

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 17

WEDNESDAY, 9 MARCH 2005

**Contents**

1	Meeting of Senate .....	441
2	Government Documents .....	441
3	Bankruptcy and Family Law Legislation Amendment Bill 2005 .....	441
4	New International Tax Arrangements (Managed Funds and Other Measures) Bill 2004 .....	441
5	Medical Indemnity Legislation Amendment Bill 2005 .....	442
6	Farm Household Support Amendment Bill 2005 .....	443
7	Family and Community Services and Veterans' Affairs Legislation Amendment (Further 2004 Election Commitments and Other Measures) Bill 2005 .....	443
8	Matters of Public Interest .....	443
9	Questions .....	444
10	Communications—Telstra—Answers to Questions .....	444
11	Immigration—Trafficking for Prostitution—Answer to Question .....	444
12	Notices .....	444
13	Selection of Bills—Standing Committee—Report No. 2 of 2005 .....	447
14	Postponements .....	448
15	Parliamentary Service Amendment Bill 2005 .....	449
16	Finance and Public Administration References Committee—Leave to Meet During Sitting .....	449
17	Indigenous Australians—'Blackout Violence' Campaign .....	449
18	Environment—Synthetic Greenhouse Gases .....	450
19	Scrutiny of Bills—Standing Committee—2nd Report and Alert Digest No. 2 of 2005 .....	451
20	Regulations and Ordinances—Standing Committee—Documents .....	451
21	Parliamentary Privilege—Execution of Search Warrants—Documents .....	451
22	Auditor-General—Audit Reports Nos 31 to 36 of 2004-05—Documents .....	452
23	Particulars of Proposed Expenditure and Estimates of Proposed Expenditure in Relation to Tsunami Financial Assistance for 2004-05— Documents .....	452
24	Documents .....	452

25	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document.....	453
26	Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 .....	454
27	Higher Education Legislation Amendment (2005 Measures No. 1) Bill 2005 ..	454
28	Economics Legislation Committee—Report—Tax Laws Amendment (2004 Measures No. 7) Bill 2004 .....	454
29	Family and Community Services and Veterans' Affairs Legislation Amendment (Further 2004 Election Commitments and Other Measures) Bill 2005 .....	455
30	National Health Amendment (Prostheses) Bill 2005 .....	455
31	Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 .....	456
32	Government Documents—Consideration .....	458
33	Adjournment .....	458
34	Attendance.....	458

**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Advance to the Finance Minister—Summary of issues and supporting applications for issues for December 2004.

Advisory Panel on the Marketing in Australia of Infant Formula—Report for 2003-04.

*Australian National Training Authority Amendment Act 2003*—Australian National Training Authority (ANTA) Agreement for 1 January 2001 to 30 June 2005.

Migration Agents Registration Authority—Report for 2003-04.

United Nations—Optional Protocol to the International Covenant on Civil and Political Rights—Human Rights Committee—Communication no. 1011/2001—Views.

**3 BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2005**

Order of the day read for the consideration of message no. 87 from the House of Representatives in committee of the whole (*see entry no. 39, 7 March 2005*).

---

*In the committee*

SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, item 6A, page 4 (line 26) to page 5 (line 13), omit the item.

The Minister for Justice and Customs (Senator Ellison) moved—That the committee agrees to the amendment made by the House of Representatives to the bill.

Debate ensued.

Question put and passed.

Resolution to be reported.

---

The Acting Deputy President (Senator Knowles) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 87 from the House of Representatives relating to the Bankruptcy and Family Law Legislation Amendment Bill 2005 and had agreed to the amendment made by the House to the bill.

On the motion of Senator Ellison the report from the committee was adopted.

**4 NEW INTERNATIONAL TAX ARRANGEMENTS (MANAGED FUNDS AND OTHER MEASURES) 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 Special Minister of State (Senator Abetz) the bill was read a third time.

##### 5 **MEDICAL INDEMNITY LEGISLATION AMENDMENT BILL 2005**

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

Message no. 93, dated 8 March 2005—A Bill for an Act to amend the *Medical Indemnity Act 2002*, and for other purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That this bill be now read a second time.

Debate ensued.

Senator Ridgeway moved the following amendment:

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

- (a) notes that:
  - (i) midwives are still the only group of professionals that are prevented from working as they were trained and registered, and
  - (ii) the Commonwealth promoted legislation to the states that required all health professionals to hold professional indemnity insurance (as a consumer safety mechanism), while at the same time refusing to assist one group of health professionals, thereby denying safety to a group of consumers; and
- (b) calls on the Government to:
  - (i) recognise that midwives provide exactly the same service as general practitioners and obstetricians in normal circumstances,
  - (ii) use its influence within the insurance industry and with medical defence organisations to ensure the development of a comprehensive professional indemnity insurance policy to cover midwives, and
  - (iii) refer the matter of competition in obstetrical services to the Australian Competition and Consumer Commission for urgent review”.

Debate ensued.

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

Main question, as amended, 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 Family and Community Services (Senator Patterson) the bill was read a third time.

**6 FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2005**

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

Message no. 94, dated 8 March 2005—A Bill for an Act to amend the *Farm Household Support Act 1992*, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**7 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (FURTHER 2004 ELECTION COMMITMENTS AND OTHER MEASURES) BILL 2005**

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

Message no. 95, dated 9 March 2005—A Bill for an Act to amend the law relating to social security, veterans' entitlements and family assistance, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

Debate ensued.

*At 12.45 pm:* Debate was interrupted while the Leader of the Opposition in the Senate (Senator Evans) was speaking.

**8 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

*Suspension of sitting:* On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) the sitting of the Senate was suspended at 1.48 pm till 2 pm.

—————

*At 2 pm—*

**9 QUESTIONS**

Questions without notice were answered.

**10 COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS**

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked today relating to Telstra.

Debate ensued.

Question put and passed.

**11 IMMIGRATION—TRAFFICKING FOR PROSTITUTION—ANSWER TO QUESTION**

Senator Greig moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Greig today relating to trafficking for prostitution.

Question put and passed.

**12 NOTICES**

*Notices of motion:*

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

(a) notes:

- (i) the extensive history of violence directed towards human rights defenders and non-violent activists in Colombia,
- (ii) that Article 3 of the Fourth Geneva Convention prohibits violence against civilians in the context of armed conflict that occurs within the borders of a sovereign state and is not of an international character, and
- (iii) recognises the importance of human rights and peace work in the current situation in Colombia;

(b) recalls its resolution of 4 August 2004, in which it expressed its ‘hope that the Colombian Government will guarantee the safety of the people of San José de Apartadó, and of the international observers who accompany them’;

(c) expresses grave concern following the death of Mr Luis Eduardo Guerra, leader of the Peace Community of San José de Apartadó, his partner and child, in a massacre of eight people in the department of Antioquia, Colombia;

(d) notes that the United Nations High Commissioner for Refugees has strongly condemned these murders and called on Colombian authorities to prosecute those responsible; and

(e) calls on the Colombian Government to:

- (i) formulate and make known to the international community a plan of action to prevent any further violations of the rights of the Peace Community of San José de Apartadó,
- (ii) undertake an exhaustive and impartial investigation to ascertain all the relevant facts and bring to justice those responsible for the murders,
- (iii) provide reparation for the victims’ relatives and for the Peace Community, and

- (iv) guarantee the Peace Community's right to a non-violent 'Project of Life' allowing them to remain outside the conflict, without suffering smears, threats or attacks because of this decision. (*general business notice of motion no. 92*)

Senator Lees: To move on the next day of sitting—That the provisions of the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005 be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 6 May 2005.

Senator Cherry: To move on the next day of sitting—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 10 May 2005:

The circumstances surrounding the agreement reached between Telstra and the Australian Competition and Consumer Commission regarding the competition notice issued to Telstra on 19 March 2004.

Senator Brown: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 22 June 2005:

- (a) any Australian involvement in, or knowledge of, the practice known as rendition (the transfer of people for interrogation to countries which allow torture);
- (b) any Australian involvement in, or knowledge of, the practice of torture overseas; and
- (c) any related matters.

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

- (a) notes the deterioration in the economy including the record current account deficit of 7.1 per cent of gross domestic product (GDP), record net foreign debt of \$422 billion, the negative household savings ratio and one of the lowest GDP growth rates of the advanced economies; and
- (b) calls on the Government:
  - (i) to acknowledge that there are severe economic imbalances in the economy that threaten to push interest rates still higher,
  - (ii) to implement policies that will lift the productive potential of the economy,
  - (iii) to invest in skills development to ease skill shortages which are now at 20 year highs, and
  - (iv) to support infrastructure investment to ease capacity constraints and inflation pressures and promote exports. (*general business notice of motion no. 93*)

*Notices of motion withdrawn:*

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway) withdrew business of the Senate notice of motion no. 1 standing in his name for 10 March 2005, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee.

Senator Nettle, pursuant to notice of intention given on 8 March 2005, withdrew business of the Senate notices of motion nos 1 to 27 standing in her name for 9 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*.

Senator Nettle, by leave, made a statement relating to the matter.

### 13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2005

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following report:

#### SELECTION OF BILLS COMMITTEE REPORT NO. 2 OF 2005

1. The committee met in private session from 4.20 pm.

2. The committee resolved to recommend—That—
- (a) the *provisions* of the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 10 May 2005;
  - (b) the *provisions* of the Higher Education Legislation Amendment (2005 Measures No. 1) Bill 2005 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 16 March 2005;
  - (c) the Tax Laws Amendment (2005 Measures No. 1) Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 10 May 2005; and
  - (d) the *provisions* of the Trade Practices Legislation Amendment Bill (No. 1) 2005 to be *referred immediately* to the Economics Legislation Committee for inquiry and report by 15 March 2005.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Bill 2005
  - Australian Institute of Marine Science Amendment Bill 2005
  - Family and Community Services and Veterans' Affairs Legislation Amendment (Further 2004 Election Commitments and Other Measures) Bill 2005
  - Farm Household Support Amendment Bill 2005
  - Medical Indemnity Legislation Amendment Bill 2005
  - Workplace Relations Amendment (Extended Prohibition of Compulsory Union Fees) Bill 2005.

*The committee recommends accordingly.*

4. The committee *deferred* consideration of the following bill to the next meeting:
- Bill deferred from meeting of 8 February 2005*
- Trade Practices Amendment (Personal Injuries and Death) Bill 2004.

Jeannie Ferris  
Chair  
9 March 2005.

Senator Ferris moved—That the report be adopted.

Question put and passed.

#### 14 POSTPONEMENTS

The following items of business were postponed:

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 10 March 2005.

General business notice of motion no. 88 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Australian Competition and Consumer Commission, postponed till 10 March 2005.

General business notice of motion no. 89 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Australian Competition and Consumer Commission, postponed till 10 March 2005.

General business notice of motion no. 90 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to the Nuclear Non-proliferation Treaty Review, postponed till 10 March 2005.

**15 PARLIAMENTARY SERVICE AMENDMENT BILL 2005**

The President, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 81—That the following bill be introduced:

A Bill for an Act to amend the *Parliamentary Service Act 1999*, and for related purposes.

Question put and passed.

The President presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

The President moved—That this bill be now read a second time.

---

*Explanatory memorandum:* The President tabled an explanatory memorandum relating to the bill.

---

On the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) the debate was adjourned till the next day of sitting.

**16 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator George Campbell, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 87—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.

Question put and passed.

**17 INDIGENOUS AUSTRALIANS—'BLACKOUT VIOLENCE' CAMPAIGN**

Senator Ridgeway, by leave, 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 passed.

#### 18 ENVIRONMENT—SYNTHETIC GREENHOUSE GASES

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 91—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.

Question put and passed.

**19 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST  
NO. 2 OF 2005**

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

2nd report of 2005—Legislative Instruments Act: Declarations, dated 9 March 2005.

Alert Digest No. 2 of 2005, dated 9 March 2005.

Report ordered to be printed on the motion of Senator George Campbell.

**20 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENTS**

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), tabled the following documents:

Regulations and Ordinances—Standing Committee—

Delegated legislation monitor—Regulations and disallowable instruments tabled in the Senate in 2004, dated February 2005.

Ministerial correspondence relating to the scrutiny of delegated legislation, February to December 2004 [3 vols]—

Department of Agriculture, Fisheries and Forestry.

Attorney-General's Department, Department of Communications, Information Technology and the Arts, Department of Defence, Department of Employment and Workplace Relations, Department of the Environment and Heritage, Department of Family and Community Services, Department of Finance and Administration.

Department of Foreign Affairs and Trade, Department of Health and Ageing, Department of Immigration and Multicultural and Indigenous Affairs, Department of Industry, Tourism and Resources, Department of the Prime Minister and Cabinet, Department of Transport and Regional Services, Department of the Treasury.

**21 PARLIAMENTARY PRIVILEGE—EXECUTION OF SEARCH WARRANTS—DOCUMENTS**

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

Parliamentary privilege—Execution of search warrants—

Australian Federal Police (AFP) national guideline for execution of search warrants where parliamentary privilege may be involved.

Memorandum of understanding on the execution of search warrants in the premises of members of Parliament between the Attorney-General, the Minister for Justice and Customs, the Speaker of the House of Representatives and the President of the Senate.

Senator Faulkner, by leave, moved—That the Senate take note of the documents.

Debate ensued.

Question put and passed.

**22 AUDITOR-GENERAL—AUDIT REPORTS NOS 31 TO 36 OF 2004-05—DOCUMENTS**

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

Auditor-General—Audit reports for 2004-05—

No. 31—Performance audit—Centrelink's customer feedback systems: Summary report, covering audit reports nos 32 to 36.

No. 32—Performance audit—Centrelink's customer charter and community consultation program.

No. 33—Performance audit—Centrelink's customer satisfaction surveys.

No. 34—Performance audit—Centrelink's complaints handling system.

No. 35—Performance audit—Centrelink's review and appeals system.

No. 36—Performance audit—Centrelink's value creation program.

**23 PARTICULARS OF PROPOSED EXPENDITURE AND ESTIMATES OF PROPOSED EXPENDITURE IN RELATION TO TSUNAMI FINANCIAL ASSISTANCE FOR 2004-05—DOCUMENTS**

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

Particulars of certain proposed expenditure in relation to tsunami financial assistance and the Australia-Indonesia partnership for reconstruction and development in respect of the year ending on 30 June 2005.

Particulars of proposed expenditure in relation to tsunami financial assistance in respect of the year ending on 30 June 2005.

Estimates of proposed expenditure in relation to tsunami financial assistance for 2004-05—Portfolio supplementary additional estimates statements—Portfolios—

Attorney-General's portfolio.

Defence portfolio.

Family and Community Services portfolio.

Foreign Affairs and Trade portfolio.

Health and Ageing portfolio.

Human Services portfolio.

Senator Bartlett, by leave, moved—That the Senate take note of the documents.

Question put and passed.

**24 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Environment Protection and Biodiversity Conservation Act—Instruments amending list of exempt native specimens under section 303DB, dated—

11 November 2004.

26 November 2004.

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

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission (Meetings) Directions 2005 [F2005L00577]\*.

Customs Act—Tariff Concession Orders—

0411084 [F2005L00561]\*.

0413762 [F2005L00559]\*.

0413764 [F2005L00560]\*.

Financial Management and Accountability Act—Net Appropriation Agreements for the—

Australian Research Council [F2005L00541]\*.

Office of the Inspector-General of Taxation [F2005L00569]\*.

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery Management Plan—

Determination No. BSCZSFD 01—Total Allowable Catch [F2005L00563]\*.

Direction No. BSCZSF 01—Area Closures [F2005L00565]\*.

Military Rehabilitation and Compensation Act—Instrument No. M20 of 2004—Military Rehabilitation and Compensation Act Treatment (Revocation) Determination [F2005L00482]\*.

National Health Act—Determinations Nos—

PSO 1/2005 [F2005L00591]\*.

PSO 3/2005 [F2005L00595]\*.

Product Rulings—

Addenda—PR 2004/99, PR 2004/114, PR 2004/115 and PR 2004/117.

PR 2005/23-PR 2005/26.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 2/05 [3 dispensations].

Taxation Determination—Notice of Withdrawal—TD 2000/4.

Taxation Rulings—

Addendum—TR 96/5.

Notices of Withdrawal—

TR 92/19.

TR 2003/9.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2005 (No. 1) [F2005L00416]\*.

Trade Practices Act—Consumer Protection Notice No. 1 of 2005—Amendment to Consumer Product Safety Standard: Toys for Children up to and including 36 months of age [F2005L00558]\*.

\* Explanatory statement tabled with legislative instrument.

**25 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—Finance and Administration portfolio agencies.

**26 AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (LEVY AND FEES) BILL 2005**

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

Message no. 96, dated 9 March 2005—A Bill for an Act to amend or repeal legislation relating to agricultural and veterinary chemicals, and for related purposes.

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) 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 Vanstone moved—That this bill be now read a second time.

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

**27 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 1) BILL 2005**

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

Message no. 97, dated 9 March 2005—A Bill for an Act to amend legislation relating to higher education, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That this bill be now read a second time.

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

**28 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (2004 MEASURES NO. 7) BILL 2004**

Pursuant to order, the Chair of the Economics Legislation Committee (Senator Brandis) tabled the following report and documents:

Economics Legislation Committee—Provisions of Tax Laws Amendment (2004 Measures No. 7) Bill 2004—Report, dated March 2005, Hansard record of proceedings and submissions [4].

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

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

Question put and passed.



**29 FAMILY AND COMMUNITY SERVICES AND VETERANS' AFFAIRS LEGISLATION  
AMENDMENT (FURTHER 2004 ELECTION COMMITMENTS AND OTHER MEASURES)  
BILL 2005**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck)—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 Family and Community Services (Senator Patterson) the bill was read a third time.

**30 NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005**

Order of the day read for the further consideration of the bill in committee of the whole.

---

*In the committee*

Consideration resumed of the bill—and of the amendment moved by the Leader of the Australian Democrats (Senator Allison):

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 resumed.

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

Senator Lees moved the following amendments together by leave:

Schedule 1, item 3, page 3 (after line 20), after section 5F, insert:

**5G Hospital treatments by accredited podiatrists (podiatric surgeons)**

- (1) Hospital costs in relation to theatre fees, bed costs and prostheses incurred by private patients treated by accredited podiatrists may be eligible for benefits provided from the applicable benefit arrangements (hospital tables) of registered health benefit organizations for persons with appropriate cover.
- (2) Benefits for professional fees of accredited podiatrists may be provided from the ancillary health benefit tables of registered health benefit organizations for persons with appropriate cover.
- (3) The role of the Private Health Insurance Ombudsman includes monitoring the operation of provisions relating to accredited podiatrists within this Act and the *Health Insurance Act 1973* and reporting and acting on complaints.

Schedule 1, item 7, page 5 (line 16), omit “prosthesis”, substitute “prosthesis, or the provision of the prosthesis is associated with podiatric treatment by an accredited podiatrist”.

Schedule 1, item 11, page 8 (line 7), omit “prosthesis”, substitute “prosthesis, or the provision of the prosthesis is associated with podiatric treatment by an accredited podiatrist”.

Schedule 1, page 7 (after line 25), after item 8, insert:

**8A After paragraph 82ZS(1)(c)**

Insert:

(ca) an accredited podiatrist;

Schedule 1, page 7 (after line 25), after item 8, insert:

**8B At the end of section 82ZSA**

Add:

- ; or (d) the level of hospital costs being met by registered health benefit organizations under their applicable benefit arrangements in relation to patients of accredited podiatrists; or
- (e) restrictions on access by an accredited podiatrist or the patient of an accredited podiatrist to hospital and day hospital facilities covered by an applicable hospital purchaser provider agreement or minimum benefit determination (default benefit) under paragraph (bj) of Schedule 1.

Debate ensued.

---

*Document:* The Minister for Family and Community Services (Senator Patterson) tabled the following document:

National Health Amendment (Prostheses) Bill 2005—Copy of letter to Senator Lees from the Minister for Health and Ageing (Mr Abbott), dated 8 March 2005.

---

Debate continued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

---

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

On the motion of Senator Patterson the report from the committee was adopted and the bill read a third time.

**31 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) 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.

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

---

*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, page 3 (after line 4), before item 1, insert:

**1A After subsection 115(1)**

Insert:

- (1AAA) Any notice in effect in accordance with subsection (1) must include a reference to each match in the Fédération Internationale de Football Association World Cup (FIFA) finals tournament as being an event of the kind specified in subsection (1).

Senator Conroy moved the following amendments together by leave:

Schedule 1, page 3 (after line 20), at the end of the Schedule, add:

**3 Paragraph 10(1)(e) of Schedule 2**

Repeal the paragraph, substitute:

- (e) the licensee will not acquire the right to televise, on a subscription television broadcasting service, a commercial television broadcasting service or a national broadcasting service an event that is specified in a notice under subsection 115(1) unless:
- (i) a national broadcaster has the right to televise the event on its broadcasting service; or
  - (ii) the television broadcasting services of commercial television broadcasting licensees who have the right to televise the event cover a total of more than 50% of the Australian population;
- (eaa) the licensee will not communicate to the public, or permit to be communicated to the public, on a subscription television broadcasting service an event to which the right to televise has been acquired in breach of subparagraph (e)(i);

Schedule 1, page 3 (after line 20), at the end of the Schedule, add:

**4 After subclause 10(1B) of Schedule 2**

Insert:

- (1C) For the purposes of paragraph (1)(e), if a *related party* of a subscription television broadcasting licensee acquires the right to televise an event, the licensee is taken also to have acquired the right. For this purpose, *related party* of the licensee means:
- (a) a person who is in a position to exercise control of the licensee; or
  - (b) a person in respect of whom the licensee is in a position to exercise control; or

- (c) a person who is in a position to exercise control of a person mentioned in paragraph (a) or (b); or
  - (d) a person in respect of whom a person mentioned in paragraph (a) or (b) is in a position to exercise control.
- 

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

### 32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Migration Agents Registration Authority—Report for 2003-04. Motion to take note of document moved by Senator Bartlett and agreed to.

### 33 ADJOURNMENT

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

Debate ensued.

---

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

Social Issues—‘You me Australian: Living in harmony’—Pamphlet produced by Waverley Softball Association Inc.

---

Debate continued.

The Senate adjourned at 7.35 pm till Thursday, 10 March 2005 at 9.30 am.

### 34 ATTENDANCE

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

**HARRY EVANS**  
Clerk of the Senate