

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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THURSDAY, 17 MARCH 2005

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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 PETITION

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

From 32 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

3 NOTICES

Notices of motion:

Senator Bartlett: To move on 10 May 2005—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report by 17 August 2005:

Matters arising from the holding of the Australian resident Ms Cornelia Rau in immigration detention, with particular reference to:

- (a) the adequacy of the legal regime to enable and ensure proper duty of care for people in immigration detention;
- (b) the adequacy of health assessment and treatment of people in immigration detention;
- (c) the impact of the management regime of immigration detention centres on the short-term and long-term health of detainees; and
- (d) the appropriateness of 'management units' and placing detainees in isolation.

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

- (a) notes the following comments given by the Minister for Education, Science and Training (Dr Nelson) on ABC's *AM* program on 16 March 2005: 'You have to ask yourself, why is it that if you're on campus at Sydney University, with your compulsory student union fees subsidising the services there, you pay \$2.00 for a sausage roll, but if you walk across the road into Newtown into a private shop you pay \$1.70, plus you get served by a person who's actually smiling at you?'; and
- (b) calls on the Minister to apologise to university union catering workers for these gratuitously insulting comments. (*general business notice of motion no. 119*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to standing order 78, gave notice of his intention, after motions to take note of answers today, to withdraw business of the Senate notices of motion nos 1 and 2 standing in his name for today for the disallowance of the following instruments:

Air Navigation (Aviation Security Status Checking) Regulations 2004, as contained in Statutory Rules 2004 No. 207 and made under the *Air Navigation Act 1920*.

Crimes Amendment Regulations 2004 (No. 1), as contained in Statutory Rules 2004 No. 164 and made under the *Crimes Act 1914*.

Senator Tchen, by leave, made a statement relating to the notice of intention.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 113 standing in the name of Senator George Campbell relating to skills shortages; and
- (b) consideration of government documents.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 108 standing in the name of Senator Bartlett for today, relating to great ape populations, postponed till 10 May 2005.

6 EMPLOYMENT—SURVEY OF NEW APPRENTICESHIP OUTCOMES—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 114—That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Thursday, 17 March 2005, the following documents:

- (a) the ‘Survey of New Apprenticeship outcomes [2003-04]’ prepared by the Social Research Centre Pty Ltd (SRC), Department of Education, Science and Training (DEST) contract number 2789; and
- (b) the ‘Survey of long-term New Apprenticeship outcomes [2004]’ prepared by SRC, DEST contract number 75104.

Question put and passed.

7 MULTICULTURALISM—HARMONY DAY—UNITED NATIONS INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 112—That the Senate—

- (a) notes that 21 March 2005 is Harmony Day;
- (b) recognises the importance of community harmony in Australia, in particular the social and economic benefits of a stable, multicultural society;
- (c) notes that 21 March is also United Nations International Day for the Elimination of Racial Discrimination; and
- (d) condemns racism and the practice of racial discrimination.

Question put and passed.

8 FISHERIES LEGISLATION AMENDMENT (INTERNATIONAL OBLIGATIONS AND OTHER MATTERS) BILL 2005

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend legislation about fisheries, and for related purposes.

Question put and passed.

Senator Ellison 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.

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

Explanatory memorandum: Senator Ellison tabled an explanatory memorandum relating to the bill.

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.

9 EDUCATION—NATIONAL PRIORITY FUNDING FOR TEACHER EDUCATION—ORDER FOR PRODUCTION OF DOCUMENT

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 115—That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Thursday, 17 March 2005, the letter from the Department of Education, Science and Training, on behalf of the Minister for Education, Science and Training (Dr Nelson), to the Australian Council of Deans of Education advising how the national priority funding for teacher education of \$110 million would be disbursed to universities.

Question put and passed.

10 MULTICULTURALISM—ST PATRICK'S DAY

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 111—That the Senate—

- (a) notes that 17 March 2005 marks the celebration of St Patrick's Day;
- (b) recognises the past and present contribution of Irish migrants in building Australian society and to Australia's cultural life; and
- (c) recognises the contribution of 1.9 million Australians of Irish descent to our nation.

Question put and passed.

11 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REFERENCE

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the provisions of the Workplace Relations Amendment (Fair Dismissal Reform) Bill 2004 be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report as part of the committee's inquiry into unfair dismissal laws.

Question put and passed.

12 FOREIGN AFFAIRS—WEST PAPUA

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 118—That the Senate—

(a) notes:

- (i) claims on the SBS *Dateline* program that international aid money earmarked for humanitarian and development purposes in West Papua has been siphoned to the Indonesian military, and
- (ii) reports of destruction of highland villages by the Indonesian military causing thousands of West Papuans to flee; and

(b) calls on the Minister for Foreign Affairs (Mr Downer) to investigate the claims and report back to the Senate as a matter of urgency.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 110—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 March 2005, from 4 pm to 6.30 pm, to take evidence 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.

14 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Santoro) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 109—That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 March 2005, from 6 pm, to take evidence for the committee's examination of the Australian Crime Commission annual report 2003-04.

Question put and passed.

15 SOCIAL ISSUES—NATIONAL YOUTH WEEK

Senator Bartlett amended general business notice of motion no. 102 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 acknowledge that young Australians are entitled to benefit from Australia's economic growth to enable them to participate in community, society and the economy.

Question put and passed.

16 HUMAN RIGHTS—SEXUALITY AND GENDER IDENTITY

Senator Greig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 117—That the Senate—

- (a) commends the Government's support for the United Nations Commission on Human Rights (UNCHR) resolution on 'Sexual orientation and human rights' (the Brazil Resolution), introduced at the commission's meetings in 2003 and 2004; and
- (b) urges the Government to take a leadership role in the elimination of discrimination against persons on the grounds of sexuality and gender identity by:
 - (i) continuing its support for the Brazil Resolution when it is debated at the forthcoming session of the UNCHR in March and April 2005, and
 - (ii) actively encouraging other member countries to support the resolution.

Question put and passed.

17 DEATH OF MR PETER BENENSON

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. 116—That the Senate—

- (a) notes the death on 25 February 2005 of Peter Benenson, founder of the worldwide human rights organisation, Amnesty International;
- (b) extends its condolences to Mr Benenson's family following their loss; and
- (c) recognises the vital role that Amnesty International plays as the world's largest independent human rights organisation and commends it for its outstanding efforts to increase awareness of human rights issues, promote respect for fundamental rights and liberties and combat violations of human rights.

Question put and passed.

18 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—PROPOSED REFERENCE

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following 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.

Question put and negatived (*but see entry no. 43*).

19 DEFENCE—IRAQ—AUSTRALIAN DEFENCE FORCE PERSONNEL

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 107—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 Australian troops from Iraq as a contribution to resolving the conflict.

Question put.

The Senate divided—

AYES, 10

Senators—

Allison
Bartlett (Teller)
Brown

Cherry
Greig
Lees

Murray
Nettle

Ridgeway
Stott Despoja

NOES, 45

Senators—

Barnett	Denman	Kemp	Ray
Bishop	Eggleston	Kirk	Santoro
Buckland	Ellison	Knowles	Scullion
Calvert	Evans	Ludwig	Tchen
Campbell, George	Faulkner	Macdonald, Sandy	Tierney
Carr	Ferguson	Marshall	Troeth
Chapman	Ferris (Teller)	Mason	Watson
Colbeck	Fifield	McGauran	Webber
Collins	Forshaw	McLucas	Wong
Conroy	Harris	Moore	
Coonan	Hogg	Patterson	
Crossin	Johnston	Payne	

Question negatived.

20 TAXATION—DOCUMENT

Senator Harris, by leave, tabled the following document:

Taxation—‘Taxation Office tsunami’—Document prepared by Australians for Tax Justice Inc., dated 1 March 2005.

Statement by leave: Senator Harris, by leave, made a statement relating to the document.

21 PUBLICATIONS—STANDING COMMITTEE—2ND REPORT

The Chair of the Standing Committee on Publications (Senator Watson) tabled the following report:

PUBLICATIONS COMMITTEE 2ND REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 17 February 2005, recommends that the following be printed:

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

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence annual report for 2002-03, August 2004.

Industry Research and Development Board—Report for 2003-04—Corrigenda.

Migration Agents Registration Authority—Report for 2003-04.

National Blood Authority—Report for 2003-04.

National Environment Protection Council—Report for 2003-04.

Pooled Development Funds Registration Board—Report for 2003-04.

Private Health Insurance Administration Council—Report for 2003-04 on the operations of the registered health benefits organisations.

Senator John Watson

Chairman

17 March 2005.

Senator Watson moved—That the report be adopted.

Question put and passed.

22 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled additional information received by the committee (Budget estimates 2004-05—vols 1 and 2).

23 PARLIAMENTARY SERVICE AMENDMENT BILL 2005

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

Message no. 113, dated 17 March 2005—Parliamentary Service Amendment Bill 2005.

24 ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005

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

Message no. 110, dated 16 March 2005—Administrative Appeals Tribunal Amendment Bill 2005.

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.

25 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY 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. 111, dated 16 March 2005—Australian Communications and Media Authority 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 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) 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. 112, dated 16 March 2005—Australian Communications and Media Authority (Consequential and Transitional Provisions) 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.

27 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Brown, pursuant to notice, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 16 June 2005:

Bird flu, including virus strain H5N1, its derivation, its evolution, its present status and future potential threat to Australians, with particular reference to:

- (a) the potential for a pandemic;

- (b) preparations by all sectors of the Australian community to prevent or offset a pandemic in our country;
- (c) Australia's role in preventing or offsetting the impact of a pandemic globally; and
- (d) the potential impact on agriculture and wildlife.

Debate ensued.

Question put.

The Senate divided—

AYES, 2

Senators—

Brown	Nettle (Teller)
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NOES, 40

Senators—

Abetz	Crossin	Lees	Patterson
Allison	Denman	Ludwig	Ridgeway
Barnett	Eggleston (Teller)	Marshall	Santoro
Brandis	Ferguson	Mason	Scullion
Buckland	Ferris	McGauran	Stephens
Campbell, George	Fifield	McLucas	Tchen
Carr	Forshaw	Moore	Tierney
Chapman	Heffernan	Murphy	Troeth
Colbeck	Hogg	Murray	Watson
Collins	Kirk	O'Brien	Webber

Question negatived.

28 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—SECOND REPORT—CHILDREN IN INSTITUTIONAL CARE

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Marshall) tabled the following report and documents:

Community Affairs References Committee—Protecting vulnerable children: A national challenge—Inquiry into children in institutional or out-of-home care—Second report, dated March 2005, Hansard record of proceedings [8 vols], additional information and submissions [537].

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

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

Debate ensued.

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

29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—ADMINISTRATION OF BIOSECURITY AUSTRALIA—IMPORT RISK ANALYSIS FOR BANANAS

Pursuant to order, Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—Administration of Biosecurity Australia: Revised draft import risk analysis for bananas from the Philippines—Report, dated March 2005, Hansard record of proceedings, additional information and submissions [14].

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

**30 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—ADMINISTRATION OF BIOSECURITY AUSTRALIA—IMPORT RISK
ANALYSIS FOR APPLES**

Pursuant to order, Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—Administration of Biosecurity Australia: Revised draft import risk analysis for apples from New Zealand—Report, dated March 2005, Hansard record of proceedings, documents presented to the committee and submissions [34].

Report ordered to be printed on the motion of Senator Ferris.
Senator Ferris, by leave, moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) in continuation.

31 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—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.
Question put and passed.

**32 AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BILL 2004
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL 2004**

Orders of the day read for the consideration of messages nos 111 and 112 from the House of Representatives in committee of the whole (*see entries nos 25 and 26*).

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 the bills to which the House of Representatives has disagreed.
Debate ensued.
Question put.

The committee divided—

AYES, 45

Senators—

Abetz	Crossin	Lees	Santoro
Barnett	Denman	Ludwig	Scullion
Bishop	Eggleston (Teller)	Lundy	Stephens
Brandis	Ferguson	Mackay	Tchen
Buckland	Ferris	Marshall	Tierney
Campbell, George	Fifield	Mason	Troeth
Carr	Forshaw	McLucas	Watson
Chapman	Harris	Moore	Webber
Colbeck	Hogg	O'Brien	Wong
Collins	Johnston	Patterson	
Conroy	Kirk	Payne	
Coonan	Knowles	Ray	

NOES, 8

Senators—

Allison	Brown	Greig	Nettle
Bartlett (Teller)	Cherry	Murray	Ridgeway

Question agreed to.

Resolution to be reported.

The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported that the committee had considered messages nos 111 and 112 from the House of Representatives relating to the Australian Communications and Media Authority Bill 2004 and the Australian Communications and Media Authority (Consequential and Transitional Provisions) 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.

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

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

34 **ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 2005**

Order of the day read for the consideration of message no. 110 from the House of Representatives in committee of the whole (*see entry no. 24*).

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, item 21A, page 6 (lines 16 to 22), omit the item.

[term of appointment]

(2) Schedule 1, item 66, page 18 (lines 7 to 27), omit paragraph 23(9)(a), substitute:

(a) the President is satisfied that the direction is in the interests of justice; and

[reconstitution of Tribunal]

(3) Schedule 1, items 76A and 76B, page 26 (lines 1 to 14), omit the items.

[standing]

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

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 Moore) reported that the committee had considered message no. 110 from the House of Representatives relating to the Administrative Appeals Tribunal Amendment Bill 2005 and had agreed to the amendments made by the House to the bill.

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

35 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004).

Question put and passed.

36 **ADVANCE TO THE FINANCE MINISTER—2003-04**

Order of the day read for the consideration of the statement in committee of the whole.

In the committee

The Minister for Justice and Customs (Senator Ellison) moved—That the committee approves the statement of Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2004.

Debate ensued.

Question put and passed.
Resolution to be reported.

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

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

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

At 2 pm: Debate was interrupted.

38 QUESTIONS

Questions without notice were answered.

Document: The Minister for Defence (Senator Hill) tabled the following document:

Parliament—Visit to Iraq—Statement to the Senate by Senator Lightfoot, dated 17 March 2005.

Further questions without notice were answered.

39 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to unparliamentary language and a matter raised by Senator Mackay on 16 March 2005.

40 PARLIAMENT—VISIT TO IRAQ—SENATOR LIGHTFOOT—ANSWERS TO QUESTIONS

Senator Evans moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to a visit to Iraq by Senator Lightfoot.

Debate ensued.

Question put and passed.

41 ESTIMATES—QUESTIONS ON NOTICE—STATEMENT BY LEAVE

The Leader of the Australian Democrats (Senator Allison), by leave, made a statement relating to answers not being provided to questions placed on notice during estimates hearings.

42 NOTICES OF MOTION WITHDRAWN

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given earlier today (*see entry no. 3*), withdrew business of the Senate notices of motion nos 1 and 2 standing in his name for today for the disallowance of the following instruments:

Air Navigation (Aviation Security Status Checking) Regulations 2004, as contained in Statutory Rules 2004 No. 207 and made under the *Air Navigation Act 1920*.

Crimes Amendment Regulations 2004 (No. 1), as contained in Statutory Rules 2004 No. 164 and made under the *Crimes Act 1914*.

43 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—REFERENCE

Senator Cherry, by leave, moved business of the Senate notice of motion no. 3—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.

Question put and passed.

44 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That on Thursday, 17 March 2005:

- (a) the hours of meeting shall be 9.30 am to adjournment;
- (b) consideration of general business not be proceeded with;
- (c) the routine of business from not later than 4.30 pm shall be:
 - (i) government business order of the day no. 3 (Appropriation (Parliamentary Departments) Bill (No. 2) 2004-2005 and two related bills),
 - (ii) at the conclusion of (i), consideration of orders of the day relating to government documents, and
 - (iii) at the conclusion of (ii), consideration of committee reports, government responses and Auditor-General's reports;
- (d) divisions may take place after 4.30 pm; and

- (e) the question for the adjournment of the Senate shall be proposed at the conclusion of the business listed at paragraph (c).

Question put and passed.

45 FOREIGN AFFAIRS—TSUNAMI DISASTER—DOCUMENT

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

Foreign Affairs—Tsunami disaster—Letter to the President of the Senate from the Chief of the Defence Force (General PJ Cosgrove, AC, MC) responding to the resolution of the Senate of 8 February 2005, dated 14 March 2005.

46 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Troeth, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Tierney), tabled additional information received by the committee (Budget estimates 2004-05—vol. 7; Budget estimates 2004-05 (Supplementary)—vols 3, 4, 4A and 5).

47 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]:

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA EX02/2005 [F2005L00693]*.

Class Rulings—

Addendum—CR 2003/83.

CR 2005/9 and CR 2005/10.

Control of Naval Waters Act—Proclamation revoking and declaring naval waters, dated 10 March 2005 [F2005L00668]*.

Corporations Act—ASIC Class Order [CO 05/84] [F2005L00684]*.

Customs Act—Tariff Concession Revocation Instrument 02/2005 [F2005L00696]*.

Disability Discrimination Act—Disability Standards for Education 2005.

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

Australian Customs Service [F2005L00690]*.

Department of the Treasury [F2005L00691]*.

Taxation Determination TD 2005/2.

Taxation Rulings—

Notices of Withdrawal—

Old series—IT 2375.

TR 98/13.

TR 2005/4.

* Explanatory statement tabled with legislative instrument.

48 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—Environment and Heritage portfolio agencies.

49 ORDERS FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, made a statement relating to the following orders of the Senate for the production of documents:

8 March 2005, concerning the abortion issue (*see entry no. 20, 8 March 2005*).

17 March 2005, concerning a survey of new apprenticeship outcomes (*see entry no. 6*).

17 March 2005, concerning national priority funding for teacher education (*see entry no. 9*).

50 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education Legislation and References Committees—

Discharged—Senator Tierney on 14 April 2005

Appointed—Senator Troeth from 14 April 2005

Environment, Communications, Information Technology and the Arts References Committee—

Discharged—Senator Tierney on 14 April 2005

Appointed—Senator Troeth from 14 April 2005

Legal and Constitutional Legislation Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Greig for the committee's inquiry into the provisions of the Migration Litigation Reform Bill 2005.

Question put and passed.

51 AUSTRALIAN SPORTS COMMISSION AMENDMENT BILL 2004 [2005]

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

Message no. 114, dated 17 March 2005—Australian Sports Commission Amendment Bill 2004 [2005].

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

No amendments or requests for amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Special Minister of State (Senator Abetz) the bills were read a third time.

53 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Watson) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Special Minister of State (Senator Abetz), by leave, moved—That Senator Stephens be appointed as a participating member of the Environment, Communications, Information Technology and the Arts References Committee.

Question put and passed.

54 COMMUNICATIONS—AUSTRALIAN COMPETITION AND CONSUMER COMMISSION REPORT—TELSTRA—ORDER FOR PRODUCTION OF DOCUMENT

The Acting Deputy President (Senator Watson) informed the Senate that, pursuant to the order of the Senate of 10 March 2005 (*see entry no. 6, 10 March 2005*), a document relating to the Australian Competition and Consumer Commission and Telstra was provided to the Environment, Communications, Information Technology and the Arts References Committee.

55 HEALTH—ABORTION ISSUE—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck), by leave, made a statement relating to the order of the Senate of 8 March 2005 for the production of documents concerning the abortion issue (*see entry no. 20, 8 March 2005*).

56 EDUCATION—NATIONAL PRIORITY FUNDING FOR TEACHER EDUCATION—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck), by leave, made a statement and, pursuant to the order agreed to earlier today (*see entry no. 9*), tabled the following document:

Education—National priority funding for teacher education—Copy of letter to the President, Australian Council of Deans of Education (Professor Mary Kalantzis) from Branch Manager, Higher Education Branch (Dr Carol Nicoll), Department of Education, Science and Training, dated 27 July 2004.

57 EMPLOYMENT—SURVEY OF NEW APPRENTICESHIP OUTCOMES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck), by leave, made a statement and, pursuant to the order agreed to earlier today (*see entry no. 6*), tabled the following document:

Employment—Survey of new apprenticeship outcomes—Copy of the questionnaires underlying the surveys which set out the key data parameters.

Senator Carr, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

58 GOVERNMENT DOCUMENTS—CONSIDERATION

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

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.

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.

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.

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 of Senator Bartlett to take note of document called on. 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.

Australian Political Exchange Council—Report for 2003-04. Motion to take note of document moved by Senator Bartlett and agreed to.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 15 to 17 relating to government documents were called on but no motion was moved.

**59 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—121st report—Possible unauthorised disclosure of draft reports of Community Affairs References Committee. Motion of the chair of the committee (Senator Faulkner)—That the Senate endorse the findings at paragraph 1.36 of the 121st report of the Committee of Privileges—agreed to.

Employment, Workplace Relations and Education References Committee—Interim report—Indigenous education funding. Motion of the chair of the committee (Senator Crossin) to take note of report called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Reports—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Parts 1 and 2—Government response. Motion of Senator Chapman to take note of document called on. On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—A lost opportunity? Inquiry into the provisions of the Australian Communications and Media Authority Bill 2004 and related bills and matters. Motion of the chair of the committee (Senator Cherry) to take note of report agreed to.

60 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. 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 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. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion to take note of document moved by Senator Bartlett. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Order of the day no. 3 relating to reports of the Auditor-General was called on but no motion was moved.

61 APPROPRIATION (TSUNAMI FINANCIAL ASSISTANCE) BILLS—ANSWERS TO QUESTIONS ON NOTICE

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck), by leave, provided answers to questions asked by Senator Nettle in committee of the whole on the Appropriation (Tsunami Financial Assistance) Bills on 15 March 2005.

62 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.16 pm till Tuesday, 10 May 2005 at 12.30 pm.

63 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate