to the Christian Heritage College], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 10—That the Approval and Notice of Approval [dated 9 November 2004 in relation to Harvest Bible College Inc.], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 11—That the Approval and Notice of Approval [dated 27 September 2004 in relation to Holmes Commercial Colleges (Melbourne) Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 12—That the Approval and Notice of Approval [dated 1 December 2004 in relation to KvB Visual Concepts Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 13—That the Approval and Notice of Approval [dated 29 October 2004 in relation to the Marcus Oldham College], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 14—That the Approval and Notice of Approval [dated 12 November 2004 in relation to Melbourne Institute of Business and Technology Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 15—That the Approval and Notice of Approval [dated 1 November 2004 in relation to Monash International Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 16—That the Approval and Notice of Approval [dated 6 September 2004 in relation to Moore Theological College Council], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 17—That the Approval and Notice of Approval [dated 15 November 2004 in relation to Oceanic Polytechnic Institute of Education Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 18—That the Approval and Notice of Approval [dated 12 November 2004 in relation to Queensland Institute of Business and Technology Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.
- No. 19—That the Approval and Notice of Approval [dated 12 November 2004 in relation to the South Australian Institute of Business and Technology Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 20—That the Approval and Notice of Approval [dated 26 November 2004 in relation to the Sydney College of Divinity Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 21—That the Approval and Notice of Approval [dated 12 November 2004 in relation to the Sydney Institute of Business and Technology Pty Ltd], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 22—That the Approval and Notice of Approval [dated 27 August 2004 in relation to Tabor College Incorporated], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 23—That the Approval and Notice of Approval [dated 6 September 2004 in relation to Tabor College (NSW) Inc.], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 24—That the Approval and Notice of Approval [dated 6 September 2004 in relation to Tabor College (Victoria) Inc.], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 25—That the Approval and Notice of Approval [dated 9 November 2004 in relation to Australian Institute of Music Limited], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 26—That the Approval and Notice of Approval [dated 27 August 2004 in relation to the National Institute of Dramatic Art], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

No. 27—That the Approval and Notice of Approval [dated 11 November 2004 in relation to the Wesley Institute], made under subsection 16-50(1) of the *Higher Education Support Act 2003*, be disallowed.

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

(a) notes that:

- (i) on 4 February 2005 Tasmania's Resource Management and Planning Appeal Tribunal found that there is a prima facie case of environmental harm, including landslips and pollution and diminution of domestic water supplies, if logging proceeds at South Sister near St Marys,
- (ii) the tribunal nevertheless denied the residents' request for a temporary order to halt the logging because the residents are unable to give an undertaking to pay 'many tens of thousands of dollars' to Forestry Tasmania if their case failed, and
- (iii) a full hearing of the matter is set down for 6 to 9 June 2005; and

(b) calls on the Minister for the Environment and Heritage to use his good offices to delay logging of this contentious coup of forests until the full hearing before the tribunal has occurred and a finding issued. (*general business notice of motion no. 84*)

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—

No. 1—That Amendment No. 1 to the Transitional Arrangements for Students Guidelines, pursuant to items 4 and 8 of Schedule 1 of the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003*, be disallowed.

No. 2—That the Administrative Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

No. 3—That the OS-Help Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

No. 4—That the Other Grants Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

Senator Ferris, by leave, made a statement relating to the notices of motion.

Senator Faulkner: To move on the next day of sitting—That the Senate notes that:

- (a) 8 March 2005 is the 30th anniversary of the United Nations officially celebrating International Women's Day;
- (b) 8 March 2005 is also the 30th anniversary of Mr Gough Whitlam becoming the first Australian Prime Minister to launch International Women's Day, which had first been celebrated by Australian women in 1928; and
- (c) the Whitlam Government, as well as becoming the first Australian Government to officially support International Women's Day, took a number of steps to end discrimination against women in Australian society, including re-opening the equal pay case, mandating equal opportunities for women in federal government employment and appointing women to judicial and administrative positions. (*general business notice of motion no. 85*)

9 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the report of the committee on the provisions of the Tax Laws Amendment (2004 Measures No. 7) Bill 2005 be extended to 9 March 2005.

Question put and passed.

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

Senator Ferris, by leave and at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), moved—That the time for the presentation of the report of the committee on the provisions of the Workplace Relations Amendment (Right of Entry) Bill 2004 be extended to 14 March 2005.

Question put and passed.

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

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the time for the presentation of the report of the committee on the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 [2005] be extended to 10 March 2005.

Question put and passed.

12 LEAVE OF ABSENCE

Senator Ferris, by leave and at the request of Senator Harradine, moved—That leave of absence be granted to Senator Harradine for the period 7 March to 10 March 2005, on account of ill health.

Question put and passed.

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Ian Macdonald for the period 8 March to 14 March 2005, on account of government business overseas.

Question put and passed.

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator Hutchins for the period 7 March to 17 March 2005, on account of ill health.

Question put and passed.

13 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 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 9 March 2005.

14 FOREIGN AFFAIRS—BURMA

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 75—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.

Question put and passed.

15 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown	Nettle (Teller)
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NOES, 46

Senators—

Allison	Evans	Knowles	Ray
Barnett	Faulkner	Lees	Ridgeway
Brandis	Ferguson	Lightfoot	Santoro
Buckland	Ferris (Teller)	Ludwig	Scullion
Campbell, George	Fifield	Mackay	Stephens
Chapman	Forshaw	Marshall	Tchen
Cherry	Greig	Mason	Tierney
Colbeck	Hill	McGauran	Watson
Collins	Hogg	McLucas	Webber
Crossin	Humphries	Moore	Wong
Denman	Johnston	Murray	
Ellison	Kirk	Payne	

Question negatived.

16 MENTAL HEALTH—PROPOSED SELECT COMMITTEE

The Leader of the Australian Democrats (Senator Allison), by leave, amended business of the Senate notice of motion no. 2 to read as follows:

- (1) That a select committee, to be known as the Select Committee on Mental Health, be appointed to inquire into and report by 6 October 2005 on the provision of mental health services in Australia, with particular reference to:
 - (a) the extent to which the National Mental Health Strategy, the resources committed to it and the division of responsibility for policy and funding between all levels of government have achieved its aims and objectives, and the barriers to progress;
 - (b) the adequacy of various modes of care for people with a mental illness, in particular, prevention, early intervention, acute care, community care, after hours crisis services and respite care;
 - (c) opportunities for improving coordination and delivery of funding and services at all levels of government to ensure appropriate and comprehensive care is provided throughout the episode of care;
 - (d) the appropriate role of the private and non-government sectors;

- (e) the extent to which unmet need in supported accommodation, employment, family and social support services, is a barrier to better mental health outcomes;
 - (f) the special needs of groups such as children, adolescents, the aged, Indigenous Australians, the socially and geographically isolated and of people with complex and co-morbid conditions and drug and alcohol dependence;
 - (g) the role and adequacy of training and support for primary carers in the treatment, recovery and support of people with a mental illness;
 - (h) the role of primary health care in promotion, prevention, early detection and chronic care management;
 - (i) opportunities for reducing the effects of iatrogenesis and promoting recovery-focussed care through consumer involvement, peer support and education of the mental health workforce, and for services to be consumer-operated;
 - (j) the overrepresentation of people with a mental illness in the criminal justice system and in detention, the extent to which these environments give rise to mental illness, the adequacy of legislation and processes in protecting their human rights and the use of diversion programs for such people;
 - (k) the practice of detention and seclusion within mental health facilities and the extent to which it is compatible with human rights instruments, humane treatment and care standards, and proven practice in promoting engagement and minimising treatment refusal and coercion;
 - (l) the adequacy of education in de-stigmatising mental illness and disorders and in providing support service information to people affected by mental illness and their families and carers;
 - (m) the proficiency and accountability of agencies, such as housing, employment, law enforcement and general health services, in dealing appropriately with people affected by mental illness;
 - (n) the current state of mental health research, the adequacy of its funding and the extent to which best practice is disseminated;
 - (o) the adequacy of data collection, outcome measures and quality control for monitoring and evaluating mental health services at all levels of government and opportunities to link funding with compliance with national standards; and
 - (p) the potential for new modes of delivery of mental health care, including e-technology.
- (2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the Australian Democrats.
 - (3) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Opposition in the Senate.
 - (4) That in the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.
 - (5) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
 - (6) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.

- (7) That the quorum of the committee be 3 members.
- (8) That where the votes on any question before the committee are equally divided, the chair, or deputy chair when acting as chair, shall have a casting vote.
- (9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken, and such interim recommendations as it may deem fit.
- (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (11) That the quorum of a subcommittee be 2 members.
- (12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public. (*Following amendment, the notice was reclassified: general business notice of motion no. 86*)

Postponement: Senator Allison, by leave, moved—That the notice of motion be postponed till the next day of sitting.

Question put and passed.

17 DEFENCE—AUSTRALIAN TASK GROUP DEPLOYMENT—IRAQ—MINISTERIAL STATEMENT

The Minister for Defence (Senator Hill), by leave, made a statement relating to the Australian task group deployment to Iraq.

The Leader of the Opposition in the Senate (Senator Evans), by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

18 GOVERNMENT DOCUMENTS

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

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2004. [*Received 23 February 2005*]

Industry Research and Development Board—Report for 2003-04—Corrigenda. [*Received 21 February 2005*]

Pooled Development Funds Registration Board—Report for 2003-04. [*Received 24 February 2005*]

Regional Forest Agreements between the Commonwealth of Australia and—
New South Wales—

Eden Regional Forest Agreement—
Agreement, 25 August 1999. [*Received 1 March 2005*]

- Reports on implementation—
 2000-01. [*Received 1 March 2005*]
 2001-02. [*Received 1 March 2005*]
 North East Regional Forest Agreement—Reports on implementation—
 2000-01. [*Received 1 March 2005*]
 2001-02. [*Received 1 March 2005*]
 Southern Regional Forest Agreement—Report on implementation for
 24 April 2001 to 30 June 2002. [*Received 1 March 2005*]
 Tasmania—Tasmanian Regional Forest Agreement, 8 November 1997.
 [*Received 1 March 2005*]
 Victoria—
 Central Highlands Regional Forest Agreement, 27 March 1998. [*Received
 1 March 2005*]
 East Gippsland Regional Forest Agreement, 3 February 1997. [*Received
 1 March 2005*]
 North East Regional Forest Agreement, 9 August 1999. [*Received 1 March
 2005*]
 Western Australia—South West Forest Regional Forest Agreement, 4 May
 1999. [*Received 1 March 2005*]

19 AUDITOR-GENERAL—AUDIT REPORTS NOS 28 TO 30 OF 2004-05—DOCUMENTS

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

Auditor-General—Audit reports for 2004-05—

- No. 28—Performance audit—Protecting Australian missions and staff overseas: Department of Foreign Affairs and Trade and Australian Trade Commission. [*Received 21 February 2005*]
 No. 29—Performance audit—The Armidale Class Patrol Boat Project: Project management: Department of Defence. [*Received 25 February 2005*]
 No. 30—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. [*Received 2 March 2005*]

20 PARLIAMENT—TELSTRA SENIOR OFFICERS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 5 August 2004, the Acting Deputy President (Senator Watson) tabled the following document received on 11 February 2005:

Parliament—Telstra senior officers—Statement of measures taken by Telstra to ensure its senior officers are appropriately trained in their obligations to Parliament.

21 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Watson) tabled the following documents received on the dates indicated:

Departmental and agency contracts for 2004—Letters of advice—
 Agriculture, Fisheries and Forestry portfolio agencies. [*Received 23 February 2005*]

Attorney-General's portfolio agencies. [*Received 25 February 2005*]
 Communications, Information Technology and the Arts portfolio agencies.
 [*Received 25 February 2005*]
 Education, Science and Training portfolio agencies. [*Received 28 February 2005*]
 Employment and Workplace Relations portfolio agencies. [*Received 1 March 2005*]
 Environment and Heritage portfolio agencies. [*Received 23 February 2005*]
 Family and Community Services portfolio agencies. [*Received 23 February 2005*]
 Finance and Administration portfolio agencies. [*Received 24 February 2005*]
 Industry, Tourism and Resources portfolio agencies. [*Received 23 February 2005*]
 Prime Minister and Cabinet portfolio agencies. [*Received 25 February 2005*]
 Treasury portfolio agencies. [*Received 4 March 2005*]
 Veterans' Affairs portfolio. [*Received 25 February 2005*]

22 REGIONAL FOREST AGREEMENTS—DOCUMENTS—CONSIDERATION

Senator Brown, by leave, moved—That the Senate take note of the documents tabled earlier today relating to regional forest agreements (*see entry no. 18*).

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

23 STANDING ORDER 37(3)—ACCESS TO COMMITTEE DOCUMENTS

The Acting Deputy President (Senator Marshall) presented the following report:

Standing order 37(3)—Access to committee documents.

24 FOREIGN AFFAIRS—TSUNAMI DISASTER—DOCUMENTS

The Acting Deputy President (Senator Marshall) tabled the following documents:

Foreign Affairs—Tsunami disaster—Letters to the President of the Senate responding to the resolution of the Senate of 8 February 2005 from—

Ambassador of Indonesia (His Excellency Mr Imron Cotan), dated 16 February 2005.

High Commissioner of India (His Excellency Mr PP Shukla), dated 11 February 2005.

25 AUDITOR-GENERAL—AUDIT REPORT NO. 27 OF 2004-05—DOCUMENT

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

Auditor-General—Audit report no. 27 of 2004-05—Performance audit—Management of the conversion to digital broadcasting: Australian Broadcasting Corporation and Special Broadcasting Service Corporation.

26 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled additional information received by the committee (Budget estimates 2004-05—vol. 6).

27 COMMUNITY AFFAIRS REFERENCES COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT

Senator Denman, at the request of the Chair of the Community Affairs References Committee (Senator Marshall), tabled the following report:

The Committee has considered its oversight reference relating to the operation of the social security breaches and penalties system not disposed of at the end of the 40th Parliament.

The Committee has been informally monitoring progress in this area following the implementation of the 2003 legislative amendments.

Advice has been received from the Ombudsman's Office outlining how the Ombudsman's office is likely to be involved in the future in the monitoring of breaching activity and the impact of legislative changes made by the Government in September 2003.

'In August 2004, [the Office] met with representatives from Centrelink and as a result reached agreement as outlined below in relation to the Government's decision to introduce a rolling quality assurance audit of breaching decisions.

'It was agreed that:

- Centrelink would provide the Ombudsman with information about their approach to the design of the random sample and its relationship to the broader business assurance process agreed with Centrelink and FaCS;
- Centrelink would outline and discuss the core questions based in legislation that would form the basis of the sample;
- Centrelink would share data on the results of a random survey to be completed for the March 2005 quarter;
- Centrelink would provide the Ombudsman with the first official random sample survey results for the quarter ending June 2005. These results would then be reported in the Ombudsman's annual report.

'The agreement was reached prior to recent AAO changes; however at least at this stage [the Office] does not see that those changes should impact on the agreement although obviously now DEWR will be the responsible policy department rather than FaCS.'

The Committee has resolved to **recommend** to the Senate that the reference relating to the operation of the social security breaches and penalties system not be re-adopted. However, Senators will continue to monitor developments in this area and will raise at estimates hearings issues of concern that may arise in the future.

Senator Gavin Marshall

Chair

10 February 2005.

Senator Denman, by leave, moved—That the report be adopted.

Question put and passed.

28 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF LISTING OF SIX TERRORIST ORGANISATIONS

Senator Ferris, on behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, tabled the following report:

ASIO, ASIS and DSD—Joint Statutory Committee—Review of the listing of six terrorist organisations—Report, dated March 2005.

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

Question put and passed.

29 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—EXPANDING AUSTRALIA'S TRADE AND INVESTMENT RELATIONS WITH THE GULF STATES

Senator Ferris, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson), tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Expanding Australia's trade and investment relations with the Gulf States—Report, dated February 2005.

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

Question put and passed.

30 TREATIES—JOINT STANDING COMMITTEE—63RD REPORT

Senator Stephens, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—63rd report—Treaties tabled on 7 December 2004, dated December 2004.

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

Question put and passed.

31 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Meat and Live-stock Industry Act—

Australian Meat and Live-stock Industry (Live-stock Export Marketing Body and Live-stock Export Research Body) Declaration 2004.

Funding agreement between the Commonwealth of Australia and Australian Livestock Export Corporation Limited, dated 17 December 2004.

Australian Nuclear Science and Technology Act—Statement under section 7—Disclosure of the Australian Nuclear Science and Technology Organisation's interests in company.

Australian Research Council Act—Determination No. 25—Approval of expenditure on research programs under section 51—

Discovery Indigenous Researchers Development, dated 1 November 2004;

Discovery Projects, dated 15 November 2004;

Learned Academies Special Projects, dated 1 November 2004;

Linkage Infrastructure Equipment and Facilities, dated 1 November 2004;

Linkage-International: Anglo-Australian Observatory Fellowship, dated 29 October 2004;

Linkage International Awards, dated 1 November 2004;

Linkage Projects Round 1, dated 1 November 2004.

Civil Aviation Act—Civil Aviation Regulations—

Exemption No. CASA EX 46/2004.

Instrument No. CASA 603/04.

Environment Protection and Biodiversity Conservation Act—

Instruments amending list of—

Exempt native specimens under section 303DB, dated—

12 November 2004.

18 November 2004.

26 November 2004.

29 November 2004 [2].

30 November 2004.

Threatened species under section 178, dated 7 December 2004.

Notice of proposed accreditation of the Northern Prawn Fishery Management Plan 1995 (as amended), dated 18 November 2004.

Lands Acquisition Act—Declaration under section 41, dated 23 December 2004.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/04 (Addendum).

Telecommunications Act—Telecommunications (Carrier Licence Exemption) Determination 2004 (No. 1).

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]:

Aged Care Act—

Determination under section 44-16—Conditional Adjustment Payment [F2005L00333]*.

Residential Care Subsidy Amendment Principles 2005 (No. 1) [F2005L00330]*.

Air Services Act—Air Services Regulations—Instruments Nos—

AERU-05-02—Declaration of Prohibited, Restricted or Danger Areas [F2005L00329]*.

AERU-05-03—Declaration of Prohibited, Restricted or Danger Areas [F2005L00354]*.

AERU-05-04—Declaration of Prohibited, Restricted or Danger Areas [F2005L00352]*.

AERU-05-05—Declaration of Prohibited, Restricted or Danger Areas [F2005L00350]*.

AERU-05-06—Declaration of Prohibited, Restricted or Danger Areas [F2005L00349]*.

Appropriation Act (No. 1) 2004-2005—Advance to the Finance Minister—Determination No. 4 of 2004-2005 [F2005L00497].*

Australian Communications Authority Act—Radiocommunications (Charges) Amendment Determination 2005 (No. 1) [F2005L00321]*.

Australian Communications Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2005 (No. 1) [F2005L00322]*.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 2 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2003) [F2005L00365]*.

Aviation Transport Security Act and Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act—Select Legislative Instrument 2005 No. 18—Aviation Transport Security Regulations 2005 [F2005L00366]*.

Broadcasting Services Act—Variation to Licence Area Plan for Sydney Analog Television – No. 1 of 2005 [F2005L00347]*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Amendment Order (No. 2) 2005 [F2005L00324]*.

Instrument No. CASA 55/05 [F2005L00177]*.

Instrument No. CASA 56/05 [F2005L00287]*.

Civil Aviation Safety Regulations—Airworthiness Directives—

Part 105—

AD/A320/112 Amdt 1—MLG Door Actuator Fitting [F2005L00234]*.

AD/A330/4 Amdt 1—THSA – Operational Life Limit [F2005L00214]*.

AD/A330/46—Nose Landing Gear Hydraulic Control Block [F2005L00200]*.

AD/AS 355/85—Sliding Door Rear Fitting Pin [F2005L00326]*.

AD/AT/21 Amdt 2—Wing Lower Spar Cap Safe Life – 2 [F2005L00218]*.

AD/B737/112—Yaw Damper Coupler Internal Rate Gyroscope [F2005L00204]*.

AD/B747/321—Body Station 2231 Frame Inner Chord [F2005L00227]*.

AD/B747/322—Strut Front Spar Chord Assembly [F2005L00202]*.

AD/B747/323—Nose Wheel Well Top and Side Panel Webs and Stiffeners [F2005L00199]*.

AD/B747/324—Upper Deck Area Fuselage Frames [F2005L00351]*.

AD/B767/205—Wing-to-Strut Diagonal Braces and Aft Pitch Load Fittings [F2005L00231]*.

AD/B767/206—Waste Tank Cradle [F2005L00239]*.

AD/B767/207—APU and Engine Fire Shutoff Switches [F2005L00240]*.

AD/BAe 146/107 Amdt 2—Forward Fuselage Skin [F2005L00226]*.

AD/BAe 146/113—Nose Landing Gear Retirement Life [F2005L00225]*.

AD/BELL 430/1 Amdt 2—Tail Rotor Blade [F2005L00190]*.

AD/CASA/26—Steering System Hydraulic Installation [F2005L00196]*.

AD/CESSNA 208/16 Amdt 1—Flap System Bellcranks [F2005L00241]*.

AD/DAUPHIN/78—Main Gearbox Bottom Plate [F2005L00361]*.

AD/ECUREUIL/109—Sliding Door Rear Fitting Pin [F2005L00327]*.

AD/EMB-120/25 Amdt 2—Nacelle Structure [F2005L00217]*.

AD/F406/11 Amdt 1—Fuselage to Centre Wing Connection [F2005L00212]*.

AD/JETSTREAM/95 Amdt 1—Steering Actuator Piston Rod Cracking [F2005L00195]*.

AD/M20/53—O&N Bladder Fuel Cell Contamination [F2005L00236]*.

AD/PA-23/90—Turbo-Charger Oil Tank [F2005L00235]*.

AD/PA-28/96 Amdt 1—Control Wheel Attachment [F2005L00209]*.

AD/PA-32/83 Amdt 1—Control Wheel Attachment [F2005L00210]*.

AD/PA-34/52 Amdt 1—Control Wheel Attachment [F2005L00208]*.

AD/PA-44/19 Amdt 1—Control Wheel Attachment [F2005L00206]*.

AD/PA-46/32 Amdt 1—Control Wheel Attachment [F2005L00205]*.

AD/PC-12/45—Windshield Deice System Wiring – Inspection/Replacement [F2005L00304]*.

AD/TBM 700/38—Flap Carriage Roller Pins [F2005L00230]*.

Part 106—

AD/AL 250/85—Fuel Nozzle Screen [F2005L00201]*.

AD/AL 250/86—Compressor Adaptor Coupling [F2005L00198]*.

AD/BR700/5—High Pressure Compressor Front Drum [F2005L00232]*.

AD/CF34/9—High Pressure Compressor Forward Spool [F2005L00237]*.

AD/LYC/110 Amdt 1—Crane/Lear Romec Rotary Fuel Pump Relief Valve Attachment Screws [F2005L00193]*.

AD/ROTAX/21 Amdt 1—Coolant “Evans NPG+” or Conventional Water-Glycol Coolant [F2005L00211]*.

AD/TAY/5 Amdt 3—HP Compressor OGV Segment to Outer Seal Spacer Retaining Bolt Release [F2005L00221]*.

Part 107—

AD/APU/18—Fuel Leaks on Hamilton Sundstrand APU Models T-62T-46C12 and T-62T-40C14 [F2005L00233]*.

Class Rulings CR 2005/5-CR 2005/8.

Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00294]*.

Commonwealth Electoral Act—

Appointment of Polling Places for the Division of Werriwa, dated 10 February 2005 [F2005L00275]*.

Appointment of Pre-Poll Voting Offices for the Division of Werriwa, dated 18 February 2005 [F2005L00360]*.

Copyright Act—Select Legislative Instrument 2005 No. 15—Copyright Amendment Regulations 2005 (No. 1) [F2005L00311]*.

Corporations Act—Order under subsection 341(1)—ASIC Class Order [CO 05/83] [F2005L00280]*.

Criminal Code Act—Select Legislative Instrument 2005 No. 23—Criminal Code Amendment Regulations 2005 (No. 1) [F2005L00384]*.

Currency Act—Currency (Royal Australian Mint) Determination 2005 (No. 1) [F2005L00325]*.

Customs Act—

CEO Instruments of Approval Nos—

- 3 of 2005 [F2005L00334]*.
- 4 of 2005 [F2005L00335]*.
- 5 of 2005 [F2005L00336]*.
- 6 of 2005 [F2005L00337]*.
- 7 of 2005 [F2005L00338]*.
- 8 of 2005 [F2005L00339]*.
- 9 of 2005 [F2005L00340]*.
- 10 of 2005 [F2005L00356]*.
- 11 of 2005 [F2005L00342]*.
- 12 of 2005 [F2005L00343]*.
- 13 of 2005 [F2005L00344]*.
- 14 of 2005 [F2005L00345]*.
- 15 of 2005 [F2005L00346]*.

Select Legislative Instruments 2005 Nos—

- 16—Customs (Prohibited Exports) Amendment Regulations 2005 (No. 1) [F2005L00375]*.
- 17—Customs (Prohibited Imports) Amendment Regulations 2005 (No. 1) [F2005L00376]*.

Tariff Concession Orders—

- 0411589 [F2005L00188]*.
- 0411759 [F2005L00306]*.
- 0412188 [F2005L00191]*.
- 0412234 [F2005L00307]*.
- 0412278 [F2005L00418]*.
- 0412279 [F2005L00387]*.
- 0412358 [F2005L00246]*.
- 0412707 [F2005L00308]*.
- 0412708 [F2005L00250]*.
- 0412872 [F2005L00309]*.
- 0412873 [F2005L00367]*.
- 0412875 [F2005L00368]*.
- 0412876 [F2005L00452]*.
- 0412877 [F2005L00388]*.
- 0412878 [F2005L00389]*.
- 0412879 [F2005L00390]*.
- 0412880 [F2005L00391]*.
- 0412881 [F2005L00392]*.
- 0412997 [F2005L00369]*.
- 0413050 [F2005L00370]*.
- 0413051 [F2005L00371]*.
- 0413052 [F2005L00373]*.
- 0413053 [F2005L00374]*.
- 0413255 [F2005L00453]*.
- 0413339 [F2005L00393]*.
- 0413340 [F2005L00420]*.
- 0413470 [F2005L00421]*.
- 0413471 [F2005L00447]*.
- 0413472 [F2005L00422]*.
- 0413473 [F2005L00423]*.

0413474 [F2005L00424]*.
 0413475 [F2005L00425]*.
 0413695 [F2005L00448]*.
 0413699 [F2005L00449]*.
 0413700 [F2005L00450]*.
 0413841 [F2005L00451]*.

Defence Act—Determination under section 58B—Defence Determination 2005/5—Post indexes – amendment.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 16 February 2005 [2].

Environment Protection and Biodiversity Conservation Act—Instruments amending list of—

Specimens suitable for live import under section 303EB, dated—

25 January 2005 [F2005L00303]*.
 31 January 2005 [F2005L00258]*.
 9 February 2005 [F2005L00300]*.
 11 February 2005 [F2005L00363]*.
 3 March 2005 [F2005L00526]*.

Threatened species under section 178, dated—

31 January 2005 [F2005L00291]*.
 31 January 2005 [F2005L00292]*.
 21 February 2005 [F2005L00430]*.

Export Control Act—Export Control (Orders) Regulations—

Export Control (Hay and Straw) Orders 2005 [F2005L00433]*.
 Export Control (Plants and Plant Products) Orders 2005 [F2005L00523]*.
 Game, Poultry and Rabbit Meat Amendment Orders 2005 (No. 1) [F2005L00332]*.

Extradition Act—Select Legislative Instrument 2005 No. 3—Extradition (Lithuania) Regulations 2005 [F2005L00271]*.

Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2005 (No. 1) [F2005L00413]*.
 Family Law (Superannuation) (Retirement Age — S.A. Metropolitan Fire Service Superannuation Fund) Approval 2005 [F2005L00353]*.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—Directions Nos—

29 of 2004-2005 [F2005L00290]*.
 30 of 2004-2005 [F2005L00288]*.

Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 30 June 2005) [F2005L00293]*.

Select Legislative Instrument 2005 No. 6—Financial Management and Accountability Amendment Regulations 2005 (No. 1) [F2005L00147]*.

Financial Sector (Transfers of Business) Act—Transfer Rules Variation Determination No. 1 of 2005 [F2005L00364]*.

Fisheries Levy Act—Select Legislative Instrument 2005 No. 2—Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2005 (No. 1) [F2005L00171]*.

Fisheries Management Act—

Northern Prawn Fishery Management Plan Amendment 2005 (No. NPF 05) [F2005L00378]*.

SCQ02 Determination 2005—Determination in relation to the Bass Strait Central Zone Scallop Fishery and the Southern Squid Fishery [F2005L00380]*.

Select Legislative Instrument 2005 No. 19—Fisheries Management Amendment Regulations 2005 (No. 1) [F2005L00357]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code—Amendment No. 76 [F2005L00323]*.

Goods and Services Tax Ruling GSTR 2005/1.

Hazardous Waste (Regulation of Exports and Imports) Act—Select Legislative Instrument 2005 No. 20—Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2005 (No. 1) [F2005L00156]*.

Health Insurance Act—Select Legislative Instrument 2005 No. 9—Health Insurance Amendment Regulations 2005 (No. 1) [F2005L00169]*.

Higher Education Funding Act—Guidelines for Remission of HECS/PELS/BOTPLS/OLDPS Debt [F2005L00272]*.

Higher Education Support Act—

Higher Education Provider Approval (No. 2 of 2005)—East Coast Gestalt Training Incorporated [F2005L00273]*.

Higher Education Provider Approval (No. 3 of 2005)—Blue Mountains International Hotel Management School Pty Ltd [F2005L00276]*.

Higher Education Provider Approval (No. 4 of 2005)—College of Law Pty Ltd [F2005L00419]*.

HIH Royal Commission (Transfer of Records) Act—Select Legislative Instrument 2005 No. 11—HIH Royal Commission (Transfer of Records) Regulations 2005 [F2005L00228]*.

Income Tax Assessment Act 1997—Select Legislative Instrument 2005 No. 22—Income Tax Assessment Amendment Regulations 2005 (No. 1) [F2005L00314]*.

Judiciary Act—Select Legislative Instrument 2005 No. 13—High Court Amendment Rules 2005 (No. 1) [F2005L00255]*.

Lands Acquisition Act—Select Legislative Instrument 2005 No. 8—Lands Acquisition Amendment Regulations 2005 (No. 1) [F2005L00220]*.

Legislative Instruments Act—Select Legislative Instrument 2005 No. 14—Legislative Instruments Amendment Regulations 2005 (No. 1) [F2005L00362]*.

Life Insurance Act—Life Insurance (Prudential Rules) Determination No. 1 of 2005—Friendly society financial statements [F2005L00414]*.

Medical Indemnity (Prudential Supervision and Product Standards) Act—Select Legislative Instrument 2005 No. 12—Medical Indemnity (Prudential Supervision and Product Standards) Amendment Regulations 2005 (No. 1) [F2005L00168]*.

National Health Act—

Determination No. HIB 03/2005 [F2005L00396]*.

National Health (Pharmaceutical Benefits) (Application to supply pharmaceutical benefits following the death of approved pharmacist — documentary evidence) Determination 2005 [F2005L00358]*.

Privacy Act—

Determination No. 2005-1A [F2005L00278]*.

Temporary Public Interest Determination No. 2005-1 [F2005L00274]*.

Product Grant and Benefit Rulings PGBR 2005/1.

Product Rulings—

Addendum—PR 2004/102.

Notices of Withdrawal—

PR 2003/43.

PR 2004/14.

PR 2005/10-PR 2005/22.

Product Stewardship (Oil) Act—Select Legislative Instrument 2005 No. 4—

Product Stewardship (Oil) Amendment Regulations 2005 (No. 1) [F2005L00158]*.

Radiocommunications (Receiver Licence Tax) Act—Radiocommunications

(Receiver Licence Tax) Amendment Determination 2005 (No. 1) [F2005L00320]*.

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications

(Transmitter Licence Tax) Amendment Determination 2005 (No. 1)

[F2005L00319]*.

Remuneration Tribunal Act—Remuneration Tribunal Determination 2005/02:

Parliamentary Office Holders – Additional Salary [F2005L00299]*.

Renewable Energy (Electricity) Act—Select Legislative Instrument 2005 No. 5—

Renewable Energy (Electricity) Amendment Regulations 2005 (No. 1)

[F2005L00222]*.

Social Security Act—Social Security (Class of Visas—Newly Arrived Resident's

Waiting Period for Special Benefit) Determination 2005 [F2005L00266]*.

Social Security (International Agreements) Act—Select Legislative Instrument

2005 No. 21—Social Security (International Agreements) Act 1999 Amendment

Regulations 2005 (No. 1) [F2005L00355]*.

Superannuation Act 1976—Select Legislative Instrument 2005 No. 7—

Superannuation (CSS) Continuing Contributions for Benefits Amendment

Regulations 2005 (No. 1) [F2005L00146]*.

Superannuation Guarantee Ruling SGR 2005/1.

Superannuation Industry (Supervision) Act—Determination of requirements for an

approved guarantee [F2005L00415]*.

Sydney Airport Curfew Act—Dispensations granted under section 20—

Dispensation No. 1/05 [20 dispensations].

Taxation Rulings—

Notice of Withdrawal—TR 2000/14.

TR 2005/2 and TR 2005/3.

Telecommunications Act—

Telecommunications (Freephone and Local Rate Numbers) Allocation

Determination 2005 (No. 1) [F2005L00469]*.

Telecommunications (Freephone and Local Rate Numbers — Charities)

Allocation Determination 2005 (No. 1) [F2005L00479]*.

Textile, Clothing and Footwear Strategic Investment Program Act—Select Legislative Instrument 2005 No. 10—Textile, Clothing and Footwear Strategic Investment Program Regulations 2005 [F2005L00244]*.

Veterans' Entitlements Act and Military Rehabilitation and Compensation Act—Repatriation Medical Authority Instruments Nos—

- 1 of 2005 [F2005L00397]*.
- 2 of 2005 [F2005L00398]*.
- 3 of 2005 [F2005L00399]*.
- 4 of 2005 [F2005L00400]*.
- 5 of 2005 [F2005L00401]*.
- 6 of 2005 [F2005L00406]*.
- 7 of 2005 [F2005L00407]*.
- 8 of 2005 [F2005L00409]*.
- 9 of 2005 [F2005L00410]*.
- 10 of 2005 [F2005L00412]*.

* Explanatory statement tabled with legislative instrument.

32 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 July to 31 December 2004—Statements of compliance—

- Agriculture, Fisheries and Forestry portfolio agencies.
- Australian Trade Commission.
- Comcare.
- Family and Community Services portfolio agencies.

33 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 2004—Letter of advice—Human Services portfolio.

34 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP

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

The Minister for Defence (Senator Hill), by leave, moved—That Senator Mason replace Senator Scullion on the Legal and Constitutional References Committee for the committee's inquiry into the effectiveness and appropriateness of the *Privacy Act 1988* on 21 April and 22 April 2005, and 19 May and 20 May 2005.

Question put and passed.

35 GOVERNOR-GENERAL'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:

18 February 2005—Message—

No. 1—

A New Tax System (Goods and Services Tax Imposition (Recipients)—Customs) Act 2005 (Act No. 1, 2005)

A New Tax System (Goods and Services Tax Imposition (Recipients)—Excise) Act 2005 (Act No. 2, 2005)

A New Tax System (Goods and Services Tax Imposition (Recipients)—General) Act 2005 (Act No. 3, 2005)

Water Efficiency Labelling and Standards Act 2005 (Act No. 4, 2005).

No. 2—

Australian Passports Act 2005 (Act No. 5, 2005)

Australian Passports (Application Fees) Act 2005 (Act No. 6, 2005)

Australian Passports (Transitionals and Consequentials) Act 2005 (Act No. 7, 2005).

22 February 2005—Message—

No. 3—

Financial Framework Legislation Amendment Act 2005 (Act No. 8, 2005)

Private Health Insurance Incentives Amendment Act 2005 (Act No. 9, 2005)

Tax Laws Amendment (Long-term Non-reviewable Contracts) Act 2005 (Act No. 10, 2005)

Family Assistance Legislation Amendment (Adjustment of Certain FTB Child Rates) Act 2005 (Act No. 11, 2005).

No. 4—

Authorised Deposit-taking Institutions Supervisory Levy Imposition Amendment Act 2005 (Act No. 12, 2005)

Authorised Non-operating Holding Companies Supervisory Levy Imposition Amendment Act 2005 (Act No. 13, 2005)

Financial Institutions Supervisory Levies Collection Amendment Act 2005 (Act No. 14, 2005)

General Insurance Supervisory Levy Imposition Amendment Act 2005 (Act No. 15, 2005)

Life Insurance Supervisory Levy Imposition Amendment Act 2005 (Act No. 16, 2005)

Retirement Savings Account Providers Supervisory Levy Imposition Amendment Act 2005 (Act No. 17, 2005)

Superannuation Supervisory Levy Imposition Amendment Act 2005 (Act No. 18, 2005).

1 March 2005—Message No. 5—*Disability Discrimination Amendment (Education Standards) Act 2005* (Act No. 19, 2005).

**36 AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005
 NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) AMENDMENT
 (APPLICATION) BILL 2005
 NAVIGATION AMENDMENT BILL 2004
 TAX LAWS AMENDMENT (2004 MEASURES NO. 6) BILL 2004**

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

Message no. 83, dated 16 February 2005—A Bill for an Act to amend the *Aged Care Act 1997*, and for related purposes.

Message no. 81, dated 15 February 2005—A Bill for an Act to amend the *National Security Information (Criminal Proceedings) Act 2004*, and for related purposes.

Message no. 88, dated 17 February 2005—A Bill for an Act to amend the *Navigation Act 1912*, and for related purposes.

Message no. 78, dated 10 February 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Defence (Senator Hill) 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 Hill moved—That these bills be now read a second time.

On the motion of Senator Hill the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

Consideration of legislation: Senator Hill moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**37 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004
 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND
 TRANSITIONAL PROVISIONS) BILL 2004
 TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT BILL 2004
 TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 2004
 TELEVISION LICENCE FEES AMENDMENT BILL 2004
 DATACASTING CHARGE (IMPOSITION) AMENDMENT BILL 2004
 RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 2004
 RADIOCOMMUNICATIONS (SPECTRUM LICENCE TAX) AMENDMENT BILL 2004
 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2004
 RADIO LICENCE FEES AMENDMENT BILL 2004
 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004
 NEW INTERNATIONAL TAX ARRANGEMENTS (MANAGED FUNDS AND OTHER
 MEASURES) BILL 2004
 TAX LAWS AMENDMENT (2004 MEASURES NO. 7) BILL 2005
 TAX LAWS AMENDMENT (2005 MEASURES NO. 1) BILL 2005**

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

Message no. 68, dated 10 February 2005—A Bill for an Act to establish the Australian Communications and Media Authority, and for related purposes.

Message no. 69, dated 10 February 2005—A Bill for an Act to amend laws, and to deal with transitional matters, in connection with the *Australian Communications and Media Authority Act 2004*, and for related purposes.

Message no. 70, dated 10 February 2005—A Bill for an Act to amend the *Telecommunications (Carrier Licence Charges) Act 1997*, and for related purposes.

Message no. 71, dated 10 February 2005—A Bill for an Act to amend the *Telecommunications (Numbering Charges) Act 1997*, and for related purposes.

Message no. 72, dated 10 February 2005—A Bill for an Act to amend the *Television Licence Fees Act 1964*, and for related purposes.

Message no. 73, dated 10 February 2005—A Bill for an Act to amend the *Datacasting Charge (Imposition) Act 1998*, and for related purposes.

Message no. 74, dated 10 February 2005—A Bill for an Act to amend the *Radiocommunications (Receiver Licence Tax) Act 1983*, and for related purposes.

Message no. 75, dated 10 February 2005—A Bill for an Act to amend the *Radiocommunications (Spectrum Licence Tax) Act 1997*, and for related purposes.

Message no. 76, dated 10 February 2005—A Bill for an Act to amend the *Radiocommunications (Transmitter Licence Tax) Act 1983*, and for related purposes.

Message no. 77, dated 10 February 2005—A Bill for an Act to amend the *Radio Licence Fees Act 1964*, and for related purposes.

Message no. 80, dated 15 February 2005—A Bill for an Act to amend the *Broadcasting Services Act 1992*, and for related purposes.

Message no. 86, dated 16 February 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 90, dated 17 February 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 84, dated 16 February 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Defence (Senator Hill) 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 Hill moved—That these bills be now read a second time.

Explanatory memorandum: Senator Hill tabled a revised explanatory memorandum relating to the Tax Laws Amendment (2004 Measures No. 7) Bill 2005.

On the motion of Senator Hill the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Hill moved—That—

- (a) the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004;
- (b) the New International Tax Arrangements (Managed Funds and Other Measures) Bill 2004;

(c) the Tax Laws Amendment (2004 Measures No. 7) Bill 2005; and
(d) the Tax Laws Amendment (2005 Measures No. 1) Bill 2005
be listed on the *Notice Paper* as separate orders of the day, and the remaining bills be listed as one order of the day.

Question put and passed.

38 NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

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

Message no. 91, dated 7 March 2005—A Bill for an Act to amend legislation relating to private health insurance, and for related purposes.

The Minister for Defence (Senator Hill) 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 Hill moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hill tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Hill the debate was adjourned till the next day of sitting.

39 BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2005

A message from the House of Representatives was reported agreeing to the following bill with an amendment:

Message no. 87, dated 17 February 2005—Bankruptcy and Family Law Legislation Amendment Bill 2005.

On the motion of the Minister for Defence (Senator Hill) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

40 DISABILITY DISCRIMINATION AMENDMENT (EDUCATION STANDARDS) BILL 2004 [2005]

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 89, dated 17 February 2005—Disability Discrimination Amendment (Education Standards) Bill 2004 [2005].

41 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—APPOINTMENT OF HOUSE MEMBERS

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Parliamentary Joint Committee on ASIO, ASIS and DSD, as follows:

Message no. 79, dated 14 February 2005—Mr Beazley, Mr Jull, Mr Kerr and Mr McArthur.

**42 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—REPORT—BROADCASTING SERVICES AMENDMENT
(ANTI-SIPHONING) BILL 2004**

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 Broadcasting Services Amendment (Anti-Siphoning) Bill 2004—Report, dated March 2005, Hansard record of proceedings [2 vols], documents presented to the committee and submissions [14].

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

43 DEFENCE AMENDMENT BILL 2005

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.

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

In the committee

Bill taken as a whole by leave.

Senator Bartlett moved the following amendments together by leave:

Schedule 1, item 25, page 8 (after line 15), at the end of subsection 100(1), add:
; and (c) notify the person of the right to have part of the sample sent to an accredited laboratory of their own choice for independent testing.

Schedule 1, page 11 (after line 4), after item 37, insert:

37A At the end of section 107

Add:

- (3) The Defence Instructions made under this Part must provide for penalties for unauthorised disclosure of test results.

Schedule 1, item 39, page 12 (after line 11), after section 109, insert:

109A Defence Instructions to be legislative instruments

Notwithstanding section 7 of the *Legislative Instruments Act 2003*, a Defence Instruction made for the purposes of this Part is a legislative instrument for the purposes of that Act.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Defence (Senator Hill) the report from the committee was adopted and the bill read a third time.

44 NATIONAL SECURITY INFORMATION (CRIMINAL PROCEEDINGS) AMENDMENT (APPLICATION) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—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 Minister for Justice and Customs (Senator Ellison) the bill was read a third time. All Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

45 AGED CARE AMENDMENT (TRANSITION CARE AND ASSETS TESTING) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Hill)—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.

46 TAX LAWS AMENDMENT (2004 MEASURES NO. 6) BILL 2004

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

Debate resumed.

Senator Stott Despoja moved the following amendment:

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

- (a) expresses its concern that the Government continues to discriminate against parents who adopt children by restricting eligibility to the Maternity Payment (which has replaced the Baby Bonus); and
- (b) calls on the Government to:
 - (i) afford adoptive parents the same rights and supports as biological parents, and
 - (ii) amend the Maternity Payment to make it available to all adoptive parents, irrespective of the child’s age”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

47 POSTAL INDUSTRY OMBUDSMAN BILL 2004 [2005]

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

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator Cherry was speaking.

48 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.26 pm till Tuesday, 8 March 2005 at 12.30 pm.

49 ATTENDANCE

Present, all senators except Senators Cook, Harradine* and Hutchins* (* on leave).

HARRY EVANS
Clerk of the Senate