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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 NOTICES

Notices of motion:

Senator Conroy: To move on the next day of sitting—That the matter of the performance of the Australian telecommunications regulatory regime be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 23 June 2005, with the following terms of reference:

- (1) Whether the current telecommunications regulatory regime promotes competition, encourages investment in the sector and protects consumers to the fullest extent practicable, with particular reference to:
 - (a) whether Part XIB of the *Trade Practices Act 1974* deals effectively with instances of the abuse of market power by participants in the Australian telecommunications sector and, if not, the implications of any inadequacy for participants, consumers and the competitive process;
 - (b) whether Part XIC of the *Trade Practices Act 1974* allows access providers to receive a sufficient return on investment and access seekers to obtain commercially viable access to declared services in practice, and whether there are any flaws in the operation of this regime;
 - (c) whether there are any structural issues in the Australian telecommunications sector inhibiting the effectiveness of the current regulatory regime;
 - (d) whether consumer protection safeguards in the current regime provide effective and comprehensive protection for users of services;
 - (e) whether regulators of the Australian telecommunications sector are currently provided with the powers and resources required in order to perform their role in the regulatory regime;
 - (f) the impact that the potential privatisation of Telstra would have on the effectiveness of the current regulatory regime;
 - (g) whether the Universal Service Obligation (USO) is effectively ensuring that all Australians have access to reasonable telecommunications services and, in particular, whether the USO needs to be amended in order to ensure that all Australians receive access to adequate telecommunications services reflective of changes in technology requirements;
 - (h) whether the current regulatory environment provides participants with adequate certainty to promote investment, most particularly in infrastructure such as optical fibre cable networks;
 - (i) whether the current regulatory regime promotes the emergence of innovative technologies;
 - (j) whether it is possible to achieve the objectives of the current regulatory regime in a way that does not require the scale and scope of regulation currently present in the sector; and

- (k) whether there are any other changes that could be made to the current regulatory regime in order to better promote competition, encourage investment or protect consumers.
- (2) That the committee make recommendations for legislative amendments to rectify any weaknesses in the current regulatory regime identified by the committee's inquiry.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Appropriation (Tsunami Financial Assistance) Bill 2004-2005

Appropriation (Tsunami Financial Assistance and Australia-Indonesia Partnership) Bill 2004-2005.

Document: Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2005 autumn sittings.

Notices of motion withdrawn:

Senator Lees withdrew business of the Senate notice of motion no. 1 standing in her name for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Legislation Committee.

Senator Bartlett, at the request of Senator Cherry, withdrew business of the Senate notice of motion no. 2 standing in the name of Senator Cherry for today, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts References Committee.

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That general business order of the day no. 30 (Parliamentary Service Amendment Bill 2005) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

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

- (a) general business notice of motion no. 93 standing in the name of Senator Ludwig relating to the economy; and
- (b) consideration of government documents.

Question put and passed.

4 **POSTPONEMENT**

The following item of business was 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 14 March 2005.

5 ORDER OF BUSINESS—REARRANGEMENT

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 [2005], be postponed till a later hour.

Question put and passed.

6 COMMUNICATIONS—AUSTRALIAN COMPETITION AND CONSUMER COMMISSION—TELSTRA—ORDERS FOR PRODUCTION OF DOCUMENTS

Senator Ludwig, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 89—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.

Question put and passed.

Senator Ludwig, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 88—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 a report by the ACCC be provided on a confidential basis to the Environment, Communications, Information Technology and the Arts References Committee, no later than 3.30 pm on Thursday, 17 March 2005, 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.

Question put and passed.

7 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY REVIEW

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 90—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
 - (ii) the danger to humanity posed by the possible use of nuclear weapons;
- (c) acknowledges the significant steps taken towards nuclear disarmament since the previous NPT Review conference including the signing of the Strategic Offensive Reductions Treaty between Russia and the United States of America in 2002 and 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 general and complete disarmament;
- (d) affirms the vital importance of the unequivocal undertaking made at the 2002 NPT Review conference by the nuclear weapons states, to accomplish the elimination of 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 at the NPT Review conference,
 - (ii) call on the nuclear weapons states and nuclear capable states not to develop new types of nuclear weapons, in accordance with the commitment to diminish the role of nuclear weapons in security policies, and
 - (iii) call for concrete agreed steps by nuclear weapons states and nuclear 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 30 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 (CTBT) and urges the Government to press for the early entry into force of the CTBT; 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.

Question put and passed.

8 FOREIGN AFFAIRS—COLOMBIA—HUMAN RIGHTS

Senator Bartlett, at the request of Senator Stott Despoja, amended general business notice of motion no. 92 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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, and
 - (iii) 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.

Question put and passed.

9 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee (Budget estimates 2004-05—vol. 3).

10 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice, moved business of the Senate notice of motion no. 3—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.

Debate ensued.

Senator Bartlett moved the following amendments together by leave:

At the end of paragraph (a), insert “, after September 2001”.

At the end of paragraph (b), insert “, after September 2001”.

Debate ensued.

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

Debate continued.

Main question put.

The Senate divided—

AYES, 8

Senators—

Allison Bartlett (Teller)	Brown Cherry	Greig Murray	Nettle Ridgeway
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NOES, 43

Senators—

Abetz	Denman	Kirk	O'Brien
Barnett	Eggleston (Teller)	Knowles	Payne
Bishop	Evans	Ludwig	Santoro
Brandis	Ferguson	Lundy	Scullion
Buckland	Ferris	Macdonald, Sandy	Stephens
Calvert	Fifield	Mackay	Tchen
Campbell, George	Forshaw	Marshall	Tierney
Chapman	Harris	Mason	Troeth
Colbeck	Hogg	McLucas	Watson
Cook	Humphries	Moore	Webber
Crossin	Johnston	Murphy	

Question negatived.

11 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REPORT—AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004 AND RELATED BILLS AND MATTERS

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts References Committee—A lost opportunity? Provisions of the Australian Communications and Media Authority Bill 2004 and related bills and matters—Report, dated March 2005, Hansard record of proceedings [2 vols], additional information and submissions [24].

Report ordered to be printed on the motion of Senator Cherry.
 Senator Cherry, by leave, moved—That the Senate take note of the report.
 Debate adjourned till the next day of sitting, Senator Cherry in continuation.

12 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

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, as amended—and of the amendments moved by Senator Conroy:

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.

Debate ensued.

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

Bill, as amended, further debated and 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 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.

**13 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT
 BILL 2004 [2005]**

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

Debate resumed.

Senator Carr, also on behalf of Senators Ridgeway and Nettle, moved the following amendment:

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

- (a) notes:
 - (i) that the Government’s ‘practical reconciliation’ agenda has failed to improve outcomes for Indigenous Australians,
 - (ii) that there is no evidence that mainstreaming of service delivery will in any way help to address Indigenous disadvantage,
 - (iii) the Government’s failure to advance the goal of reconciliation between Indigenous and non-Indigenous Australians,
 - (iv) the Government’s failure to negotiate a treaty with Indigenous Australians or to guarantee self-determination for Australia’s Indigenous people, and
 - (v) that the abolition of Indigenous representative organisations will serve to further marginalise Australia’s Indigenous citizens;
- (b) condemns the Government for failing to:
 - (i) consult or negotiate with Indigenous Australians on the provisions of the bill, and
 - (ii) develop a new legislative and administrative model that restores the right of Indigenous Australians to be responsible for their own future, despite the international evidence demonstrating that this approach delivers the best practical outcomes;
- (c) supports the implementation of new legislative and administrative arrangements that restore responsibility and opportunity for Indigenous Australians; and
- (d) calls on the Government to:
 - (i) guarantee that Indigenous communities will be genuine partners in the policy development and the delivery of services,
 - (ii) ensure that a properly resourced regional representative structure is developed according to the preferences of Indigenous communities, and

- (iii) consult with Indigenous people for the purpose of negotiating the establishment of a new national Indigenous representative body whose members are chosen by Indigenous people”.

Debate ensued.

At 12.45 pm: Debate was interrupted.

14 **PARLIAMENTARY SERVICE AMENDMENT BILL 2005**

Order of the day read for the adjourned debate on the motion of the President—That this bill be now read a second time.

Debate resumed.

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate calls on the Presiding Officers and the Government to ensure that the parliamentary departments, in particular the Department of Parliamentary Services, are adequately funded to provide an appropriate level of services to the Houses of the Parliament, their committees and members, that those services are not reduced to pay for increased security expenditure, and especially that:

- (a) adequate funding is provided for the Parliamentary Library to provide its essential services;
- (b) transcription services are at an appropriate level;
- (c) public access to Parliament House during sittings of the Houses and public meetings of committees is not curtailed; and
- (d) public access to the Parliament House art collection is available”.

Debate ensued.

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

Main question, as amended, 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 the Leader of the Opposition in the Senate (Senator Evans) the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 8, page 4 (lines 8 to 11), omit section 38A, substitute:

38A Parliamentary Librarian

- (1) An office of Parliamentary Librarian is established by this section.
- (2) The Parliamentary Librarian and the employees of the joint Department assisting the Parliamentary Librarian may be known as the Parliamentary Library.

Note: The Parliamentary Librarian is within the joint Department (see section 54).

Schedule 1, item 8, page 5 (lines 9 to 16), omit subsection 38C(3), substitute:

- (3) The Presiding Officers cannot appoint a person as the Parliamentary Librarian unless:

- (a) the person has either or both of the following:
 - (i) professional qualifications in librarianship or information management (however described);
 - (ii) professional membership of a recognised professional association in the discipline of librarianship or information management (however described); or
- (b) the Presiding Officers are satisfied that, by reason of the person's qualifications in another relevant discipline, or the person's professional experience, the person has suitable skills to perform the functions of Parliamentary Librarian.

Schedule 1, page 8 (after line 17), after item 12, insert:

12A Before section 66

Insert:

65A Security Management Board

- (1) A Security Management Board is established by this section.
- (2) The Board consists of:
 - (a) the Secretary of the joint Department, or an SES employee of that department nominated by the Presiding Officers in writing; and
 - (b) an SES employee of the Department of the Senate nominated by the President of the Senate in writing; and
 - (c) an SES employee of the Department of the House of Representatives nominated by the Speaker of the House of Representatives in writing.
- (3) The Board may, with the approval in writing of the Presiding Officers:
 - (a) invite other members of the Parliamentary Service to attend its meetings; and
 - (b) invite the heads of other organisations to attend or be represented at its meetings.
- (4) The Presiding Officers will appoint a Board member to chair meetings of the Board.
- (5) The function of the Board is to provide advice as required to the Presiding Officers on security policy, and the management of security measures, for Parliament House.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the sitting of the Senate was suspended at 1.12 pm till 2 pm.

At 2 pm—

15 QUESTIONS

Questions without notice were answered.

16 MINISTERS—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

17 AUSTRALIA'S DEVELOPMENT COOPERATION PROGRAM—MINISTERIAL STATEMENT—DOCUMENTS

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled the following documents:

Australia's development cooperation program—

Australian aid: An integrated approach—Thirteenth annual statement to Parliament on Australia's aid program.

Ministerial statement by the Minister for Foreign Affairs (Mr Downer), dated 10 March 2005.

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

Debate ensued.

Question put and passed.

18 ECONOMICS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—PUBLIC LIABILITY AND PROFESSIONAL INDEMNITY INSURANCE

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled the following document:

Economics References Committee—Report—Public liability and professional indemnity insurance—Government response.

19 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—RECRUITMENT AND TRAINING IN THE AUSTRALIAN PUBLIC SERVICE

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled the following document:

Finance and Public Administration References Committee—Report—Recruitment and training in the Australian Public Service—Government response.

20 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—391ST REPORT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—391st report—Review of independent auditing by registered company auditors—Government response, dated March 2005.

**21 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—CLERP (AUDIT REFORM AND CORPORATE
DISCLOSURE) BILL 2003**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled the following document:

Corporations and Financial Services—Joint Statutory Committee—Reports—
CLERP (Audit Reform and Corporate Disclosure) Bill 2003: Parts 1 and 2—
Government response, dated March 2005.

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

Debate ensued.

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

22 AUDITOR-GENERAL—AUDIT REPORTS NOS 37 AND 38 OF 2004-05—DOCUMENTS

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

Auditor-General—Audit reports for 2004-05—

No. 37—Business support process audit—Management of business support
service contracts.

No. 38—Performance audit—Payment of goods and services tax to the states
and territories.

**23 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—CRIMINAL
CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2004 [2005]**

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—Criminal Code Amendment
(Trafficking in Persons Offences) Bill 2004 [2005]—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.

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

Question put and passed.

**24 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—STATEMENT—
COMMONWEALTH AUDITOR-GENERAL**

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, made
a statement by way of a report.

25 DOCUMENTS

The following documents were tabled by the Clerk:

*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]:*

*Appropriation Act (No. 3) 2003-2004—Determination to Reduce Appropriation
Upon Request—Determination No. 1 of 2004-2005 [F2005L00576]*.*

*Appropriation Act (No. 1) 2004-2005—Advance to the Finance Minister—
Determination No. 5 of 2004-2005 [F2005L00628]*.*

Aviation Transport Security Act—Notice under section 107—Notice about how incident reports are to be made [F2005L00631]*.

Civil Aviation Act—

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/B747/325—Post Nacelle Strut Modification Inspections [F2005L00583]*.

AD/PC-6/51—Stabiliser-Trim Attachment Components – Inspection/Replacement [F2005L00605]*.

Civil Aviation Regulations—Instrument No. CASA 76/05 [F2005L00547]*.

Corporations Act—Corporations (Foreign Exchange Markets) Exemption Amendment Notice 2005 (No. 1) [F2005L00629]*.

Customs Act—Tariff Concession Order 0410525 [F2005L00566]*.

National Health Act—Determination No. PSO 2/2005 [F2005L00594]*.

* Explanatory statement tabled with legislative instrument.

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

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2004—Statements of compliance—

Employment and Workplace Relations portfolio agencies.

Official Secretary to the Governor-General.

27 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Communications, Information Technology and the Arts (Senator Coonan), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—

Appointed—Substitute member: Senator Lundy to replace Senator Webber for the committee's inquiry into the provisions of the Trade Practices Legislation Amendment Bill (No. 1) 2005

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into duties of Australian personnel in Iraq

Mental Health—Select Committee—

Appointed—Senators Forshaw, Humphries, Moore, Scullion, Troeth and Webber

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Cherry for the committee's inquiry into the provisions of the Border Protection Legislation Amendment (Deterrence of Illegal Foreign Fishing) Bill 2005.

Question put and passed.

28 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2004-2005
APPROPRIATION BILL (NO. 3) 2004-2005
APPROPRIATION BILL (NO. 4) 2004-2005

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

Message no. 100, dated 10 March 2005—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 98, dated 10 March 2005—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 99, dated 10 March 2005—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

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

Question put and passed.

Bills read a first time.

Senator Coonan moved—That these bills be now read a second time.

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

29 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005
AUSTRALIAN INSTITUTE OF MARINE SCIENCE AMENDMENT BILL 2005

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

Message no. 101, dated 10 March 2005—A Bill for an Act to amend the *Trade Practices Act 1974*, and for other purposes.

Message no. 105, dated 10 March 2005—A Bill for an Act to amend the *Australian Institute of Marine Science Act 1972*, and for related purposes.

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

Question put and passed.

Bills read a first time.

Senator Coonan moved—That these bills be now read a second time.

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

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

Question put and passed.

30 APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILL 2004-2005
APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE AND AUSTRALIA-INDONESIA PARTNERSHIP) BILL 2004-2005

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

Message no. 102, dated 10 March 2005—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to Tsunami financial assistance, and for related purposes.

Message no. 103, dated 10 March 2005—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to Tsunami financial assistance and the Australia-Indonesia Partnership for Reconstruction and Development, and for related purposes.

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

Question put and passed.

Bills read a first time.

Senator Coonan moved—That these bills be now read a second time.

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

31 NATIONAL HEALTH AMENDMENT (PROSTHESES) BILL 2005

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 104, dated 10 March 2005—National Health Amendment (Prostheses) Bill 2005.

General business was called on.

32 ECONOMY

Senator Sherry, at the request of Senator Ludwig and pursuant to notice, moved general business notice of motion no. 93—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.

Debate ensued.

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

33 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Law Reform Commission—Report no. 99—Genes and ingenuity: Gene patenting and human health, June 2004. Motion of Senator Buckland to take note of document agreed to.

Housing Assistance Act 1996—Report for 2002-03 on the operation of the 1999 Commonwealth-State Housing Agreement [Final report]. Motion of Senator Buckland to take note of document debated and agreed to.

Great Barrier Reef Marine Park Authority—Report for 2003-04. Motion of Senator Buckland to take note of document debated and agreed to.

Office of the Federal Privacy Commissioner—Report for 2003-04 on the operation of the *Privacy Act 1988*. Motion of Senator Buckland to take note of document agreed to.

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

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

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

Parliamentarians' travel paid by the Department of Finance and Administration—January to June 2004, dated December 2004. Motion of Senator Bartlett to take note of document agreed to.

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

Aboriginal and Torres Strait Islander Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

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

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

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

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

Regional Forest Agreements between the Commonwealth of Australia and—
 New South Wales—
 Eden Regional Forest Agreement—
 Agreement, 25 August 1999.
 Reports on implementation—
 2000-01.
 2001-02.
 North East Regional Forest Agreement—Reports on implementation—
 2000-01.
 2001-02.
 Southern Regional Forest Agreement—Report on implementation for
 24 April 2001 to 30 June 2002.
 Tasmania—Tasmanian Regional Forest Agreement, 8 November 1997.
 Victoria—
 Central Highlands Regional Forest Agreement, 27 March 1998.
 East Gippsland Regional Forest Agreement, 3 February 1997.
 North East Regional Forest Agreement, 9 August 1999.
 Western Australia—South West Forest Regional Forest Agreement, 4 May
 1999.

Motion of Senator Brown to take note of documents agreed to.

Wet Tropics Management Authority—Report for 2003-04. Motion of Senator
 Bartlett to take note of document debated and agreed to.

*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 of Senator Bartlett to take
 note of document called on. Debate adjourned till Thursday at general business,
 Senator Bartlett in continuation.

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

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

General business concluded.

34 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

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

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. Motion of the
 chair of the committee (Senator Faulkner)—That the Senate endorse the finding at
 paragraph 1.25 of the 120th report of the Committee of Privileges—agreed to.

Legal and Constitutional References Committee—Report—They still call Australia home: Inquiry into Australian expatriates. Motion of the chair of the committee (Senator Bolkus) to take note of report debated and agreed to.

35 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

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

Auditor-General—Audit report no. 16 of 2004-05—Performance audit—Container examination facilities: Australian Customs Service. Motion of Senator Webber to take note of document agreed to.

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

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Orders of the day nos 3 to 5 and 7 to 13 relating to reports of the Auditor-General were called on but no motion was moved.

36 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.05 pm till Monday, 14 March 2005 at 12.30 pm.

37 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate