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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Technology Group Limited—Financial statements for 2003-04.

Department of Immigration and Multicultural and Indigenous Affairs—Access and equity report for 2004.

Mid-year economic and fiscal outlook—2004-05—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2004.

Stevedoring Levy (Collection) Act 1998—Report for 2004.

Treaty—*Bilateral*—Text, together with national interest analysis and annexures—Singapore-Australia Free Trade Agreement Amendments.

3 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That government business notice of motion no. 1 standing in the name of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) for today, relating to the approval of works proposed in the Parliamentary Zone, be postponed till a later hour.

Question put and passed.

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

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILL 2004-2005—

Bill, taken as a whole by leave, debated and agreed to.

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

Bill taken as a whole by leave.

Senator Nettle moved the following amendment:

Page 11, after clause 12 (after line 8), insert:

12A Expenditure limited to grants

Money expended under this Act is to be advanced by way of grant and not by way of loan.

Debate ensued.

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

Bill agreed to.

Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted and the bills read a third time.

5 ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2004 [2005]

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

Debate resumed.

At 2 pm: Debate was interrupted while the Minister for Justice and Customs (Senator Ellison) was speaking.

6 QUESTIONS

Questions without notice were answered.

Document: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled the following document:

Foreign Affairs—The 2005 Declaration on Illegal, Unreported and Unregulated Fishing [Draft]—Adopted by the FAO Ministerial Meeting on Fisheries, Rome, 12 March 2005.

Further questions without notice were answered.

7 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.

8 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—PERSONAL EXPLANATION

Senator Santoro, by leave, made a personal explanation relating to comments made by Senator Brown during the matters of public interest discussion on 9 March 2005.

Statement by leave: Senator Brown, by leave, made a statement relating to the matter.

9 PETITION

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

From 12 petitioners, requesting that the Senate take action to extend the Educational Textbook Subsidy Scheme indefinitely.

10 NOTICES

Notices of motion:

The Chair of the Finance and Public Administration Legislation Committee (Senator Mason): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on annual reports tabled by 31 October 2004 be extended to 10 May 2005. (*general business notice of motion no. 101*)

Senator Bartlett: To move 2 sitting days after today—That the Senate—

(a) notes that:

- (i) National Youth Week, which runs from 9 April to 17 April 2005, has as its theme ‘Celebrate and recognise the value of all young Australians to their communities’ and is a vital opportunity to celebrate young Australians’ ideas, contributions, talent and energy,
- (ii) young people’s contributions to community and society are often overlooked and undervalued, and
- (iii) despite the creation of 1.2 million new jobs in Australia during the past decade entrenched youth poverty persists, with a conservative estimate that 145 000 young people aged 15 to 24 live in poverty; and

(b) calls on the Government to:

- (i) put a ceiling on youth rates applying beyond workers’ 18th birthdays, and
- (ii) abolish the parental income test on youth allowance for young people over the age of 18. (*general business notice of motion no. 102*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Ridgeway): To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the last sitting day in March 2006:

The operation of the wine-making industry, with particular reference to the supply and purchase of grapes.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to extend the circumstances in which communications can be intercepted without warrant, and for other purposes. *Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005*.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Family Law Act 1975* and the *Bankruptcy Act 1966*, and for related purposes. **Family Law Amendment Bill 2005.**

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to make various amendments of the statute law of the Commonwealth, and for related purposes. **Statute Law Revision Bill 2005.**

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* and to make changes relating to the Sydney Harbour Federation Trust, and for related purposes. **Environment and Heritage Legislation Amendment Bill 2005.**

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Consular Privileges and Immunities Act 1972*, and for related purposes. **Consular Privileges and Immunities Amendment Bill 2005.**

Senator Bartlett: To move on the next day of sitting—That there be laid on the table, no later than the conclusion of question time on Wednesday, 11 May 2005, the following documents:

- (a) any reports or similar materials from Australian Pesticides and Veterinary Medicines Authority relating to glyphosate, herbicide-tolerant genetically-engineered plants and Fusarium; and
- (b) all agronomic data from the Office of the Gene Technology Regulator-approved Bayer or Monsanto genetically-engineered canola trials conducted in Australia. (*general business notice of motion no. 103*)

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

- (a) notes that 16 March 2005 is the third anniversary of the date on which the Minister for Foreign Affairs (Mr Downer) issued the first certificate pursuant to subregulation 5A of the Diplomatic Privileges and Immunities Regulations to prevent Falun Gong practitioners from holding peaceful demonstrations in front of the Chinese Embassy, and that the Minister has issued consecutive certificates since that time;
- (b) acknowledges wide-ranging evidence indicating that Falun Gong practitioners continue to be subjected to persecution, detention and torture in China;
- (c) expresses concern that preventing Falun Gong practitioners from holding peaceful demonstrations in front of the Chinese Embassy may compromise the practitioners' freedom of political communication under the Australian Constitution;
- (d) notes that Falun Gong practitioners have been free to demonstrate in front of Australian Government institutions, including Parliament House, without any concern for the dignity of those institutions;
- (e) expresses the view that it is inconsistent to enforce a more restrictive standard in relation to peaceful demonstrations in front of the Chinese Embassy than that which applies to demonstrations in front of Australian Government buildings;
- (f) recalls its resolution of 1 December 2003 to reaffirm its commitment to freedom of belief within Australia and recognise the freedom of Australians to practise Falun Gong without fear of harassment; and

- (g) calls on the Minister for Foreign Affairs to refrain from issuing further certificates which would prevent Falun Gong practitioners from demonstrating in front of the Chinese Embassy in the future. (*general business notice of motion no. 104*)

Senator Cherry: To move on the next day of sitting—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 13 October 2005:

An assessment of the long-term success of federal programs that seek to reduce the extent of and economic impact of salinity in the Australian environment, including:

- (a) whether goals of national programs to address salinity have been attained, including those stated in the National Action Plan for Salinity and Water Quality, National Heritage Trust and National Landcare programs;
- (b) the role that regional catchment management authorities are required to play in management of salinity-affected areas, and the legislative and financial support available to assist them in achieving national goals; and
- (c) what action has been taken as a result of recommendations made by the House of Representatives' Science and Innovation Committee's inquiry 'Science overcoming salinity: Coordinating and extending the science to address the nation's salinity problem', and how those recommendations may be furthered to assist land-holders, regional managers and affected communities to address and reduce the problems presented by salinity.

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

- (a) recognises:
 - (i) the inherent dangers of nuclear proliferation and the role uranium plays in the development of weapons of mass destruction,
 - (ii) the poor record of safety breaches in Australia's existing uranium mines, and
 - (iii) the potential for widespread and long-lasting damage to communities and the environment as a result of accidents involving nuclear power generation; and
- (b) calls on the Government to rule out the development of any new uranium mines and to reduce the number of operational uranium mines in Australia to three, regardless of price and demand in global uranium markets. (*general business notice of motion no. 105*)

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

- (a) notes:
 - (i) the proposed Nam Theun 2 Dam project in Laos will have significant negative economic, social and environmental impacts,
 - (ii) the inadequacy of consultation with communities affected by the dam,
 - (iii) that the dam will flood approximately 40 per cent of the Nakai Plateau, home to hundreds of bird species and the Asian elephant,
 - (iv) that as many as 150 000 people whose livelihood relies on the Xe Bang Fai river will be affected, and
 - (v) that the World Bank Board of Executive Directors is currently deciding whether to support the dam; and
- (b) calls on the Government to:
 - (i) urge the Laotian Government not to proceed with the project, and

- (ii) request the World Bank not to support the Nam Theun 2 Dam. (*general business notice of motion no. 106*)

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

- (a) notes that:
 - (i) 20 March 2005 marks 2 years since the illegal invasion of Iraq by a coalition led by the United States of America (US) which included Australia,
 - (ii) on the weekend of 19 and 20 March 2005, people in every capital city in Australia and across the world will join protests calling for an end to the occupation of Iraq,
 - (iii) 1 791 soldiers from coalition forces have died in Iraq,
 - (iv) the US, United Kingdom and Australian Governments have refused to count Iraqi casualties despite estimates that up to 100 000 Iraqis have died in the conflict,
 - (v) the British Medical Journal has published a call by public health experts from around the world, including Australia, for an immediate ‘comprehensive, independent inquiry into Iraqi war-related casualties’, and
 - (vi) the winning political coalition, the United Iraqi Alliance, in the recent Iraqi election included a policy of ‘a timetable for the withdrawal of the multinational forces from Iraq’ in its election platform; and
- (b) calls on the Government to:
 - (i) reverse its decision to deploy an additional 450 Australian Defence Force personnel to Iraq, and
 - (ii) withdraw all Australian troops from Iraq as a contribution to resolving the conflict. (*general business notice of motion no. 107*)

Notices of motion withdrawn: Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given on 14 March 2005, withdrew business of the Senate notices of motion nos 1, 3 and 4 standing in the name of Senator Tchen for 10 sitting days after today for the disallowance of the following instruments:

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

OS-Help Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*.

Other Grants Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*.

11 ORDER OF BUSINESS—REARRANGEMENT

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the committee on the provisions of the Trade Practices Legislation Amendment Bill (No. 1) 2005, be postponed till the next day of sitting.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator George Campbell, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 94—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the effectiveness of the Australian military justice system be extended to 10 May 2005.

Question put and passed.

13 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of Senator Watson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 95—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 March 2005, from noon to 1.30 pm, to take evidence for the committee’s inquiry into the review of Auditor-General’s reports.

Question put and passed.

14 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 96—That the time for the presentation of the report of the Economics Legislation Committee on the 2004-05 additional estimates be extended to 16 March 2005.

Question put and passed.

15 NOTICE OF MOTION WITHDRAWN

Senator Bishop withdrew general business notice of motion no. 98 standing in his name for today, proposing an order for the production of a document by the Minister representing the Minister for Veterans’ Affairs.

Statement by leave: Senator Bishop, by leave, made a statement relating to the matter.

16 FOREIGN AFFAIRS—CHINA—‘ANTI-SECESSION’ LAWS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 99—That the Senate opposes China’s ‘anti-secession’ laws which would mandate the use of military force if the Taiwanese people opt for independence.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison
Bartlett (Teller)

Brown
Greig

Murray
Nettle

Ridgeway

NOES, 44

Senators—

Barnett	Eggleston	Knowles	Ray
Bishop	Ellison	Ludwig	Santoro
Buckland	Evans	Lundy	Scullion
Calvert	Faulkner	Macdonald, Sandy	Sherry
Campbell, George	Ferris (Teller)	Marshall	Stephens
Chapman	Fifield	Mason	Tchen
Colbeck	Forshaw	McLucas	Tierney
Collins	Hogg	Moore	Troeth
Cook	Humphries	O'Brien	Watson
Coonan	Johnston	Patterson	Webber
Denman	Kirk	Payne	Wong

Question negatived.

17 SCIENCE AND TECHNOLOGY—GENETIC PRIVACY

Senator Bartlett, at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 97—That the Senate—

(a) notes that:

- (i) on 17 February 2005, the Senate of the United States of America (US) approved unanimously bill S.306, 'A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment',
- (ii) this is the second genetic non-discrimination bill to pass the US Senate,
- (iii) despite continuing advances in genetic technology, Australia still has no nationally consistent legislation dealing with genetic privacy and non-discrimination,
- (iv) Australia has documented cases of genetic discrimination, and
- (v) the Government has not yet established a Human Genetics Commission of Australia as recommended by the Australian Law Reform Commission (ALRC) and the Australian Health Ethics Committee in recommendation 5-1 of ALRC report no. 96, 'Essentially yours: The protection of human genetic information in Australia', dated March 2003;

(b) condemns the Government for failing to act on the report; and

(c) calls on the Government to implement the recommendations of the report as a matter of urgency.

Question put and passed.

18 COMMONWEALTH DAY 2005—DOCUMENT

The President tabled the following document:

Commonwealth Day 2005—Message from Her Majesty The Queen, Head of the Commonwealth, dated 14 March 2005.

19 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS

The Minister for Justice and Customs (Senator Ellison) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the approval for the temporary location of a sculpture adjacent to Questacon.

Notice of motion: Senator Ellison, by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the temporary location of a sculpture adjacent to Questacon.

20 PRIVILEGES—STANDING COMMITTEE—121ST REPORT

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

Privileges—Standing Committee—121st report—Possible unauthorised disclosure of draft reports of Community Affairs References Committee, dated March 2005.

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

Senator Faulkner, by leave, moved—That the Senate endorse the findings at paragraph 1.36 of the 121st report of the Committee of Privileges.

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

Notice of motion: Senator Faulkner, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Standing Committee of Privileges for inquiry and report by 15 June 2005:

Whether, and if so what, acts of unauthorised disclosure of parliamentary committee proceedings, evidence or draft reports should continue to be included among prohibited acts which may be treated by the Senate as contempts.

21 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—ADDITIONAL INFORMATION—REGULATION, CONTROL AND MANAGEMENT OF INVASIVE SPECIES

Senator Bartlett, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry), tabled the following document:

Environment, Communications, Information Technology and the Arts References Committee—Report—The invasive species challenge: Report on the regulation, control and management of invasive species and the Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002—Additional information.

22 DOCUMENTS

The following documents were tabled by the Clerk:

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

Civil Aviation Act—Civil Aviation Safety Regulations—
Instruments of revocation and remaking of Airworthiness Directives, dated 20 December 2004 [365].

Airworthiness Directives—

Part 105—

Volume 1—Hot Air Balloons [24].

Volume 2—

Aircraft General [83].

Aermacchi – Lockheed AL-60 Series Aeroplanes [12].

Aerospatiale Rallye Series Aeroplanes [32].

Aerospatiale GY 80 (Horizon) Series Aeroplanes [7].

Aerospatiale (Socata) TB9 & TB10 (Tobago) Series Aeroplanes [36].

Aerospatiale (Socata) TB20 (Trinidad) Series Aeroplanes [44].

Aerospatiale (Socata) TB 200 Series Aeroplanes [9].

Aerospatiale (Socata) TBM 700 Series Aeroplanes [37].

Aerostar (Piper/Ted Smith) 600 and 700 Series Aeroplanes [49].

Aircraft Parts & Development (CALL AIR) A-9 Series Aeroplanes [6].

Airparts (NZ) Ltd. FU-24 Series Aeroplanes [63].

Airtractor AT-300, 400 and 500 Series Aeroplanes [25].

Airtractor AT 600 Series Aeroplanes [2].

American Champion (Aeronca, Bellanca) Series Aeroplanes [28].

Auster/Beagle A.61 Series Aeroplanes [20].

Avid Flyer Series Aeroplanes [1].

Avions Mudry Cap Series Aeroplanes [8].

Ayres Thrush (Snow) Commander Series Aeroplanes [25].

BAe (BAC 167) Strikemaster Series Aeroplanes [4].

Beagle A109 (Airedale) Series Aeroplanes [3].

Beagle B121 (Pup) Series Aeroplanes [31].

Beagle B206 Series Aeroplanes [10].

Beechcraft 18 Series Aeroplanes [23].

Beechcraft 19, 23 & 24 Series Aeroplanes [47].

Beechcraft 33 & 35-33 (Debonair/Bonanza) Series Aeroplanes [44].

Beechcraft 35 (Bonanza) Series Aeroplanes [71].

Beechcraft 36 (Bonanza) Series Aeroplanes [50].

Beechcraft 50 (Twin Bonanza) Series Aeroplanes [33].

Beechcraft 55, 58 & 95-55 (Baron) Series Aeroplanes [93].

Beechcraft 56 TC (Turbo Baron) Series Aeroplanes [33].

Beechcraft 60 (Duke) Series Aeroplanes [47].

Beechcraft 65 and 70 (Queen Air) Series Aeroplanes [69].

Beechcraft 76 (Duchess) Series Aeroplanes [18].

Beechcraft 77 (Skipper) Series Aeroplanes [15].

Beechcraft 90 & 65-90 (King Air) Series Aeroplanes [102].

Beechcraft 95 (Travelair) Series Aeroplanes [32].

Beechcraft 99 Series Aeroplanes [7].

Beechcraft 200 (Super King Air) Series Aeroplanes [72].

Boeing 75 Series Aeroplanes [1].

Bushby Mustang MII Series Aeroplanes [2].

C.A.C. CA-6 (Wackett Trainer) Series Aeroplanes [3].

C.A.C. CA-18 (Mustang) Series Aeroplanes [2].

C.A.C. CA-25 (Winjeel) Series Aeroplanes [1].

C.A.C. CA-28 (Ceres) Series Aeroplanes [7].

CAP Aviation (Akrotech and Mudry) CAP 232 Series Aeroplanes [11].
Cessna 120 and 140 Series Aeroplanes [13].
Cessna 150, F150, 152, & F152 Series Aeroplanes [48].
Cessna 170, 172, F172, Fr172 & 175 Series Aeroplanes [75].
Cessna 177 Series Aeroplanes [33].
Cessna 180, 182 and Wren 460 Series Aeroplanes [85].
Cessna 185 Series Aeroplanes [48].
Cessna 188 (Agwagon) Series Aeroplanes [45].
Cessna 190 and 195 Series Aeroplanes [8].
Cessna 205 (210-5) Series Aeroplanes [23].
Cessna 206 Series Aeroplanes [60].
Cessna 207 Series Aeroplanes [38].
Cessna 208 Series Aeroplanes [16].
Cessna 210 Series Aeroplanes [73].
Cessna T303 Series Aeroplanes [12].
Cessna 310 Series Aeroplanes [57].
Cessna 320 Series Aeroplanes [32].
Cessna 336 Series Aeroplanes [14].
Cessna 337 Series Aeroplanes [29].
Cessna 340 Series Aeroplanes [34].
Cessna 400 Series Aeroplanes [112].
Cessna 500 (Citation) Series Aeroplanes [28].
Cessna 525 Series Aeroplanes [4].
Chrislea CH-3 Series Aeroplanes [3].
Christen Industries A-1 (Husky) Series Aeroplanes [2].
Cirrus Design SR20 and SR22 Series Aeroplanes [3].
Consolidated Aeronautics, Colonial & LA-4 Series Aeroplanes [27].
De Havilland DH 60 (Moth) Series Aeroplanes [7].
De Havilland DH 82 (Tiger Moth) Series Aeroplanes [13].
De Havilland DH 83 (Fox Moth) Series Aeroplanes [3].
DH 84 (Dragon) Series Aeroplanes [3].
DH 85 (Leopard Moth) Series Aeroplanes [1].
DH 87 (Hornet Moth) Series Aeroplanes [2].
DH 89 (Dragon Rapide) Series Aeroplanes [3].
DH 90 (Dragonfly) Series Aeroplanes [1].
De Havilland DH 94 (Moth Minor) Series Aeroplanes [2].
DH 104 (Dove) Series Aeroplanes [38].
DHA-3 (Drover) Series Aeroplanes [28].
DHC-1 (Chipmunk) Series Aeroplanes [38].
DHC-2 (Beaver) Series Aeroplanes [33].
DHC-3 (Otter) Series Aeroplanes [39].
DHC-6 (Twin Otter) Series Aeroplanes [73].
Diamond DA40 Series Aeroplanes [4].
Diamond HK-36 Series Aeroplanes [2].
Diamond (HOAC) Series Aeroplanes [4].
Dornier DO 27 Series Aeroplanes [12].
Dornier DO 228 Series Aeroplanes [2].
Eagle X-TS Series Aeroplanes [7].
Embraer 110 (Bandeirante) Series Aeroplanes [53].
Extra EA-300 Series Aeroplanes [9].

Fairchild F24 Series Aeroplanes [1].
Fairchild (Swearingen) SA226 and SA227 Series Aeroplanes [94].
FLS Aerospace OA7 Optica Series Aeroplanes [7].
Frakes (Grumman) G73 Series Aeroplanes [23].
Fuji FA-200 Series Aeroplanes [25].
GAF N22 and N24 Series Aeroplanes [75].
General Avia F22 Series Aeroplanes [1].
Gippsland Aeronautics GA8 Series Aeroplanes [2].
Grob G115 Series Aeroplanes [13].
Grumman G21 (Goose) Series Aeroplanes [5].
Gulfstream (Grumman American/American Aviation) AA-1 Series Aeroplanes [20].
Gulfstream (Grumman American/American Aviation) AA-5 Series Aeroplanes [27].
Gulfstream (Grumman American) GA-7 Series Aeroplanes [11].
Gulfstream (Rockwell) 112 Series Aeroplanes [15].
Gulfstream (Rockwell) 114 Series Aeroplanes [14].
Gyroflug SC01 B-160 (Speed Canard) Series Aeroplanes [1].
Harbin Y12 Series Aeroplanes [10].
Helio Courier Series Aeroplanes [3].
Iniziativa Industriali Italiane Sky Arrow 650 Series Aeroplanes [3].
Kitfox Series Aeroplanes [3].
Lancair Series Aeroplanes [3].
Luscombe Model 8 Series Aeroplanes [3].
Maule M-4 Series Aeroplanes [18].
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Maule M-6 Series Aeroplanes [2].
Maule M-7 Series Aeroplanes [3].
Meta Sokol L.40 Series Aeroplanes [10].
Mitsubishi MU-2 Series Aeroplanes [70].
Monnett Sonerai Series Aeroplanes [1].
Mooney M20 Series Aeroplanes [52].
Morava L200 Series Aeroplanes [9].
Moravan Zlin 242L Series Aeroplanes [5].
Moravan Zlin Z-526 Series Aeroplanes [2].
Navion Series Aeroplanes [3].
North American Aviation T-28 Series Aeroplanes [1].
Pacific Aerospace 750XL Series Aeroplanes [1].
Pacific Aerospace Corporation Cresco Series Aeroplanes [8].
Pacific Aerospace Corporation CT/4 Series Aeroplanes [1].
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A New Tax System (Goods and Services Tax Transition) Act—Select Legislative Instrument 2005 No. 24—A New Tax System (Goods and Services Tax Transition) Amendment Regulations 2005 (No. 1) [F2005L00538]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA EX 04/2005 [F2005L00662]*.

CASA EX 05/2005 [F2005L00665]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—
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AD/A320/168—Fuel Pump Bonding [F2005L00568]*.

AD/A330/48—Fire Extinguishing System [F2005L00574]*.

106—AD/AE 3007/4—Starter Adapter Drain [F2005L00575]*.

107—AD/OXY/18—Passenger Emergency Oxygen Generators
[F2005L00604]*.

Corporations Act—Select Legislative Instrument 2005 No. 31—Corporations
Amendment Regulations 2005 (No. 1) [F2005L00539]*.

Customs Act—

Tariff Concession Orders—

0410024 [F2005L00685]*.

0411190 [F2005L00686]*.

0413696 [F2005L00681]*.

0500318 [F2005L00683]*.

Tariff Concession Revocation Order, dated 4 February 2005 [F2005L00679]*.

Defence Act—Determination under section 58H—Defence Force Remuneration
Tribunal Determination No. 1 of 2005—Army Clerk Categories.

Income Tax Assessment Act 1936—Select Legislative Instruments—

2005 No. 32—Income Tax Amendment Regulations 2005 (No. 1)
[F2005L00426]*.

2005 No. 33—Income Tax Amendment Regulations 2005 (No. 2)
[F2005L00597]*.

Jervis Bay Territory Acceptance Act—Administration Ordinance—Water and
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Lands Acquisition Act—Statements describing property acquired by agreement for
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Legislative Instruments Act—Select Legislative Instrument 2005 No. 27—
Legislative Instruments Amendment Regulations 2005 (No. 2) [F2005L00540]*.

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(Transitional Provisions and Consequential Amendments) Regulations 2005
[F2005L00500]*.

National Security Information (Criminal Proceedings) Act—Select Legislative
Instrument 2005 No. 29—National Security Information (Criminal Proceedings)
Amendment Regulations 2005 (No. 1) [F2005L00564]*.

Occupational Health and Safety (Commonwealth Employment) Act—Select
Legislative Instrument 2005 No. 30—Occupational Health and Safety
(Commonwealth Employment) (National Standards) Amendment Regulations
2005 (No. 1) [F2005L00543]*.

Superannuation Guarantee (Administration) Act—Select Legislative Instrument
2005 No. 25—Superannuation Guarantee (Administration) Amendment
Regulations 2005 (No. 1) [F2005L00634]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2005 No. 34—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 1) [F2005L00635]*.

Veterans' Entitlements Act—Select Legislative Instrument 2005 No. 26—Veterans' Entitlements (DFISA-like Payment) Regulations 2005 [F2005L00639]*.

Workplace Relations Act—Select Legislative Instrument 2005 No. 35—Workplace Relations Amendment Regulations 2005 (No. 1) [F2005L00546]*.

* Explanatory statement tabled with legislative instrument.

23 COMMITTEES—CHANGES IN MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of various committees.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics References Committee—

Appointed—Substitute member: Senator Murray to replace Senator Ridgeway for the committee's inquiry into the possible links between household debt, demand for imported goods and Australia's current account deficit

Library—Standing Committee—

Discharged—Senator Tierney

Appointed—Senator Brandis.

Question put and passed.

24 WORKPLACE RELATIONS AMENDMENT (RIGHT OF ENTRY) BILL 2004

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

Message no. 107, dated 14 March 2005—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ellison moved—That this bill be now read a second time.

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

25 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

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

Message no. 106, dated 14 March 2005—Broadcasting Services Amendment (Anti-Siphoning) Bill 2004.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the message in committee of the whole was made an order of the day for a later hour.

26 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2004-05

Pursuant to order, Senator McGauran, at the request of the chairs of the respective committees, tabled the following reports, dated March 2005, and documents:

2004-05 additional estimates—

Community Affairs Legislation Committee—Report and Hansard record of proceedings [2 vols].

Employment, Workplace Relations and Education Legislation Committee—Report and Hansard record of proceedings [2 vols].

Finance and Public Administration Legislation Committee—Report and Hansard record of proceedings [2 vols].

Legal and Constitutional Legislation Committee—Report and Hansard record of proceedings [3 vols].

Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings [3 vols] and documents presented to the committee.

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

27 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Justice and Customs (Senator Ellison), at the request of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) and pursuant to notice, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to extend the time for the temporary vehicle barriers to 30 June 2005.

Debate ensued.

Senator Brown moved the following amendment:

At the end of the motion, add “and that because of the impending operation of retractable bollards on the slip roads, further urgent consultation be undertaken with occupants of Parliament House to find an acceptable solution for alternative access to Parliament House for pass holders and visiting members of the public, including disabled people”.

Debate ensued.

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

Main question put and passed.

28 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

Order of the day read for the consideration of message no. 106 from the House of Representatives in committee of the whole (*see entry no. 25*).

In the committee

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Chapman) reported that the committee had considered message no. 106 from the House of Representatives relating to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

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

29 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (Australian Communications and Media Authority Bill 2004 and nine related bills).

Question put and passed.

**30 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 2004
TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) AMENDMENT BILL 2004
TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 2004
TELEVISION LICENCE FEES AMENDMENT BILL 2004
DATACASTING CHARGE (IMPOSITION) AMENDMENT BILL 2004
RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 2004
RADIOCOMMUNICATIONS (SPECTRUM LICENCE TAX) AMENDMENT BILL 2004
RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2004
RADIO LICENCE FEES AMENDMENT BILL 2004**

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

Debate resumed.

On the motion of the Minister for Justice and Customs (Senator Ellison) the debate was adjourned till the next day of sitting.

31 ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT 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.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Justice and Customs (Senator Ellison) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Ellison the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 15, page 5 (lines 13 to 26), omit subsections (1) and (1A), substitute:

President

- (1) A person must not be appointed as the President unless he or she is a Judge of the Federal Court of Australia.

Schedule 1, item 27, page 8 (before line 1), before note 1, insert:

Note 1A: The following heading to subsection 10(1) is inserted “*Acting President*”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 26.

Question—That Schedule 1, item 26 stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 21.

Schedule 1, item 21 debated and agreed to.

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

Schedule 1, page 6 (after line 24), after item 21, insert:

21A Subsection 8(3)

Repeal the subsection, substitute:

- (3) Subject to this Part, a member holds office for the period specified in the instrument of appointment, provided that:
- (a) the instrument of appointment must specify a period of not less than 5 and not more than 7 years; and
 - (b) a member is eligible for re-appointment.

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

Schedule 1, item 36, page 10 (after line 13), after subsection (3), insert:

(3AA) Before the Minister exercises a power conferred by subsection (3), the Minister must consult the President.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 47.

Schedule 1, item 47 debated and agreed to.

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

Schedule 1, item 66, page 18 (lines 15 and 16), omit paragraph 23(9)(a), substitute:

- (a) the President is satisfied that the direction is in the interests of justice for one of the following reasons:

- (i) the President has reasonable grounds for concluding that the personal circumstances of, or aspects of the conduct of, the member are such that they may cause, or are causing, an unreasonable delay to the progress of the proceeding;
- (ii) the President reasonably suspects that the member is subject to a conflict of interest in relation to the proceedings;
- (iii) the President concludes that there is a significant risk that the member will be considered to be subject to a conflict of interest in relation to the proceedings;
- (iv) the President reasonably suspects that an action by, or concerning, the member, including the making of a statement, makes it desirable that the member not continue to take part in the proceedings; or
- (v) the President reasonably suspects that an inquiry or investigation that the member is or has been subject to makes it desirable that the member not continue to take part in the proceedings; and

On the motion of Senator Ellison the following amendment was agreed to:

Schedule 1, item 66, page 18 (after line 27), at the end of section 23, add:

- (12) In determining whether a direction covered by subsection (9) or (11) is in the interests of justice, the President must have regard to the objective of proceedings that are conducted in a manner that is fair, just, economical, informal and quick.

On the motion of Senator Ludwig the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, page 25 (after line 24), after item 76, insert:

76A Subsection 27(1)

Repeal the subsection, substitute:

- (1) Where this Act or any other enactment (other than the *Australian Security Intelligence Organisation Act 1979*) provides that an application may be made to the Tribunal for a review of a decision, the application may be made:
 - (a) by or on behalf of any person or persons (including the Commonwealth or an authority of the Commonwealth) whose interests are affected by the decision; or
 - (b) by a member of Parliament.

Schedule 1, page 25 (after line 24), after item 76, insert:

76B After subsection 27(1)

Insert:

- (1A) For the purposes of paragraph (1)(b), *member of Parliament* means a member of the Parliament of the Commonwealth.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 226.

Schedule 1, item 226 debated and agreed to.

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

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

Senator Ellison moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

At 6.50 pm—

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Department of Immigration and Multicultural and Indigenous Affairs—Access and equity report for 2004. Motion to take note of document moved by Senator Ludwig and agreed to.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.55 pm till Wednesday, 16 March 2005 at 9.30 am.

34 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate