

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 28

THURSDAY, 16 JUNE 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 NOTICES

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 20 June 2005, from 4 pm, to take evidence for the committee's inquiry into the Superannuation Bill 2005 and two related bills. (*general business notice of motion no. 168*)

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

- (a) notes that 26 June 2005 marks the 60th anniversary of the signing of the United Nations Charter;
- (b) acknowledges the vital role that the United Nations (UN) plays in promoting international peace and security, respect for human rights and economic, social and sustainable development;
- (c) recognises the importance of working with the international community through the UN to address the many and varied challenges facing the world today;
- (d) acknowledges that urgent reforms are required to ensure continued strength and effectiveness of the UN;
- (e) calls on the Government to:
  - (i) reaffirm its commitment to the UN,
  - (ii) give careful consideration to the recommendations made by the High Level Panel on Threats, Challenges and Change in its report, *A more secure world: our shared responsibility*, and by the Secretary-General of the UN in his report, *In Larger Freedom: towards development, security and human rights for all*, and
  - (iii) work constructively with other UN Member States to implement reforms which will ensure the continued viability and effectiveness of the UN in promoting development, security and human rights for all; and
- (f) acknowledges the important role played by the United Nations Association of Australia in:
  - (i) providing information about the UN to the Australian public, and
  - (ii) facilitating consultation with young Australians through the United Nations Youth Association and by hosting model UN conferences for young people. (*general business notice of motion no. 169*)

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

- (a) notes that the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong practitioners worldwide;
- (b) reaffirms its commitment to freedom of belief within Australia and recognises the freedom of Australians to practise Falun Gong without fear of harassment;
- (c) expresses its concern regarding recent allegations that the Chinese Government is closely monitoring the activities of Falun Gong practitioners in Australia; and
- (d) calls on the Government to thoroughly investigate those allegations. (*general business notice of motion no. 170*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold public meetings during the sitting of the Senate on Wednesday, 22 June 2005, to take evidence for the committee's inquiries under standing order 25(2)(b):

- (a) from 3.30 pm to 4.30 pm—administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak; and
- (b) from 4.30 pm to 5 pm—corporate governance issues arising from the committee's report on Australian Wool Innovation Ltd and other matters. (*general business notice of motion no. 171*)

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

- (a) notes, with sadness, the recent death of Mr Alex Freeleagus, the Honorary Consul General of Greece, who served in that role for 48 years in bettering relations between Australia and Greece, and who also served, with distinction, both the Greek community and the wider Australian community through his work on Expo 88 and the Olympic Games; and
- (b) offers its condolences to his family and many friends. (*general business notice of motion no. 172*)

Senator Stott Despoja: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to prohibit misleading or deceptive advertising or notification of pregnancy counselling services, and for related purposes. ***Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005***. (*general business notice of motion no. 173*)

Senator Brown: To move on the next day of sitting—That the Senate calls on the Government to bring the remaining 46 asylum seekers on Nauru to Australia. (*general business notice of motion no. 174*)

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

- (a) calls on the Japanese Government to immediately desist from its brutal whaling program; and
- (b) calls on the Australian Government to warn Japan that it will close Australian ports to the Japanese commercial fishing fleet (such as occurred over the southern blue fin tuna dispute) if Japan continues its whaling program. (*general business notice of motion no. 175*)

Senator Brown: To move on 21 June 2005—That the Senate calls on the Government to bring Australia's troops home from Iraq. (*general business notice of motion no. 176*)

### 3 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 9 Crimes Amendment Bill 2005.
- No. 10 Health Legislation Amendment (Australian Community Pharmacy Authority) Bill 2005.
- No. 11 Statute Law Revision Bill 2005.
- No. 12 Payment Systems (Regulation) Amendment Bill 2005.
- No. 13 Higher Education Legislation Amendment (2005 Measures No. 2) Bill 2005.

No. 14 Primary Industries (Excise) Levies Amendment (Rice) Bill 2005.

No. 15 Civil Aviation Amendment Bill 2005.

Film Licensed Investment Company Bill 2005 and a related bill.

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

Question put and passed.

#### 4 POSTPONEMENTS

The following items of business were postponed:

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 20 June 2005.

General business notice of motion no. 161 standing in the name of Senator Allison for today, relating to the Nuclear Non-Proliferation Treaty Review, postponed till 20 June 2005.

#### 5 PRIVILEGES—STANDING COMMITTEE—REFERENCE

Senator George Campbell, at the request of the Leader of the Opposition in the Senate (Senator Evans) and pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—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.

Question put and passed.

#### 6 MIGRATION AMENDMENT (ACT OF COMPASSION) BILL 2005 MIGRATION AMENDMENT (MANDATORY DETENTION) BILL 2005

Senator Nettle, also on behalf of Senator Brown, and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 164—That the following bills be introduced:

A Bill for an Act to provide for compassion for long-term detainees and others, and for related purposes.

A Bill for an Act to reform the mandatory detention system, and for related purposes.

Question put and passed.

Senator Nettle presented the bills and moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

**7 FOREIGN AFFAIRS—BURMA—AUNG SAN SUU KYI**

Senator Stott Despoja amended general business notice of motion no. 156 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
  - (i) 19 June 2005 is Daw Aung San Suu Kyi's 60th birthday and that she will once again spend her birthday under house arrest, and
  - (ii) at the time of her birthday, Aung San Suu Kyi will have spent approximately 10 of the past 16 years, or a total of 2 523 days, in detention;
- (b) expresses its deep concern at recent reports that the Burmese military is forcibly displacing civilians in the Shan state by burning down entire villages and executing, torturing and raping civilians;
- (c) strongly condemns the Burmese military's recruitment of up to 70 000 child soldiers, which is more than any other nation in the world; and
- (d) calls on the Government to:
  - (i) repeat its calls for the release of Aung San Suu Kyi, her deputy U Tin Oo, and all remaining political prisoners,
  - (ii) make representations to members of the United Nations Security Council, calling on the council to pass a strong resolution addressing the need for urgent democratic reform and greater protection for human rights in Burma, and
  - (iii) join other nations around the world in making clear that, before assuming any position of regional or international leadership, Burma must first bring about fundamental reform of its political processes, in addition to the immediate and unconditional release of Aung San Suu Kyi.

Question put and passed.

**8 INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005**

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Defence (Senator Hill) and 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 laws relating to intelligence, 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.

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

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*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 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REFERENCE**

Senator George Campbell, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—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.

Question put and passed.

**10 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator George Campbell, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 159—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.

Question put and passed.

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

Senator George Campbell, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 160—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.

Question put and passed.



**12 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REFERENCE**

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Defence (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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.

Question put and passed.

**13 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lightfoot) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 158—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.

Question put and passed.

**14 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE**

Senator Brown, also on behalf of Senators Ludwig and Stott Despoja, amended business of the Senate notice of motion no. 3 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 responses of the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade and the Attorney-General's Department and their respective ministers to 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 consular officials or staff (including Mr Chen Yonglin, and any other former consular officials or staff) who were applicants for territorial asylum and/or protection visa by the Department of Immigration and Multicultural and Indigenous Affairs and 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.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

**15 NOTICE OF MOTION WITHDRAWN**

Senator Ludwig, at the request of Senator George Campbell, withdrew business of the Senate notice of motion no. 6 standing in the name of Senator George Campbell for today, proposing the reference of matters to the Foreign Affairs, Defence and Trade References Committee.

**16 AUSTRALIAN LAW REFORM COMMISSION—30TH ANNIVERSARY**

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 163—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.

Question put and passed.

**17 PRINCIPAL EXECUTIVE OFFICE CLASSIFICATION STRUCTURE AND TERMS AND CONDITIONS—PROPOSED DISAPPROVAL**

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That Determination 2005/07: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, Table 1, PEO Band A reference salary A, and related details, made pursuant to subsections 5(2A), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

Question put.

The Senate divided—

AYES, 6

Senators—

Allison	Brown	Nettle (Teller)
Bartlett	Greig	Stott Despoja

NOES, 42

Senators—

Bishop	Denman	Kirk	Patterson
Bolkus	Eggleston	Knowles	Ray
Brandis	Ellison	Lightfoot	Santoro
Buckland	Faulkner	Ludwig	Scullion
Calvert	Ferguson	Lundy	Sherry
Campbell, George	Ferris (Teller)	Macdonald, Sandy	Stephens
Carr	Fierravanti-Wells	Marshall	Tchen
Chapman	Fifield	Mason	Troeth
Colbeck	Heffernan	McGauran	Watson
Collins	Hogg	McLucas	
Conroy	Kemp	Moore	

Question negatived.

#### 18 ENVIRONMENT—NUCLEAR WASTE DUMP—NORTHERN TERRITORY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 155—That the Senate—

- (a) notes the opposition to a nuclear waste dump in the Northern Territory by the Greens, Australian Democrats, Australian Labor Party and Country Liberal Party; and
- (b) calls on the Government to guarantee that a nuclear waste dump will not be placed in the Northern Territory.

Question put and passed.

#### 19 POSTPONEMENT

Senator Bartlett, by leave, moved—That business of the Senate notice of motion no. 1 standing in his name for today, proposing the reference of a matter to the Legal and Constitutional References Committee, be postponed till the next day of sitting.

Question put and passed.

#### 20 WORLD REFUGEE DAY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 151—That the Senate—

- (a) notes that:
  - (i) 20 June 2005 is World Refugee Day of which the theme for 2005 is ‘celebration of courage’ – a salute to the courage of the world’s refugees, not just in enduring persecution, but also in the courage they show in rebuilding their lives and contributing to society in difficult or unfamiliar circumstances,
  - (ii) Australia has failed many of the courageous asylum seekers who have sought protection here, and

- (iii) thousands of Australians will mark World Refugee Day by protesting against mandatory detention and for a compassionate approach to asylum seekers;
- (b) condemns the Government's treatment of asylum seekers in areas including:
  - (i) the indefinite detention of asylum seekers in conditions so harsh and without hope that it causes mental illness in many long-term detainees,
  - (ii) the inadequacy of placing certain asylum seekers found to be refugees on ongoing Temporary Protection Visas that deny rights and services associated with permanent protection,
  - (iii) the continuation of the 'Pacific Solution', where asylum seekers have languished on Nauru for almost 4 years, and
  - (iv) the forced deportation of asylum seekers, often into danger, to the country they have fled; and
- (c) calls on the Government to:
  - (i) end mandatory, non-reviewable detention of asylum seekers in Australia and on Nauru,
  - (ii) initiate a royal commission into the conditions in immigration detention and the wrongful detention of Australians and lawful visa holders, and
  - (iii) sack the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) and the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs for the serious and chronic failures of that department.

Question put and passed.

## 21 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison) amended government business notice of motion no. 3 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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) at approximately 3.30 pm, Senator Cook may make a valedictory statement for not longer than 20 minutes;
  - (c) the routine of business from 6 pm to 11 pm shall be valedictory statements; and
  - (d) 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 and from not later than 4 pm till not later than 6.50 pm shall be valedictory statements.

*Statement by leave:* Senator Ludwig, by leave, made a statement relating to the motion.

Question put and passed.

## 22 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That government business notice of motion no. 4 standing in his name for today, relating to the approval of works proposed in the Parliamentary Zone, be postponed till the next day of sitting.

Question put and passed.

## 23 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—EFFECTIVENESS OF AUSTRALIA'S MILITARY JUSTICE SYSTEM

Pursuant to order, Senator George Campbell, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Inquiry into the effectiveness of Australia's military justice system—Report, dated June 2005, Hansard record of proceedings, answers to questions on notice, additional information, documents presented to the committee and submissions [71].

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

Senator Hutchins moved—That the Senate take note of the report.

Debate ensued.

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

## 24 FILM LICENSED INVESTMENT COMPANY BILL 2005

### FILM LICENSED INVESTMENT COMPANY (CONSEQUENTIAL PROVISIONS) BILL 2005 MELBOURNE 2006 COMMONWEALTH GAMES (INDICIA AND IMAGES) PROTECTION BILL 2005

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

Message no. 151, dated 15 June 2005—A Bill for an Act to provide for a film licensed investment company scheme, and for related purposes.

Message no. 152, dated 15 June 2005—A Bill for an Act to provide for consequential matters relating to the enactment of the *Film Licensed Investment Company Act 2005*, and for related purposes.

Message no. 154, dated 16 June 2005—A Bill for an Act to provide for the regulation of the use for commercial purposes of indicia and images associated with the Melbourne 2006 Commonwealth Games, and for related purposes.

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

*Consideration of legislation:* Senator Ian Campbell moved that the Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Bill 2005 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

**25 SKILLING AUSTRALIA'S WORKFORCE BILL 2005**

**SKILLING AUSTRALIA'S WORKFORCE (REPEAL AND TRANSITIONAL PROVISIONS) BILL 2005**

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

Message no. 149, dated 15 June 2005—A Bill for an Act to grant financial assistance to the States and to other persons for vocational education and training, and for related purposes.

Message no. 150, dated 15 June 2005—A Bill for an Act to repeal certain Acts relating to vocational education and training, to deal with transitional matters arising from the repeal of those Acts, and for related purposes.

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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*Explanatory memorandum:* Senator Ian Campbell tabled a revised explanatory memorandum relating to the Skilling Australia's Workforce Bill 2005.

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

**26 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005**

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

Message no. 153, dated 15 June 2005—Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005.

On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) consideration of the message in committee of the whole was made an order of the day for a later hour.

**27 PUBLIC SERVICE AMENDMENT REGULATIONS—DISALLOWANCE**

Senator Carr, pursuant to notice, moved business of the Senate notice of motion no. 2—That the Public Service Amendment Regulations 2004 (No. 2), as contained in Statutory Rules 2004 No. 396 and made under the *Public Service Act 1999*, be disallowed.

Debate ensued.

Question put and passed.

**28 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
REPORT—COMPENSATION FOR WHEAT GROWERS**

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

Rural and Regional Affairs and Transport References Committee—Iraqi wheat debt: Repayments for wheat growers—Report, dated June 2005, Hansard record of proceedings, documents presented to the committee, additional information and submissions [5].

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.

Question put and passed.

**29 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.

Question put and passed.

Bills read a second time.

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

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

**30 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005**

Order of the day read for the consideration of message no. 153 from the House of Representatives in committee of the whole (*see entry no. 26*).

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*In the committee*

The Minister for Finance and Administration (Senator Minchin) moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

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*At 12.45 pm:* The Acting Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees reported progress.

**31 CRIMES AMENDMENT 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**32 HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY) 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**33 FILM LICENSED INVESTMENT COMPANY BILL 2005  
FILM LICENSED INVESTMENT COMPANY (CONSEQUENTIAL PROVISIONS) BILL 2005**

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

Debate resumed.

Question put and passed.



Bills read a second time.

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

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

**34 MELBOURNE 2006 COMMONWEALTH GAMES (INDICIA AND IMAGES) PROTECTION BILL 2005**

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

Debate resumed.

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

**35 STATUTE LAW REVISION 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.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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

Schedule 1, item 45, page 15 (lines 17 to 20), omit the item, substitute:

**45 Subsection 23(1) (definition of educational institution)**

Omit “*and Youth*”.

Note: This item amends a definition to reflect amendment of the *Student and Youth Assistance Act 1973*.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

**36 MELBOURNE 2006 COMMONWEALTH GAMES (INDICIA AND IMAGES) PROTECTION BILL 2005**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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.

**37 PAYMENT SYSTEMS (REGULATION) AMENDMENT 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**38 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 2) 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**39 PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (RICE) 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**40 CIVIL AVIATION AMENDMENT 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

*Suspension of sitting:* On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.24 pm till 2 pm.

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*At 2 pm—*

**41 QUESTIONS**

Questions without notice were answered.

**42 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION**

Senator Bishop, pursuant to standing order 74, asked the Minister representing the Minister for Veterans' Affairs (Senator Hill) for an explanation of answers not being provided to questions on notice nos 447 (notice given 10 March 2005) and 477 (notice given 18 March 2005) relating to Gallipoli.

Senator Hill provided an explanation.

**43 SPORT—CULTURE AND THE ARTS—ANSWERS TO QUESTIONS**

Senator Lundy moved—That the Senate take note of the answers given by the Minister for the Arts and Sport (Senator Kemp) to questions without notice asked by Senators Lundy, Forshaw and Carr today relating to sport and to the Sydney Dance Company.

Debate ensued.

Question put and passed.

**44 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—COMMONWEALTH FUNDING FOR SCHOOLS**

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

Employment, Workplace Relations and Education References Committee—  
Report—Commonwealth funding for schools—Government response, dated  
November 2004.

**45 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—  
GOVERNMENT RESPONSE—ADMINISTRATIVE REVIEW OF VETERAN AND MILITARY  
COMPENSATION AND INCOME SUPPORT**

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

Finance and Public Administration References Committee—Report—  
Administrative review of veteran and military compensation and income support—  
Government response, dated 9 March 2005.

**46 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—REVIEW OF THE DEFENCE ANNUAL REPORT 2002-03**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—  
Review of the Defence annual report 2002-03—Government response, dated June  
2005.

**47 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING  
COMMITTEE—GOVERNMENT RESPONSE—ROLE OF THE NATIONAL CAPITAL  
AUTHORITY**

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

National Capital and External Territories—Joint Standing Committee—Report—A  
national capital, a place to live: Inquiry into the role of the National Capital  
Authority—Government response, dated May 2005.

**48 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—57TH  
REPORT**

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

Treaties—Joint Standing Committee—57th report—Convention for the Safety of  
Life at Sea, 1974 and the International Ship and Port Facility Security (ISPS)  
Code—Government response.

**49 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL—ORDER FOR PRODUCTION  
OF DOCUMENTS—STATEMENT BY LEAVE**

The Minister for Defence (Senator Hill), by leave, made a statement relating to the  
order of the Senate of 12 May 2005 for the production of documents concerning the  
proposed pulp mill in Tasmania (*see entry no. 10, 12 May 2005*).

**50 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
ADDITIONAL INFORMATION—AUSLINK (NATIONAL LAND TRANSPORT) BILLS**

Senator Troeth, at the request of the Chair of the Rural and Regional Affairs and  
Transport Legislation Committee (Senator Heffernan), tabled the following  
documents:

Rural and Regional Affairs and Transport Legislation Committee—Report—  
Provisions of the AusLink (National Land Transport) Bill 2004 and the AusLink  
(National Land Transport—Consequential and Transitional Provisions) Bill  
2004—Additional information.

**51 NOTICE**

The Leader of the Government in the Senate (Senator Hill) gave a notice of motion as follows: To move on the next day of sitting—

- (1) That the following matter be referred to the Procedure Committee for inquiry and report:

The adequacy and appropriateness of the Register of Senators' Interests in relation to the issue of share market activity by senators, their spouses or partners and dependants having regard to:

- (a) whether the requirements under Resolution 1 of the resolutions relating to the registration and declaration of interests, agreed to on 17 March 1994, adequately reflect changing practices in the nature of Australian shareholdings and the growth of share trading;
- (b) the appropriateness of the advice requirements in Resolution 1 in relation to changes in the nature of shareholding interests where share trading occurs on a frequent basis; and
- (c) any related matters.
- (2) That the Procedure Committee may seek advice from, and take into account the views of, the Standing Committee of Senators' Interests.

**52 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—EXPOSURE DRAFT OF CORPORATIONS AMENDMENT BILL (NO. 2) 2005**

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Inquiry into the exposure draft of the Corporations Amendment Bill (No. 2) 2005—Report, dated May 2005, Hansard record of proceedings and submissions [30].

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

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

Debate ensued.

Question put and passed.

**53 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—ROLE OF THE NATIONAL CAPITAL AUTHORITY—CONSIDERATION**

Senator O'Brien, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 47*).

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**54 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Meat and Live-stock Industry Act—Explanatory statement to Australian Meat and Live-stock Industry (Live-stock Export Marketing Body and Live-stock Export Research Body) Declaration 2004 (*in substitution for explanatory statement tabled with declaration on 7 March 2005*).

Class Rulings CR 2005/44 and CR 2005/45.

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—

4 of 2005—Royal Australian Navy Electronic Warfare Categories.

5 of 2005—ADF Workplace Remuneration Arrangement 2004-2006 and ADF Star Ranks' Remuneration Arrangement 2004-2006.

Goods and Services Tax Determinations GSTD 2005/1 and GSTD 2005/2.

*Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997* and Taxation Administration Act—Lodgment of returns and statements for the year ended 30 June 2005 [F2005L01544]\*.

Product Rulings—

Addendum—PR 2005/25.

PR 2005/90-PR 2005/93.

Superannuation Contributions Determinations SCD 2005/1-SCD 2005/5.

Superannuation Guarantee Determination SGD 2005/1.

Superannuation Industry (Supervision) Act, Superannuation Contributions Tax (Assessment and Collection) Act and Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act—Lodgment of returns and statements for the year ended 30 June 2005 [F2005L01543]\*.

Taxation Determinations TD 2005/21 and TD 2005/22.

Taxation Ruling TR 2005/9.

\* Explanatory statement tabled with legislative instrument.

#### 55 VETERANS' ENTITLEMENTS AMENDMENT (2005 BUDGET MEASURE) BILL 2005

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

Message no. 155, dated 16 June 2005—A Bill for an Act to amend the law relating to veterans' entitlements, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

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

A message from the House of Representatives was reported as follows:

Message no. 156, dated 16 June 2005—Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005, indicating that the House has not made the amendments requested by the Senate.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

**57 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2005**

Order of the day read for the further consideration of message no. 153 from the House of Representatives in committee of the whole (*see entry no. 26*).

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*In the committee*

Consideration resumed of the message—and of the motion moved by the Minister for Finance and Administration (Senator Minchin)—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate resumed.

Question put.

The committee divided—

AYES, 31

Senators—

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

NOES, 32

Senators—

Allison	Cook	Lundy	Sherry
Bartlett	Denman	Marshall	Stephens
Bishop	Faulkner	McLucas	Stott Despoja
Bolkus	Forshaw	Moore	Webber
Brown	Greig	Murray	Wong
Buckland	Hogg	Nettle	
Campbell, G (Teller)	Hutchins	O'Brien	
Collins	Kirk	Ray	
Conroy	Ludwig	Ridgeway	

Question negatived.

Resolution to be reported.

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The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported that the committee had considered message no. 153 from the House of Representatives relating to the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2005 and had resolved to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted.

**58 NATIONAL SECURITY INFORMATION LEGISLATION AMENDMENT 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.

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

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*In the committee*

Bill taken as a whole by leave.

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

Schedule 1, item 13, page 7 (after line 28), after subsection 19(4), add:

*Factors to be considered when deciding whether to order a stay of a civil proceeding*

- (5) In deciding whether to order a stay of the civil proceeding, the court must consider:
- (a) the extent of any financial loss that a party would suffer as a result of the proceeding being stayed; and
  - (b) whether a party has reasonable prospects of obtaining a remedy in the proceeding; and
  - (c) any other matter the court considers relevant.

Senator Greig moved the following amendment:

Page 2, after clause 3 (after line 11), insert:

**4 Cessation of operation of Act**

The amendments made by this Act, and the *National Security Information (Criminal and Civil Proceedings) Act 2004*, as amended, cease to operate at the expiration of 3 years after the commencement of this Act.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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



**59 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—DOCUMENT—EXPOSURE DRAFT OF CORPORATIONS AMENDMENT BILL (NO. 2) 2005**

Senator McGauran, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman), tabled the following document:

Corporations and Financial Services—Joint Statutory Committee—Report—Inquiry into the exposure draft of the Corporations Amendment Bill (No. 2) 2005—Erratum.

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

**60 MARITIME TRANSPORT SECURITY AMENDMENT 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 Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

**61 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That government business order of the day no. 4 (Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and a related bill) be postponed till after consideration of government business order of the day no. 7 (Customs Tariff Amendment Bill (No. 1) 2005).

Question put and passed.

**62 BORDER PROTECTION LEGISLATION AMENDMENT (DETERRENCE OF ILLEGAL FOREIGN FISHING) BILL 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 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.

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*In the committee*

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 1, Part 1.

Schedule 1, Part 1 debated and agreed to.

Senator Bartlett moved the following amendments together by leave:

Schedule 1, item 13, page 7 (lines 17 and 18), omit paragraph 1(2)(a), substitute:

- (a) are reasonably suspected by an officer of having committed an offence against section 99, 100, 100A, 101, 101A, 101B, 105E or 105F or an offence against section 6 of the *Crimes Act 1914* relating to such an offence; and

Schedule 1, item 13, page 7 (line 25) to page 8 (line 9), omit subclause 1(4), substitute:

- (4) The third main object is to facilitate the repatriation of persons by authorising the disclosure of personal information about individuals who are or have been in fisheries detention to persons, agencies and organisations responsible for their repatriation and welfare.

Debate ensued.

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

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

Schedule 1, item 13, page 8 (line 25) to page 9 (line 3), omit section 3, substitute:

### **3 Appointment of detention officers**

The Minister may, by instrument, appoint:

- (a) an officer or employee of AFMA or of the Commonwealth, or of the administration of a Territory (other than a Territory mentioned in paragraph (b)) or of an authority of the Commonwealth; or
- (b) an officer or employee of a State, the Northern Territory or the Australian Capital Territory, or of an authority of a State or one of those Territories, in relation to whom there is in force an arrangement between the Commonwealth and the State or Territory, as the case may be;

to be a detention officer.

Schedule 1, item 20, page 54 (lines 2 to 12), omit section 3, substitute:

### **3 Appointment of detention officers**

The Minister may, by instrument, appoint:

- (a) an officer or employee of AFMA or of the Commonwealth, or of the administration of a Territory (other than a Territory mentioned in paragraph (b)) or of an authority of the Commonwealth; or
- (b) an officer or employee of a State, the Northern Territory or the Australian Capital Territory, or of an authority of a State or one of those Territories, in relation to whom there is in force an arrangement between the Commonwealth and the State or Territory, as the case may be;

to be a detention officer.

On the motion of Senator O'Brien the following amendments, taken together by leave, were agreed to:

Schedule 1, item 13, page 9 (lines 16 and 17), omit subsection 5(2).

Schedule 1, item 20, page 54 (lines 26 and 27), omit subsection 5(2).

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

Schedule 1, item 13, page 9 (line 22), at the end of subsection 6(1), add “, from among officers and/or detention officers who have successfully completed minimum training prescribed by a legislative instrument”.

Schedule 1, item 20, page 55 (line 5), at the end of subsection 6(1), add “, from among officers and/or detention officers who have successfully completed minimum training prescribed by a legislative instrument”.

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

Schedule 1, item 13, page 9 (lines 23 to 27), omit subsection 6(2).

Schedule 1, item 20, page 55 (lines 6 to 10), omit subsection 6(2).

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 13, Part 3, Division 3.

Schedule 1, item 13, Part 3, Division 3 debated and agreed to.

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

Schedule 1, item 13, page 26 (lines 27 and 28), omit “, at the detainee's request,”.

Senator Bartlett moved the following amendments together by leave:

Schedule 2, page 115 (after line 12), after item 8, insert:

**8A Section 164C**

Repeal the section, substitute:

**164C When enforcement visa ceases to be in effect**

The enforcement visa of a non-citizen who is in fisheries detention ceases to be in effect:

- (a) at the time the non-citizen is released, or escapes from, fisheries detention; or
- (b) where the repatriation of the non-citizen is imminent; or
- (c) if the non-citizen fails to comply with such reasonable reporting conditions as are prescribed.

Schedule 2, page 115 (after line 12), after item 8, add:

**8B Subsection 164D(2)**

Repeal the subsection, substitute:

- (2) While a non-citizen who has held an enforcement visa remains in Australia when the visa ceases to be in effect, the non-citizen may not:
  - (a) apply for a visa other than a protection visa; or
  - (b) be detained in a detention facility in accordance with this Act.

Schedule 2, page 115 (after line 16), after item 9, insert:

**9A Subsection 250(1) (at the end of paragraph (b) of the definition of suspect)**

Add “, not being an offence against section 99, 100, 100A, 101, 101A, 101B, 105E or 105F or an offence against section 6 of the *Crimes Act 1914* relating to such an offence”.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted and the bill read a third time. All Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

**63 IMPORT PROCESSING CHARGES AMENDMENT BILL 2005**

**CUSTOMS LEGISLATION AMENDMENT (IMPORT PROCESSING CHARGES) BILL 2005**

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the bills were read a third time.

**64 CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 2005**

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

Debate resumed.

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate, recognising that a number of other countries have outlawed the use of paraquat dichloride due to health and environmental concerns, urges that priority be given to phasing out the use of paraquat dichloride in Australia in the near future”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Murray moved the following request for an amendment:

Schedule 1, page 3 (after line 6), after Part 1, insert:

**Part 1A—Renewable energy technologies**

***Customs Tariff Act 1995***

**1A Schedule 4 (after item 22)**

Insert:

22A	Goods, as prescribed by by-law, for use in the renewable energy sector in the development or installation of solar, wind, ceramic fuel cell, ethanol, hydrogen or biogas facilities	Free
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Debate ensued.

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

Bill agreed to.

Bill to be reported without requests.

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

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

**65 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That government business order of the day no. 4 (Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and a related bill) be postponed till the next day of sitting.

Question put and passed.

**66 VETERANS' ENTITLEMENTS AMENDMENT (2005 BUDGET MEASURE) BILL 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 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 Fisheries, Forestry and Conservation (Senator Ian Macdonald) the bill was read a third time.

**67 FISHERIES LEGISLATION AMENDMENT (INTERNATIONAL OBLIGATIONS AND OTHER MATTERS) 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.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, item 42, page 19 (lines 30 and 31), omit paragraph 105DA(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 42, page 20 (line 5), omit “the fishing”, substitute “if the fishing itself is the act that contravenes the WCPFC conservation and management measure—the fishing”.

Schedule 1, item 42, page 20 (lines 25 and 26), omit paragraph 105DB(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 42, page 20 (line 33), omit “the fishing”, substitute “if the fishing itself is the act that contravenes the WCPFC conservation and management measure—the fishing”.

Schedule 1, item 42, page 21 (lines 14 and 15), omit paragraph 105DC(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 42, page 21 (lines 28 and 29), omit paragraph 105DD(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 43, page 22 (lines 11 and 12), omit paragraph 105H(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 43, page 22 (line 16), omit “the fishing”, substitute “if the fishing itself is the act that contravenes the WCPFC conservation and management measure—the fishing”.

Schedule 1, item 43, page 22 (lines 28 and 29), omit paragraph 105I(1)(c), substitute:

- (c) the person contravenes a WCPFC conservation and management measure in relation to the fishing; and

Schedule 1, item 43, page 23 (line 1), omit “the fishing”, substitute “if the fishing itself is the act that contravenes the WCPFC conservation and management measure—the fishing”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

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*At 11 pm—*

#### 68 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

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

Environment—Green Corps certificate of appreciation—Senator Tsebin Tchen.

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Debate continued.

The Senate adjourned at 11.38 pm till Monday, 20 June 2005 at 12.30 pm.

#### 69 ATTENDANCE

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

**HARRY EVANS**  
Clerk of the Senate