

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 27

WEDNESDAY, 15 JUNE 2005

Contents

1	Meeting of Senate	677
2	Government Documents	677
3	Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005.....	677
4	Social Security Amendment (Extension of Youth Allowance and Austudy Eligibility to New Apprentices) Bill 2005.....	681
5	Superannuation Laws Amendment (Abolition of Surcharge) Bill 2005	682
6	Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2005	683
7	Matters of Public Interest.....	683
8	Questions.....	683
9	Immigration—Answers to Questions.....	683
10	Privileges—Standing Committee—Statement by President—Proposed Reference.....	684
11	Petition.....	684
12	Notices.....	684
13	Selection of Bills—Standing Committee—Report No. 5 of 2005	688
14	Postponements.....	690
15	Privileges—Standing Committee—Extension of Time to Report.....	691
16	Health—Tobacco Policy.....	691
17	Family and Community Services—Pregnancy Counselling and Family Planning—Order for Production of Documents.....	691
18	Foreign Affairs, Defence and Trade References Committee—Leave to Meet During Sitting.....	692
19	Employment, Workplace Relations and Education References Committee— Extensions of Time to Report	692
20	Australian Crime Commission—Joint Statutory Committee—Leave to Meet During Sitting.....	692
21	Economics Legislation Committee—Extension of Time to Report.....	692
22	Legal and Constitutional Legislation Committee—Leave to Meet During Sitting.....	692

23	Environment, Communications, Information Technology and the Arts References Committee—Leave to Meet During Sitting	693
24	Science and Technology—Nuclear Power in Australia.....	693
25	World Refugee Day	693
26	Scrutiny of Bills—Standing Committee—5th Report and Alert Digest No. 6 of 2005	694
27	Finance and Public Administration Legislation Committee—Additional Information—Additional Estimates 2004-05	694
28	Auditor-General—Audit Report No. 51 of 2004-05—Document.....	694
29	Parliamentary Zone—Capital Works Proposal—Documents	694
30	Education—Melbourne University Student Union—Order for Production of Documents—Documents	694
31	Documents.....	695
32	Committees—Changes in Membership.....	696
33	Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005	696
34	Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2005	697
35	Aged Care Amendment (Extra Service) Bill 2005	697
36	Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005	697
37	Order of Business—Rearrangement.....	698
38	AusLink (National Land Transport) Bill 2004 AusLink (National Land Transport—Consequential and Transitional Provisions) Bill 2004.....	698
39	Government Documents—Consideration	698
40	Notice	699
41	Adjournment	699
42	Attendance.....	699

1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Higher Education Funding Act 1988—Report on determinations made under the Act in respect of 2003.

Human Rights and Equal Opportunity Commission—Report—No. 30—Inquiry into a complaint by Mr William Mayne of age discrimination in the Australian Defence Force.

Natural Heritage Trust—Report for 2003-04.

3 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005

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

—————
In the committee

Consideration resumed of the bill—*and of the amendment moved by Senator Murray:*

Schedule 1, item 1, page 3 (lines 5 to before line 8), omit the item, substitute:

1 Clause 1 of Part I of Schedule 7 (table)

Repeal table item 1, substitute:

1 exceeds \$10,000 but does not exceed \$21,600 17%

Debate resumed.

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

Senator Murray moved the following amendment:

Schedule 1, item 1, page 3 (lines 5 to before line 8), omit the item, substitute:

1 Clause 1 of Part I of Schedule 7 (table)

Repeal table item 1, substitute:

1 exceeds \$6,000 but does not exceed \$21,600 15%

Debate ensued.

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

Senator Sherry moved the following amendments together by leave:

Schedule 1, item 1, page 3 (table), omit the table, substitute:

Tax rates for resident taxpayers		
Item	For the part of the ordinary taxable income of the taxpayer that:	The rate is:
1	(a) for the 2005-06 year of income—exceeds \$6,000 but does not exceed \$21,600; and (b) for later years of income—exceeds \$6,000 but does not exceed \$26,400	17%

2	for the 2005-06 year of income—exceeds \$21,600 but does not exceed \$26,400	23.5%
3	(a) for the 2005-06 year of income—exceeds \$26,400 but does not exceed \$63,000; and (b) for later years of income—exceeds \$26,400 but does not exceed \$67,000	30%
4	(a) for the 2005-06 year of income—exceeds \$63,000 but does not exceed \$80,000; and (b) for later years of income—exceeds \$67,000 but does not exceed \$100,000	42%
5	(a) for the 2005-06 year of income—exceeds \$80,000; and (b) for later years of income—exceeds \$100,000	47%

Note: The rate in column 2 of item 2 specifies a composite tax rate as the simple average of the tax rate of 30% to apply from 1 July 2005 to 31 December 2005 and the tax rate of 17% to apply from 1 January 2006 to 30 June 2006.

Schedule 1, item 2, pages 3 to 4 (table), omit the table, substitute:

Tax rates for non-resident taxpayers		
Item	For the part of the ordinary taxable income of the taxpayer that:	The rate is:
1	(a) for the 2005-06 year of income—does not exceed \$21,600; and (b) for later years of income—does not exceed \$26,400	29%
2	for the 2005-06 year of income—exceeds \$21,600 but does not exceed \$26,400	29.5%
3	(a) for the 2005-06 year of income—exceeds \$26,400 but does not exceed \$63,000; and (b) for later years of income—exceeds \$26,400 but does not exceed \$67,000	30%
4	(a) for the 2005-06 year of income—exceeds \$63,000 but does not exceed \$80,000; and (b) for later years of income—exceeds \$67,000 but does not exceed \$100,000	42%

5	(a) for the 2005-06 year of income— exceeds \$80,000; and (b) for later years of income—exceeds \$100,000	47%
---	--	-----

Note: The rate in column 2 of item 2 specifies a composite tax rate as the simple average of the tax rate of 30% to apply from 1 July 2005 to 31 December 2005 and the tax rate of 29% to apply from 1 January 2006 to 30 June 2006.

Schedule 1, item 3, page 4 (line 4), omit “\$23,749”, substitute:

- (i) for the 2005-06 year of income—\$22,829;
- (ii) for the 2006-07 year of income—\$23,589;
- (iii) for the 2007-08 year of income—\$23,834;
- (iv) for the 2008-09 year of income and later years of income—\$24,228;

Schedule 1, item 4, page 4 (line 7), omit “\$21,968”, substitute:

- (i) for the 2005-06 year of income—\$21,116;
- (ii) for the 2006-07 year of income—\$21,819;
- (iii) for the 2007-08 year of income—\$22,046;
- (iv) for the 2008-09 year of income and later years of income—\$22,410;

Schedule 1, page 3 (before line 4), insert:

Income Tax Assessment Act 1936

1A Section 159N

Repeal the section, substitute:

159N Low income and welfare to work tax offset

- (1) If a taxpayer’s taxable income of a year of income specified in column 1 of the table in subsection (2) is less than the upper threshold specified in column 3 of the table, the taxpayer is entitled to a tax offset in the taxpayer’s assessment for the year of income.
- (2) The amount of the offset is the figure specified in column 4 of the following table, reduced by 5 cents for every \$1 of the amount (if any) by which the taxpayer’s taxable income of the year of income exceeds the lower threshold specified in column 2 of the table:

	Column 1	Column 2	Column 3	Column 4
Item	Year of income	Lower threshold	Upper threshold	Offset
1	1 July 2006 – 30 June 2007	\$20,000	\$31,000	\$550
2	1 July 2007 – 30 June 2008	\$20,000	\$32,000	\$600
3	1 July 2008 – 30 June 2009 and later years of income	\$20,000	\$33,600	\$680

- (3) For the 2005-06 year of income, if a taxpayer's taxable income is less than the \$30,000, the taxpayer is entitled to a tax offset in the taxpayer's assessment for the year of \$367.50, reduced by the transitional withdrawal rate calculated in accordance with the following table:

Transitional withdrawal rate		
Item	The offset is reduced by—	by which the taxpayer's taxable income—
1	2.5 cents for every \$1	exceeds \$20,000 but does not exceed \$21,600; and
2	4.5 cents for every \$1	exceeds \$21,600 but does not exceed \$27,475; and
3	2.5 cents for every \$1	exceeds \$27,475 but does not exceed \$30,000

Note: These transitional arrangements have the effect of applying a composite tax offset and income test based on the current low income rebate of \$235 applying from 1 July 2005 to 31 December 2005 and the welfare to work tax offset of \$500 applying from 1 January 2006 until 30 June 2006.

- (4) For the avoidance of doubt, any reference in any legislative instrument to the "low income rebate" and "low income tax offset" includes a reference to the "low income and welfare to work tax offset" provided for by this section.

Document: Senator Sherry, by leave, tabled the following document:

Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005—Copy of table comparing the Government's 2005 budget tax cuts and Labor's amended proposal.

Debate ensued.

Document: Senator Murray, by leave, tabled the following document:

Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005—'What fairer tax cuts look like'—Postcard, including a table comparing the Government's 2005 budget tax cuts and the Democrats tax cuts created by lifting the tax free threshold.

Debate continued.

Document: Senator Harris, by leave, tabled the following document:

Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005—Copy of table showing differences in tax paid at cross-over tax points 2004-05 and 2005-06.

Debate continued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 35

Senators—

Allison	Collins	Harradine	Nettle
Bartlett	Conroy	Hogg	O'Brien
Bishop	Cook	Hutchins	Ray
Bolkus	Crossin	Kirk	Sherry
Brown	Denman	Lees	Stephens
Buckland (Teller)	Evans	Lundy	Stott Despoja
Campbell, George	Faulkner	McLucas	Webber
Carr	Forshaw	Moore	Wong
Cherry	Greig	Murray	

NOES, 33

Senators—

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

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Finance and Administration (Senator Minchin) the report from the committee was adopted and the bill read a third time.

4 **SOCIAL SECURITY AMENDMENT (EXTENSION OF YOUTH ALLOWANCE AND AUSTUDY ELIGIBILITY TO NEW APPRENTICES) BILL 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.

Senator Carr moved the following amendment:

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

- (a) condemns the Government for:
 - (i) creating a skills crisis through a continued failure to provide the necessary training opportunities for all Australians during their 9 long years in office,
 - (ii) its failure to ensure the quality of training in the New Apprenticeships Scheme, and

- (iii) ignoring the alarmingly low completion rates among new apprentices; and
- (b) calls on the Government to provide apprentices on Youth Allowance and Austudy the same income bank entitlements as full time students”.

Debate ensued.

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

Senator Greig moved the following amendment:

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

- (a) notes that the age of independence for students currently set at 25 years, is arbitrary and is unreasonable, inhibiting many young Australians from continuing study or vocational training; and
- (b) condemns the Government for missing this opportunity of providing fair income support arrangements for new apprentices”.

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

Main question, as amended, put and passed.

Bill read a second time.

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

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

5 SUPERANNUATION LAWS AMENDMENT (ABOLITION OF SURCHARGE) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) failing to deliver meaningful overall tax reform to underpin future economic growth;
- (b) directing through this measure the largest tax benefits to high income earners while failing to deliver meaningful tax relief to those on average incomes; and
- (c) failing to reform tax measures consistent with Labor’s fairer tax package”.

Debate ensued.

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

Main question, as amended, put.

The Senate divided—

AYES, 29

Senators—

Abetz	Eggleston	Humphries	Scullion
Barnett	Ellison	Johnston	Tchen
Boswell	Ferguson	Kemp	Troeth
Calvert	Ferris (Teller)	Macdonald, Ian	Vanstone
Campbell, Ian	Fierravanti-Wells	McGauran	Watson
Chapman	Fifield	Minchin	
Colbeck	Harris	Patterson	
Coonan	Heffernan	Santoro	

NOES, 34

Senators—

Allison	Conroy	Kirk	Ray
Bartlett	Cook	Lees	Ridgeway
Bishop	Crossin	Ludwig	Sherry
Brown	Denman	Marshall	Stephens
Buckland (Teller)	Faulkner	McLucas	Stott Despoja
Campbell, George	Greig	Moore	Webber
Carr	Harradine	Murray	Wong
Cherry	Hogg	Nettle	
Collins	Hutchins	O'Brien	

Question negatived.

6 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Sherry was speaking.

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

—————
At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 IMMIGRATION—ANSWERS TO QUESTIONS

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked today relating to immigration.

Debate ensued.

Question put and passed.

10 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by the Leader of the Opposition in the Senate (Senator Evans) concerning the alleged failure of Senator Lightfoot to include in his declaration of interests certain share ownerships and transactions.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Privileges—Standing Committee—Proposed reference—Letter from Senator Evans to the President, dated 26 May 2005.

Notice of motion: Senator Sherry, at the request of Senator Evans gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

Whether there have been any failures by Senator Lightfoot to comply with the Senate's resolution of 17 March 1994 relating to registration of interests, and, if so, whether any contempt was committed in that regard.

11 PETITION

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

From 349 petitioners, requesting that the Senate take action to oppose the removal of Mr Alkhousi from Australia and to grant him permanent residency status.

12 NOTICES

Notices of motion:

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 June 2005, from 11 am to 1 pm, in relation to its inquiry on the Antarctic territories. (*general business notice of motion no. 158*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on government advertising be extended to 10 November 2005. (*general business notice of motion no. 159*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 23 June 2005, from 4 pm, to take evidence for the committee's inquiry into the Regional Partnerships program. (*general business notice of motion no. 160*)

The Minister for Defence (Senator Hill): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend laws relating to intelligence, and for related purposes. ***Intelligence Services Legislation Amendment Bill 2005***.

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

- (a) notes:
- (i) the lack of a final result, and the deep disagreements, in the Nuclear Non-Proliferation Treaty (NPT) Review conference held in New York in May 2005,
 - (ii) the efforts by the Australian delegation at the conference, including the statement to Main Committee I by our United Nations (UN) representative Mr Michael Smith, that ‘we expect the nuclear weapons states to pursue NPT nuclear disarmament commitments vigorously and with determination’, and all other measures laid out in Australia’s working paper to Main Committee I,
 - (iii) the following comments by Mr Kofi Annan in his welcoming speech to the NPT Review, ‘121. The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons’,
 - (iv) that nuclear weapons operating status was also referred to in working papers and statements from many other nations including Australia, and in statements made by the former Soviet President Mr Gorbachev and Mr Ted Turner,
 - (v) that a number of countries, including Japan, New Zealand on behalf of the New Agenda, and Malaysia on behalf of the Non-Aligned Movement, introduced working papers to strengthen the non-proliferation regime and make progress towards nuclear disarmament, and
 - (vi) the proposal by Malaysia, Costa Rica, Bolivia, Timor-Leste, Nicaragua and Yemen entitled ‘Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons’;
- (b) urges the Australian Government to use the opportunities provided by the Heads of State Millennium Plus Five Summit in New York and the 60th session of the UN General Assembly to:
- (i) promote the disarmament steps agreed at the 2000 NPT Review, including concrete agreed measures to lower the operating status of nuclear weapons, a diminishing role for nuclear weapons in security policies, the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and a verifiable Fissile Material Cut-Off Treaty, and to undertake practical disarmament initiatives with like-minded states that would help establish the legal, technical and political elements required for the establishment of a nuclear weapons free world,

- (ii) pursue a balanced approach to nuclear disarmament and nuclear non-proliferation that recognises that progress on nuclear non-proliferation cannot proceed without real progress toward the fulfilment of the Article VI obligations of the nuclear weapons states, and
 - (iii) commit to the implementation by the nuclear weapons states of their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals; and
- (c) requests the President of the Senate to convey the text of this resolution to the Foreign Minister of Japan, the Foreign Minister of New Zealand, Ambassador Duarte of Brazil and UN Secretary-General Mr Kofi Annan. (*general business notice of motion no. 161*)

Senator Stott Despoja: To move on 21 June 2005—That the following bill be introduced: A Bill for an Act to amend the *Income Tax Assessment Act 1936*, the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*, and for related purposes. ***Taxation Laws Amendment (Scholarships) Bill 2005***. (*general business notice of motion no. 162*)

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

- (a) congratulates the Australian Law Reform Commission on reaching its 30th anniversary;
- (b) notes that for the past 30 years the commission has provided invaluable assistance to the Parliament by conducting inquiries on matters of law reform; and
- (c) notes that the commission's establishment was a policy of great foresight by the Whitlam Labor Government. (*general business notice of motion no. 163*)

Senator George Campbell: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 9 August 2005:

The regulatory framework to be implemented and enforced by the Department of Transport and Regional Services under the *Maritime Transport Security Amendment Act 2005*, having regard to:

- (a) whether the regulatory framework to be implemented adequately protects privacy interests;
- (b) the appropriateness of the cost recovery model with respect to such an important area of national security;
- (c) the adequacy of law enforcement mechanisms available to enforce the regulatory scheme;
- (d) the adequacy of oversight and compliance inspection mechanisms;
- (e) the adequacy of existing security checks for foreign seafarers;
- (f) the fair operation of security checks with respect to existing employees; and
- (g) the adequacy of consultation mechanisms with respect to the regulatory framework.

The Minister for Defence (Senator Hill): To move on the next day of sitting—That the Intelligence Services Legislation Amendment Bill 2005 be referred to the Parliamentary Joint Committee on ASIO, ASIS and DSD for comment and report to the Minister for Defence.

Senators Brown and Nettle: To move on the next day of sitting—That the following bills be introduced:

- (1) A Bill for an Act of compassion for long-term detainees and others, and for related purposes. *Migration Amendment (Act of Compassion) Bill 2005*.
- (2) A Bill for an Act to reform the mandatory detention system, and for related purposes. *Migration Amendment (Mandatory Detention) Bill 2005*. (general business notice of motion no. 164)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That—

- (1) On Thursday, 16 June 2005:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm, and 7.30 pm to 11.40 pm;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from not later than 4.30 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) On Monday, 20 June 2005:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7.30 pm to 11.40 pm; and
 - (b) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (3) On Tuesday, 21 June 2005:
 - (a) the hours of meeting shall be 12.30 pm to 11.40 pm;
 - (b) the routine of business from 6 pm to 11 pm shall be valedictory statements; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (4) On Wednesday, 22 June 2005, the routine of business from 9.30 am till not later than 2 pm shall be valedictory statements.

Senator Brown: To move on the next day of sitting—That Determination 2005/07: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, made pursuant to subsections 5(2A), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

Senator Brown: To move on 21 June 2005—That the Senate—

- (a) recognises and supports the Earth Charter as an important civil society contribution to our understanding of sustainable development and the ethics and principles needed to promote a more just, sustainable and peaceful world;
- (b) notes the endorsement of the Earth Charter by the United Nations (UN) Education, Scientific and Cultural Organisation; and
- (c) encourages:
 - (i) the use of the Earth Charter by federal and state educational authorities during the UN Decade of Education for Sustainable Development, and
 - (ii) the further endorsement and use by state and local government authorities of the Earth Charter as an ethical framework for more sustainable ways of living. (general business notice of motion no. 165)

Senator Brown: To move on 20 June 2005—That the Senate—

(a) notes:

- (i) that on 15 April 2004, 12 members of the indigenous Wayuu people, including senior women of this matriarchal society, were massacred and 30 more abducted by a Colombian paramilitary force, and that 300 surviving Wayuu had to flee to Venezuela, and
- (ii) that the Wayuu representative, Ms Debora Barros, who visited Australia in June 2005, has pleaded with BHP Billiton, which has part ownership of a nearby coal mine and railway, to help identify the killers and ensure the safe repatriation of the Wayuu people to their homeland; and

(b) calls on BHP Billiton to investigate claims that villagers recognised members of the Colombian army, which helps protect the Cerrejon Coal Mine, accompanying the paramilitary killers on 15 April 2004, to ensure no such personnel crossover has been or will be permitted. (*general business notice of motion no. 166*)

Senator Brown: To move on 20 June 2005—That the Senate calls on the Government to obtain from Colombian President Uribe:

- (a) an explanation of the massacre of Wayuu women and their families on 15 April 2004, in particular claims by Wayuu observers that members of the Colombian army were involved;
- (b) an assurance of the safe return of the 300 Wayuu people who fled to Venezuela; and
- (c) a guarantee for the wellbeing of the Wayuu leader, Ms Debora Barros, after her return to Colombia from Australia in June 2005. (*general business notice of motion no. 167*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen), pursuant to notice of intention given on 14 June 2005, withdrew business of the Senate notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for 3 sitting days after today for the disallowance of the Administrative Guidelines, made under section 238-10 of the *Higher Education Support Act 2003*.

Business of the Senate notice of motion no. 2 for 4 sitting days after today for the disallowance of the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry, made under section 88AGA of the *Workplace Relations Act 1996*.

13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 5 OF 2005

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 5 OF 2005

1. The committee met in private session on Tuesday, 14 June 2005 at 4.18 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 9 August 2005;

- (b) the *provisions* of the Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 9 August 2005;
 - (c) the *provisions* of the Skilling Australia's Workforce Bill 2005 and the Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 18 August 2005;
 - (d) the Superannuation Bill 2005, Superannuation (Consequential Amendments) Bill 2005 and the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 June 2005; and
 - (e) the *provisions* of the Trade Practices Amendment (National Access Regime) Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 5 September 2005.
3. The committee considered a proposal to refer the Maritime Transport Security Amendment Bill 2005 to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report, but the proposal was withdrawn and the committee resolved **not** to refer the bill.
4. The committee resolved to recommend—That the following bills **not** be referred to committees:
- Aged Care Amendment (Extra Service) Bill 2005
 - Crimes Amendment Bill 2005
 - Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005
 - Film Licensed Investment Company Bill 2005
 - Film Licensed Investment Company (Consequential Provisions) Bill 2005
 - Health Legislation Amendment (Australian Community Pharmacy Authority) Bill 2005
 - Higher Education Support Amendment (Melbourne University Private) Bill 2005
 - Import Processing Charges Amendment Bill 2005
 - Customs Legislation Amendment (Import Processing Charges) Bill 2005
 - Indigenous Education (Targeted Assistance) Amendment Bill 2005
 - Maritime Transport Security Amendment Bill 2005
 - New International Tax Arrangements (Foreign-owned Branches and Other Measures) Bill 2005
 - Spyware Bill 2005
 - Superannuation Laws Amendment (Abolition of Surcharge) Bill 2005
 - Tax Laws Amendment (2005 Measures No. 3) Bill 2005
 - Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2005
 - Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005
 - Veterans' Entitlements Amendment (2005 Budget Measure) Bill 2005.

The committee recommends accordingly.

5. The committee *deferred* consideration of the following bills to the next meeting:

Bill deferred from meeting of 8 February 2005
Trade Practices Amendment (Personal Injuries and Death) Bill 2004.

Bill deferred from meeting of 10 May 2005

Tax Laws Amendment (2005 Measures No. 2) Bill 2005.

Bills deferred from meeting of 14 June 2005

Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005

Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005

Corporations Amendment Bill (No. 1) 2005

Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Bill 2005.

Jeannie Ferris

Chair

15 June 2005.

Senator Ferris moved—That the report be adopted.

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

At the end of the motion, add “and, in respect of the Indigenous Education (Targeted Assistance) Amendment Bill 2005, the bill be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 18 August 2005”.

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

Main question, as amended, put and passed.

14 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for today, proposing an amendment to the terms of reference for the Legal and Constitutional References Committee inquiry into the effectiveness and appropriateness of the *Privacy Act 1988*, postponed till 22 June 2005.

Business of the Senate notice of motion no. 2 standing in the name of Senator Bartlett for today, proposing the reference of a matter to the Legal and Constitutional References Committee, postponed till 16 June 2005.

General business notice of motion no. 27 standing in the name of Senator Lees for 16 June 2005, relating to Asian elephants, postponed till 22 June 2005.

General business notice of motion no. 123 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to reproductive health, postponed till 20 June 2005.

General business notice of motion no. 133 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to nuclear weapons technology, postponed till 21 June 2005.

General business notice of motion no. 145 standing in the name of Senator Bartlett for today, proposing the introduction of the National Animal Welfare Bill 2005, postponed till 16 June 2005.

General business notice of motion no. 150 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing an order for the production of documents by the Minister for Justice and Customs, postponed till 20 June 2005.

15 PRIVILEGES—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Standing Committee of Privileges (Senator Faulkner), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 157—That the time for the presentation of the report of the Standing Committee of Privileges on 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, be extended to 21 June 2005.

Question put and passed.

16 HEALTH—TOBACCO POLICY

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. 149—That the Senate—

- (a) congratulates the Royal Australasian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists on the release of their comprehensive tobacco policy;
- (b) notes that:
 - (i) the policy highlights the importance of smoke-free environments in reducing the harm caused by exposure to environmental tobacco smoke,
 - (ii) research shows that exposure to second-hand smoke in a vehicle is 23 times more toxic than in the home, and
 - (iii) the Western Australian branch of the Australian Medical Association has called on the Western Australian Government to protect children from passive smoking by introducing a ban on smoking in cars, particularly when there are children under the age of 18 in the vehicle; and
- (c) calls on the Federal Government and governments in all Australian states and territories to:
 - (i) raise the issue of smoking in vehicles at the next Australian Health Ministers' Conference with a view to introducing a ban on smoking in cars when there are passengers in the vehicle, and
 - (ii) provide funding for public education campaigns on the importance of support for smoke-free homes and cars.

Question put and passed.

17 FAMILY AND COMMUNITY SERVICES—PREGNANCY COUNSELLING AND FAMILY PLANNING—ORDER FOR PRODUCTION OF DOCUMENTS

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. 148—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than 4.30 pm on Tuesday, 21 June 2005, copies of all reports, including financial statements, provided as part of their reporting requirements for the past 5 years by all agencies that receive funding for pregnancy counselling and/or family planning activities from the Department of Health and Ageing, other than those already provided in the past month.

Question put and passed.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

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. 141—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold public meetings during the sittings of the Senate on 16 June, 20 June, 21 June and 22 June 2005 from 4.30 pm, to take evidence for the committee's inquiry into Australia's relationship with China.

Question put and passed.

19 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator George Campbell, at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 147—That the time for the presentation of reports of the Employment, Workplace Relations and Education References Committee be extended as follows:

- (a) Indigenous education—to 21 June 2005; and
- (b) student income support—to 22 June 2005.

Question put and passed.

20 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. 142—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, 23 June 2005, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the trafficking of women for sexual servitude.

Question put and passed.

21 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. 143—That the time for the presentation of the report of the Economics Legislation Committee on the Tax Laws Amendment (2005 Measures No. 1) Bill 2005 be extended to 21 June 2005.

Question put and passed.

22 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 146—That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 June 2005, from 5.30 pm, to take evidence for the committee's inquiry into the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005.

Question put and passed.

**23 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Bartlett, at the request of the Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 144—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 20 June 2005, from 6.30 pm, to take evidence for the committee's inquiry into the performance of the Australian telecommunications regulatory regime.

Question put and passed.

24 SCIENCE AND TECHNOLOGY—NUCLEAR POWER IN AUSTRALIA

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 154—That the Senate opposes the development of nuclear power in Australia.

Question put and passed.

25 WORLD REFUGEE DAY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 152—That the Senate—

(a) notes that:

- (i) 20 June 2005 is World Refugee Day,
- (ii) according to the International Federation of Red Cross and Red Crescent Societies in their *World Disasters Report 2001*, more people are now forced to leave their homes because of environmental disaster than because of war,
- (iii) there are approximately 25 million people who could currently be classified as being environmental refugees, some 58 per cent of the world's total refugee population, many of whom are victims of climate change,
- (iv) according to Dr Norman Myers of Oxford University, climate change could increase the number of environmental refugees six-fold to 150 million over the next 50 years, and
- (v) Australia has an unequivocal obligation to provide a humanitarian response both to addressing climate change and accepting environmental refugees, especially from our region; and

(b) calls on the Government to:

- (i) ratify the Kyoto Protocol,
- (ii) set the Mandatory Renewable Energy Target to at least 20 per cent by 2020, and
- (iii) agree to accept Tuvaluan refugees in the event that rising sea levels force an evacuation of Tuvalu.

Question put and negatived.

26 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST NO. 6 OF 2005

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

Scrutiny of Bills—Standing Committee—

5th report of 2005, dated 15 June 2005.

Alert Digest No. 6 of 2005, dated 15 June 2005.

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

27 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2004-05

Senator McGauran, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled additional information received by the committee (Additional estimates 2004-05—vols 1 to 3).

28 AUDITOR-GENERAL—AUDIT REPORT NO. 51 OF 2004-05—DOCUMENT

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

Auditor-General—Audit report no. 51 of 2004-05—Performance audit—DEWR's oversight of Job Network services to job seekers: Department of Employment and Workplace Relations; Centrelink.

29 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS

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

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the extension of approval for the temporary vehicle barriers around Parliament House to remain until 31 December 2005.

Notice of motion: The Minister for Justice and Customs (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 Department of Parliamentary Services to further extend the time for temporary vehicle barriers to 31 December 2005.

30 EDUCATION—MELBOURNE UNIVERSITY STUDENT UNION—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the order of the Senate of 14 June 2005 for the production of correspondence between the Minister for Education, Science and Training (Dr Nelson) and officials of the former Melbourne University Student Union and, pursuant to that order, tabled the following documents:

Education—Melbourne University Student Union—Copies of correspondence to—Education Officer (Alexander Lew), Melbourne University Student Union from the Minister for Education, Science and Training (Dr Nelson), dated 1 April 2003 and 23 July 2003.

Minister for Education, Science and Training (Dr Nelson) from—

Education Officer (Alexander Lew), Melbourne University Student Union, dated 18 February 2003, 24 March 2003 and 15 May 2003.

Welfare Officers (Julian Barendse and Nadav Shlezinger), Melbourne University Student Union, dated 16 May 2003.

Welfare Officers (Julian Barendse and Nadav Shlezinger), Melbourne University Student Union from Higher Education Advisor (Peta Lane), Office of the Minister for Education, Science and Training, dated 27 June 2003.

31 DOCUMENTS

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

A New Tax System (Wine Equalisation Tax) Act—Select Legislative Instrument 2005 No. 116—A New Tax System (Wine Equalisation Tax) Amendment Regulations 2005 (No. 1) [F2005L01291]*.

Agricultural and Veterinary Chemical Products (Collection of Levy) Act—Select Legislative Instrument 2005 No. 106—Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment Regulations 2005 (No. 1) [F2005L01414]*.

Agricultural and Veterinary Chemicals (Administration) Act—Select Legislative Instrument 2005 No. 104—Agricultural and Veterinary Chemicals (Administration) Amendment Regulations 2005 (No. 1) [F2005L01411]*.

Agricultural and Veterinary Chemicals Code Act—Select Legislative Instrument 2005 No. 105—Agricultural and Veterinary Chemicals Code Amendment Regulations 2005 (No. 1) [F2005L01410]*.

Civil Aviation Act—

Civil Aviation Regulations—

Exemption No. CASA EX15/2005—Exemption – carriage of life rafts [F2005L01419]*.

Instruments Nos—

CASA 202/05—Designation of airspace for broadcast requirements – MBZ [F2005L01435]*.

CASA 203/05—Designation of airspace for broadcast requirements – CTAF [F2005L01436]*.

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

AD/750XL/2—Electrical Wiring Modification [F2005L01329]*.

AD/750XL/3—Wiring Loom Protective Sleeve [F2005L01330]*.

AD/BELL 222/2 Amdt 1—Quick Disconnect Dual Controls [F2005L01375]*.

AD/F100/67—APU Enclosure Drains and Wiring [F2005L01368]*.

AD/F406/13—Landing Gear [F2005L01376]*.

AD/PC-12/46—Landing Gear Components [F2005L01317]*.

106—

AD/ARRIUS/9—Correct Position of Adjusted FCU Fuel Filter [F2005L01448]*.

AD/ASTAZOU/4—Return to Service for Civil Use [F2005L01379]*.

AD/CF6/57 Amdt 1—HPT S2 NGV Distress [F2005L01361]*.

AD/JT8D/27 Amdt 2—First Stage Compressor Hub [F2005L01307]*.

107—

AD/AIRCON/13 Amdt 3—Kelly Aerospace Fuel Regulator Shutoff Valves & Cabin Heaters [F2005L01339]*.

AD/PHZL/44 Amdt 9—Propeller Attachment Bolts [F2005L01319]*.

Corporations Act—ASIC Class Orders—

[CO 05/346] [F2005L01444]*.

[CO 05/566] [F2005L01432]*.

Dairy Produce Act—Select Legislative Instrument 2005 No. 107—Dairy Produce Amendment Regulations 2005 (No. 1) [F2005L01396]*.

Defence Act—Determinations under section 58B—Defence Determinations—
2005/17—Deployment, life insurance and international campaign allowances –
amendment.

2005/18—Post indexes – implementation of price review.

Federal Magistrates Act—Select Legislative Instrument 2005 No. 109—Federal Magistrates Amendment Regulations 2005 (No. 1) [F2005L01395]*.

Income Tax Assessment Act 1936—Select Legislative Instrument 2005 No. 117—
Income Tax Amendment Regulations 2005 (No. 3) [F2005L01316]*.

Judiciary Act—Select Legislative Instrument 2005 No. 110—High Court of Australia (Fees) Amendment Regulations 2005 (No. 1) [F2005L01348]*.

Maritime Transport Security Act—Select Legislative Instrument 2005 No. 115—
Maritime Transport Security Amendment Regulations 2005 (No. 1) [F2005L01407]*.

Medical Indemnity Act—Select Legislative Instrument 2005 No. 112—Medical Indemnity Amendment Regulations 2005 (No. 1) [F2005L01298]*.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 23 May 2005.

Social Security Act—Child Disability Assessment Amendment Determination 2005 [F2005L01434]*.

Telecommunications (Carrier Licence Charges) Act—Telecommunications (Annual Carrier Licence Charge) Determination 2005 [F2005L01429]*.

* Explanatory statement tabled with legislative instrument.

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

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Ray to replace Senator Mackay for the committee's inquiry into Australia's relationship with China

Legal and Constitutional References Committee—

Appointed—Substitute member: Senator Mason to replace Senator Scullion for the committee's inquiry into the effectiveness and appropriateness of the *Privacy Act 1988*.

Question put and passed.

33 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2005

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

Message no. 148, dated 14 June 2005—A Bill for an Act to amend the law relating to family assistance, 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 and the resumption of the debate made an order of the day for a later hour.

34 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

35 AGED CARE AMENDMENT (EXTRA SERVICE) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the bill was read a third time.

36 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Stott Despoja the following requests for amendments, taken together by leave, were debated and agreed to:

Schedule 2, item 1, page 12 (lines 5 and 6), omit the item, substitute:

1 Paragraph 36(5)(b)

Repeal the paragraph.

Schedule 2, item 2, page 12 (lines 7 to 11), omit the item.

Schedule 2, page 12 (after line 11), after item 2, insert:

2A At the end of section 36

Add:

- (6) For the purposes of subsection (5), a child is a person under the age of consent, where *age of consent* has the same meaning as in the *Social Security Act 1991*.

Bill agreed to, subject to requests.

Bill to be reported with requests.

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted.

37 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Family and Community Services (Senator Patterson) moved—That intervening business be postponed till after consideration of government business order of the day no. 10 (AusLink (National Land Transport) Bill 2004 and a related bill).

Question put and passed.

38 AUSLINK (NATIONAL LAND TRANSPORT) BILL 2004

AUSLINK (NATIONAL LAND TRANSPORT—CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2004

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

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Fifield was speaking.

39 GOVERNMENT DOCUMENTS—CONSIDERATION

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

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

The following order of the day relating to government documents was considered by leave:

Human Rights and Equal Opportunity Commission—Report—No. 28—Inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

40 NOTICE

Senator George Campbell gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 9 August 2005:

- (a) the response of the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade, the Attorney-General's Department and their respective ministers to Mr Chen Yonglin's approaches or requests to the Australian Government for asylum and/or a protection visa;
- (b) the application of the *Migration Act 1958*, its regulations and guidelines concerning the maintenance of confidentiality for any applicants for territorial asylum and/or protection visas by the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade and their respective ministers;
- (c) the involvement of the Department of Foreign Affairs and Trade and the Minister in the deportation, search for and discovery of Vivian Solon; and
- (d) any related matters.

41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.09 pm till Thursday, 16 June 2005 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senators Mackay* and Payne* (* on leave).

HARRY EVANS
Clerk of the Senate