

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 16

TUESDAY, 8 MARCH 2005

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**1 MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2003-04.

Australian Broadcasting Corporation—Equity and diversity—Report for 1 September 2003 to 31 August 2004.

Australian Federal Police—Report for 2003-04.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly reports for the periods—

1 April to 30 June 2004.

1 July to 30 September 2004.

Australian Research Council—Strategic action plan 2005-2007.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2005 update.

Department of Defence—Special purpose flights—Schedule for the period January to June 2004—Errata.

Department of Employment and Workplace Relations—Report for 2003-04—Corrigendum.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04.

National Institute of Clinical Studies Limited—Report for 2003-04.

Productivity Commission—Report for 2003-04.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2004.

*Telecommunications Act 1997*—

Funding of research and consumer representation in relation to telecommunications—Report for 2003-04.

Telecommunications carrier industry development plans—Progress report for 2003-04.

United Nations—Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 1014/2001—Views.

No. 1324/2004—Outline.

Wet Tropics Management Authority—Report for 2003-04.

Wheat Export Authority—Report for 1 October 2003 to 30 September 2004.

**3 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.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

On the motion of Senator Conroy the following amendment was debated and agreed to:

Schedule 1, item 11, page 19 (after line 31), after subsection 19ZA(2), insert:

(2A) Notwithstanding subsection (2), where a PPO meets the conditions specified in this section, it must apply in writing to the Postal Industry Ombudsman to be registered for the purposes of this Part where:

(a) the PPO comprises 20 or more employees; and

(b) the PPO annual financial turnover threshold is greater than \$1,000,000.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

**4 NAVIGATION AMENDMENT 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.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) the bill was read a third time.

**5 NATIONAL HEALTH AMENDMENT (PROSTHESES) 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.

*At 2 pm:* Debate was interrupted while Senator Moore was speaking.

**6 QUESTIONS**

Questions without notice were answered.

**7 WOMEN—ANSWERS TO QUESTIONS**

Senator Stephens moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) to questions without notice asked today relating to women.

Debate ensued.

Question put and passed.

**8 DEATH OF FORMER MEMBER JAMES CORBETT**

The Deputy President (Senator Hogg) informed the Senate of the death, on 3 March 2005, of James Corbett, a member of the House of Representatives for the division of Maranoa from 1966 to 1980.

**9 PETITION**

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

From 15 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

**10 NOTICES**

*Notices of motion:*

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 March 2005, from 4 pm to 8 pm, to take evidence for the committee's inquiry into the Regional Partnerships program. (*general business notice of motion no. 87*)

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

(a) notes that:

- (i) on 21 February 2005 the Australian Competition and Consumer Commission (ACCC) reached an agreement with Telstra to deal with issues involved in the competition notice issued to Telstra on 19 March 2004, and
- (ii) while the ACCC maintains that Telstra's conduct was likely to have been in breach of the Trade Practices Act it decided to resolve the matter after obtaining senior legal advice; and

(b) resolves that there be laid on the table, no later than 3.30 pm on Thursday, 17 March 2005, a report by the ACCC containing:

- (i) the internal and external legal advice it obtained which caused it to decide to resolve the matters raised in the competition notice without litigation, and
- (ii) details of the nature of the evidence received from Telstra's wholesale customers which influenced its decision to take no further action in relation to the matters raised in the competition notice. (*general business notice of motion no. 88*)

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

- (a) notes that on 21 February 2005 the Australian Competition and Consumer Commission (ACCC) reached an agreement with Telstra to deal with issues involved in the competition notice issued to Telstra on 19 March 2004; and

- (b) resolves that there be laid on the table, no later than 3.30 pm on 10 May 2005, a report by the ACCC containing:
  - (i) recommendations by the ACCC to:
    - (A) prevent a similar situation from recurring, and
    - (B) improve the ACCC's ability to handle anti-competitive behaviour engaged in by Telstra,
  - (ii) specific details of the pricing conduct for which Telstra will be rebating its wholesale customers through the settlement including the period of time during which this conduct was undertaken,
  - (iii) an explanation of how the settlement will act as a deterrent to Telstra engaging in anti-competitive conduct in the future both in the broadband market and in other telecommunications markets,
  - (iv) an explanation of how the structure of the retail broadband market has been affected by Telstra's conduct during the period of the competition notice, including the impact of Telstra's conduct on retail market shares of broadband internet service providers, and
  - (v) an explanation of how the settlement will rectify any detrimental impacts on the structure of the retail broadband market that have resulted from Telstra's conduct. (*general business notice of motion no. 89*)

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

- (a) notes the Nuclear Non-proliferation Treaty (NPT) Review conference commencing on 1 May 2005 in New York and the vital importance of the NPT as an instrument of both nuclear disarmament and non-proliferation;
- (b) expresses its deep concern over:
  - (i) the proliferation of weapons of mass destruction and particularly those with nuclear weapons capabilities, and
  - (ii) the danger to humanity posed by the possibility that nuclear weapons could be used and at the lack of implementation of binding obligations and agreed steps towards nuclear disarmament;
- (c) calls for the full implementation of all relevant articles of the treaty including Articles I and II on non-proliferation and Article VI on the achievement of nuclear disarmament;
- (d) affirms the vital importance of the unequivocal undertaking made at the Year 2000 NPT Review conference by the nuclear weapons states, to accomplish the total and unequivocal elimination of their nuclear weapons arsenals, and of the 13 steps agreed to at that meeting;
- (e) urges the Government to:
  - (i) pursue a balanced and integrated approach on both disarmament and non-proliferation fronts at the NPT Review,
  - (ii) call on nuclear weapons states and nuclear weapons-capable states not to develop new types of nuclear weapons, or new rationalisations for their threat or use, in accordance with their commitment to diminish the role of nuclear weapons in their security policies, and
  - (iii) call for concrete agreed steps by nuclear weapons states and nuclear weapons-capable states to lower the operating status of nuclear weapons systems in their possession, as called for by Australia's L23 Path to a Nuclear Free World;

- (f) welcomes the appeal, signed by 25 Nobel prize-winners, calling on the governments of the United States of America, Russia, China, France, the United Kingdom, India, Pakistan, Israel and North Korea, to support and implement steps to lower the operational status of their nuclear weapon systems in order to reduce the risk of nuclear catastrophe;
- (g) notes and strongly affirms continued efforts by the Government to secure universal adherence to, and ratification of, the Comprehensive Nuclear Test Ban Treaty; and
- (h) requests that this resolution be conveyed to the foreign ministries and United Nations (UN) missions of all participants in the NPT Review conference, the UN Secretary-General, the Director-General of the International Atomic Energy Agency and the Chair of the 2005 NPT Review conference, as well as the governments of India, Pakistan and Israel. (*general business notice of motion no. 90*)

Senators Marshall and Nettle: To move 15 sitting days after today—That the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry, made under section 88AGA of the *Workplace Relations Act 1996*, be disallowed.

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

- (a) notes that:
  - (i) laws aimed at reducing the amount of synthetic greenhouse gases and establish a licensing system for the import, export and manufacture of synthetic greenhouse gases passed the Senate in November 2003,
  - (ii) the Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2004 were gazetted in December 2004 for commencement on 1 January 2005, and
  - (iii) the Minister for the Environment and Heritage has failed to appoint the board, specified in these regulations, which would issue industry permits and licences for the use of certain refrigeration and air conditioning greenhouse gases; and
- (b) calls on the Minister to make a full explanation to the Senate in which he details:
  - (i) whether he has abandoned the scheme as outlined in the regulations,
  - (ii) the level of uncertainty in the industry,
  - (iii) whether he has succumbed to pressure from the motor vehicle industry in Western Australia which wants a dual system for the regulation of synthetic greenhouse gases rather than the single system outlined in the regulations, and
  - (iv) the cost already borne by taxpayers in the setting up of the original scheme. (*general business notice of motion no. 91*)

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—That the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry, made under section 88AGA of the *Workplace Relations Act 1996*, be disallowed.

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

*Intention to withdraw:* Senator Nettle, pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 to 27 standing in her name for 10 sitting days after today for the disallowance of the following instruments:

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.



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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

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*.

#### 11 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That government business order of the day no. 4 (Superannuation Legislation Amendment Bill 2004) be postponed till the next day of sitting.

Question put and passed.

#### 12 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 16 March 2005.

Business of the Senate notice of motion no. 1 standing in the name of Senator Greig for 10 March 2005, relating to the proposed accreditation of the Southern Bluefin Tuna Fisheries Management Plan, postponed till 16 March 2005.

General business notice of motion no. 80 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to decriminalisation of abortion, postponed till 9 March 2005.

### 13 MENTAL HEALTH—SELECT COMMITTEE—APPOINTMENT

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Tierney and the Leader of the Opposition in the Senate (Senator Evans), amended general business notice of motion no. 86 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

- (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 custody, 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 the Leader of the Australian Democrats.
  - (3) That the chair of the committee be the Leader of the Australian Democrats.
  - (4) That the deputy chair of the committee be elected by and from the members of the committee.
  - (5) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
  - (6) That the quorum of the committee be 3 members.
  - (7) 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.
  - (8) 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.
  - (9) 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.
  - (10) That the quorum of a subcommittee be 2 members.
  - (11) 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.
  - (12) 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.

Question put and passed.

#### 14 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator George Campbell, at the request of the Leader of the Opposition in the Senate (Senator Evans), also on behalf of Senator Brown and the Leader of the Australian Democrats (Senator Allison), and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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) were able to report frankly and fearlessly on what they had found, or whether attempts were made to censor or otherwise distort their 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.

Question put.

The Senate divided—

AYES, 37

Senators—

Allison	Conroy	Ludwig	Ray
Bartlett	Crossin	Lundy	Ridgeway
Bishop	Denman	Mackay	Sherry
Bolkus	Evans	Marshall	Stephens
Brown	Faulkner	McLucas	Stott Despoja
Buckland	Forshaw	Moore	Webber
Campbell, G (Teller)	Greig	Murphy	Wong
Carr	Hogg	Murray	
Cherry	Kirk	Nettle	
Collins	Lees	O'Brien	

NOES, 34

Senators—

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

Question agreed to.

#### 15 ENVIRONMENT—TASMANIA—SOUTH SISTER

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 84—That the Senate—

- (a) notes that:
  - (i) on 4 March 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 separate application for a permanent order has been listed for 6 to 8 June 2005; and
- (b) calls on the Minister for the Environment and Heritage to discuss with his Tasmanian counterpart whether it is appropriate that the logging of this coup of forests be delayed until the new application from the claimant is heard by the tribunal and a finding issued.

Question put and passed.

#### 16 WOMEN—INTERNATIONAL WOMEN'S DAY

Senator Faulkner, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 85—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.

Question put and passed.

#### 17 INDIGENOUS AUSTRALIANS—AWARDS

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 83—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.

Question put and passed.

#### 18 INDIGENOUS AUSTRALIANS—‘BLACKOUT VIOLENCE’ CAMPAIGN

Senator Ridgeway amended general business notice of motion no. 82 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 to 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.

Question put and negatived (*but see entry no. 17, 9 March 2005*).

**19 WOMEN—INTERNATIONAL WOMEN’S DAY**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 79—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.

Question put and passed.

**20 HEALTH—ABORTION ISSUE—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 78—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.

Question put and passed.

**21 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 76—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.

Question put and passed.

**22 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—  
LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 77—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.

Question put and passed.

**23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMY—WOMEN**

The Deputy President (Senator Hogg) informed the Senate that Senator Lundy had proposed that the following matter of public importance be submitted to the Senate for discussion:

The need for the Federal Government to:

- (a) redress the decline in women's wages compared with men's over the life of the Howard Government;
- (b) develop a solution to punishing effective marginal tax rates which act as a barrier to increasing the participation of women and sole parents in particular in paid work; and
- (c) increase access to affordable childcare, and ensure that the supply and cost of childcare makes childcare available and affordable for sole parents entering the workforce.

The proposal was supported by four senators and the matter was discussed.

**24 PRIVILEGES—STANDING COMMITTEE—120TH REPORT**

The Chair of the Standing Committee of Privileges (Senator Faulkner) tabled the following report:

Privileges—Standing Committee—120th report—Possible unauthorised disclosure of private deliberations or draft report of Select Committee on the Free Trade Agreement between Australia and the United States of America, dated March 2005.

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

Senator Faulkner, by leave, moved—That the Senate endorse the finding at paragraph 1.25 of the 120th report of the Committee of Privileges.

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



**25 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT**

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the following report:

Senators' Interests—Standing Committee—Report 1 of 2005: Annual report 2004, dated March 2005.

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

**26 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2004**

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

Legal and Constitutional Legislation Committee—Administrative Appeals Tribunal Amendment Bill 2004—Report, dated March 2005, Hansard record of proceedings, document presented to the committee and submissions [18].

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

**27 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2004**

Senator McGauran, at the request of the Chair of the Community Affairs Legislation Committee (Senator Knowles), tabled the following document:

Community Affairs Legislation Committee—Report—National Health Amendment (Prostheses) Bill 2004—Additional information.

**28 DOCUMENTS**

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2004 (No. 2).

*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]:*

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendments—

44—Office Employment Location Policies [F2005L00580]\*.

48—Signs Policies – Flexibility Provisions and Sponsorship Signs in the Parliamentary Zone [F2005L00505]\*.

49—Civic Principles and Policies [F2005L00542]\*.

Australian National University Act—

Academic and Ceremonial Dress Statute—Academic and Ceremonial Dress Order 2005 [F2005L00549]\*.

Academic and Ceremonial Dress Statute 2005 [F2005L00548]\*.

Parking and Traffic Statute 2005 [F2005L00533]\*.

Broadcasting Services Act—Variations to Licence Area Plans for—

Rockhampton – Gladstone Radio – No. 1 of 2005 [F2005L00555]\*.

Wagga Wagga Radio – No. 1 of 2005 [F2005L00552]\*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/AMD 10/25—Wing Anti-Ice Hoses [F2005L00537]\*.

AD/GENERAL/84—Thermal/Acoustic Insulation Materials [F2005L00488]\*.

Financial Management and Accountability Act—

Financial Management and Accountability Determinations—

2005/02 — Australia-Indonesia Partnership for Reconstruction and Development (Grants) Special Account Determination 2005 [F2005L00550]\*.

2005/03 — Australia-Indonesia Partnership for Reconstruction and Development (Loans) Special Account Determination 2005 [F2005L00553]\*.

Net Appropriation Agreements for the—

Australia-Japan Foundation [F2005L00514]\*.

Australian Electoral Commission [F2005L00509]\*.

Australian Office of Financial Management [F2005L00520]\*.

Department of the House of Representatives [F2005L00522]\*.

Department of the Prime Minister and Cabinet [F2005L00513]\*.

National Competition Council [F2005L00521]\*.

Office of the Commonwealth Ombudsman [F2005L00510]\*.

Office of the Official Secretary to the Governor-General [F2005L00515]\*.

Productivity Commission [F2005L00519]\*.

Higher Education Support Act—List of maximum amounts of all grants paid in 2005 for each purpose of grant specified in section 41-10 [F2005L00518]\*.

\* Explanatory statement tabled with legislative instrument.

**29 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was 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—Statement of compliance—Human Services portfolio.

**30 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—Defence portfolio.

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

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

The Minister for Communications, Information Technology and the Arts (Senator Coonan), by leave, moved—That Senator Carr replace Senator Collins on the Employment, Workplace Relations and Education References Committee for matters relating to education.

Question put and passed.

**32 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Parliamentary Joint Committee on ASIO, ASIS and DSD, as follows:

Message no. 92, dated 7 March 2005—Mr Byrne in place of Mr Beazley.

**33 ADMINISTRATION OF INDIGENOUS AFFAIRS—SELECT COMMITTEE—REPORT—AFTER ATSIIC – LIFE IN THE MAINSTREAM**

Pursuant to order, the Chair of the Select Committee on the Administration of Indigenous Affairs (Senator Moore) tabled the following report and documents:

Administration of Indigenous Affairs—Select Committee—After ATSIIC – Life in the mainstream?: Report on the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and the proposed administration of Indigenous programs and services, dated March 2005, Hansard record of proceedings, documents presented to the committee and submissions [247].

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

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

Debate ensued.

Question put and passed.

**34 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REPORT—INQUIRY INTO AUSTRALIAN EXPATRIATES**

Pursuant to order, the Chair of the Legal and Constitutional References Committee (Senator Bolkus) tabled the following report and documents:

Legal and Constitutional References Committee—They still call Australia home: Inquiry into Australian expatriates—Report, dated March 2005, Hansard record of proceedings [4 vols], document presented to the committee and submissions [677].

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

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

Debate ensued.

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

**35 NATIONAL HEALTH AMENDMENT (PROSTHESES) 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.

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

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Schedule 1, item 12, page 10 (after line 6), after subitem (1), insert:

- (1A) The review must include:
- (a) an assessment of the adequacy of informed financial consent arrangements; and
  - (b) an examination of the extent of out-of-pocket costs experienced by patients for clinically appropriate prostheses.

Debate ensued.

The Minister for Justice and Customs (Senator Ellison) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Ellison, that the committee have leave to sit again on the next day of sitting.

### 36 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—CHANGES IN MEMBERSHIP

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That Senators Evans and Faulkner replace Senators Hutchins and Mackay on the Foreign Affairs, Defence and Trade References Committee for the committee's inquiry into duties of Australian personnel in Iraq.

Question put and passed.

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*At 6.50 pm—*

### 37 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Wet Tropics Management Authority—Report for 2003-04. Motion to take note of document moved by Senator Bartlett and debated. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2004. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Productivity Commission—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2004. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2004. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2005 update. Motion to take note of document moved by Senator Brandis, debated and agreed to.

Orders of the day nos 15, 16 and 17 relating to government documents were called on but no motion was moved.

**38 ADJOURNMENT**

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

Debate ensued.

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*Document:* Senator Santoro, by leave, tabled the following document:

Regional Australia—Sea change communities in Coastal Australia—Copy of Executive Summary—Final (Draft) Report for the National Sea Change Taskforce by University of Sydney, Faculty of Architecture, Planning Research Centre.

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Debate continued.

The Senate adjourned at 9.08 pm till Wednesday, 9 March 2005 at 9.30 am.

**39 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate