

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 30

TUESDAY, 21 JUNE 2005

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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Maritime College—Report for 2004.

Australian National University—Report for 2004.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2005.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities for 2003-04—Australian Customs Service.

Commissioner of Taxation—Data-matching program—ATO's interaction with the program—Reports for—

2001-02, 2002-03 and 2003-04.

2003-04.

*National Health Act 1953*—Private health insurance premium increases—Report for quarter ending 31 March 2005.

National Health and Medical Research Council—Report for 2004.

Regional Forest Agreement between the Commonwealth of Australia and the State of Tasmania—Supplementary agreement, 13 May 2005.

*Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2004.

Treaties—*Bilateral*—Text, together with national interest analysis and annexures—

Agreement on Social Security between the Government of Australia and the Government of Ireland (Dublin, 9 June 2005).

Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the United States of America to Amend and Extend the Agreement concerning the Conduct of Scientific Balloon Flights for Civil Research Purposes.

**3 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That the order of the Senate of 16 June 2005 relating to the hours of meeting and routine of business for the remainder of the 2005 winter sittings (*see entry no. 21, 16 June 2005*) be varied to omit paragraph (3)(b).

Question put and passed.

**4 CONSIDERATION OF LEGISLATION**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005, allowing it to be considered during this period of sittings.

Question put and passed.

**5 FARM HOUSEHOLD SUPPORT AMENDMENT (EXCEPTIONAL CIRCUMSTANCES RELIEF PAYMENT) BILL 2005**

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

Message no. 161, dated 20 June 2005—A Bill for an Act to amend the law relating to exceptional circumstances relief payment, 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.

Debate ensued.

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.

**6 CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS INTERCEPTION AND OTHER 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.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* Senator Ellison 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 Ellison the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 2 (table items 3 to 6), omit the table items, substitute:

3. Schedule 2, items 1 and 2      A single day to be fixed by Proclamation.  
 However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

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4. Schedule 2, item 3      The day on which this Act receives the Royal Assent.  
 However, if section 6 of the Australian Communications and Media Authority Act 2005 has not commenced before the day on which this Act receives the Royal Assent, the provision(s) do not commence at all.

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5. Schedule 2, item 4      The day on which this Act receives the Royal Assent.  
 However, if section 6 of the Australian Communications and Media Authority Act 2005 commences before this Act receives the Royal Assent, the provision(s) do not commence at all.

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6. Schedule 2, item 5      Immediately after the commencement of section 6 of the Australian Communications and Media Authority Act 2005.  
 However, if section 6 of the Australian Communications and Media Authority Act 2005 commences before this Act receives the Royal Assent, the provision(s) do not commence at all.

Clause 2, page 3 (table item 9), omit the table item, substitute:

9. Schedule 2, items 10 to 14A      The day on which this Act receives the Royal Assent.

Schedule 1, item 1, page 4 (lines 20 and 21), omit paragraph (k), substitute:

(k) an authorised commission officer of the Crime and Misconduct Commission of Queensland within the meaning of the *Crime and Misconduct Act 2001* of Queensland.

Schedule 2, items 1 to 4, page 5 (line 6) to page 6 (line 5), omit the items, substitute:

**1 Subsections 6(2A) and (2B)**

Repeal the subsections, substitute:

*Communications to or from emergency service facilities*

- (2A) In this section, *emergency service facility* means premises that are declared by the Minister, by written instrument, to be an emergency service facility.
- (2B) The Minister may declare premises to be an emergency service facility if the Minister is satisfied that the premises are operated by:
- (a) a police force or service of the Commonwealth, of a State or of the Australian Capital Territory; or
  - (b) a fire service of a State or of the Australian Capital Territory; or
  - (c) an ambulance service of a State or of the Australian Capital Territory; or
  - (d) a service for despatching, or referring matters for the attention of, a force or service referred to in paragraph (a), (b) or (c);
- to enable that force or service, or another force or service, to deal with a request for assistance in an emergency.
- (2C) A declaration by the Minister under subsection (2B) is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (2D) If the Minister makes a declaration under subsection (2B), the Minister must, by legislative instrument, specify:
- (a) the name of the force or service operating the premises to which the declaration relates; and
  - (b) the geographical region in which those premises are located.
- (2E) If a House of the Parliament disallows, in accordance with section 42 of the *Legislative Instruments Act 2003*, a legislative instrument made under subsection (2D), the declaration to which the instrument relates is taken to have been revoked at the time of the disallowance.
- (2F) If a person who is lawfully engaged in duties relating to the receiving and handling of communications to or from an emergency service facility listens to or records a communication passing over a telecommunications system to or from the emergency service facility, the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.
- (2G) Subsection (2F) only applies in relation to an emergency service facility if signs notifying persons that communications to or from the facility may be listened to or recorded are clearly visible at each entrance to the facility.

## 2 After paragraph 103(ac)

Insert:

- (ad) for each State and for the Australian Capital Territory, the number and type of emergency service facilities located in that State or Territory that have been declared by the Minister during the year to which the report relates; and

Schedule 2, items 5 to 7, page 7 (lines 4 to 28), omit the items, substitute:

## 3 Before subsection 6(3)

Insert:

- (2H) If:

- (a) an inspector under section 267 of the *Radiocommunications Act 1992* is lawfully engaged in performing spectrum management functions of the Australian Communications and Media Authority under the *Australian Communications and Media Authority Act 2005* or the *Radiocommunications Act 1992*; and
- (b) while performing those spectrum management functions, the inspector incidentally listens to or records a communication passing over a telecommunications system;

the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.

#### **4 Before subsection 6(3)**

Insert:

(2H) If:

- (a) an inspector under section 267 of the *Radiocommunications Act 1992* is lawfully engaged in performing spectrum management functions of the Australian Communications Authority under the *Australian Communications Authority Act 1997* or the *Radiocommunications Act 1992*; and
- (b) while performing those spectrum management functions, the inspector incidentally listens to or records a communication passing over a telecommunications system;

the listening or recording does not, for the purposes of this Act, constitute an interception of the communication.

#### **5 Subsection 6(2H)**

Omit “the Australian Communications Authority under the *Australian Communications Authority Act 1997*”, substitute “the Australian Communications and Media Authority under the *Australian Communications and Media Authority Act 2005*”.

Schedule 2, Part 4, page 10 (after line 33), at the end of the Part, add:

#### **14A Before paragraph 103(b)**

Insert:

- (ae) a summary of the information:
  - (i) that is required under subsection 84(1A) to be included by the Ombudsman in the report made under subsection 84(1); and
  - (ii) that relates to the year to which the Minister’s report relates; and

Senator Greig moved the following amendment:

Schedule 2, page 11 (after line 7), at the end of the Schedule, add:

### **Part 6—Additional reporting requirements**

#### **16 After section 17**

Insert:

**17A Annual report by Minister about warrants**

- (1) The Minister must, as soon as practicable after each 30 June, cause to be prepared a written report that relates to the year ending on that 30 June and complies with section 17B.
- (2) The Minister must table a copy of a report under subsection (1) before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

**17B Report to contain information about warrants issued**

The report required in accordance with section 17A must set out:

- (a) the number of requests for warrants that the Organisation has made pursuant to section 9 during that year; and
- (b) the number of requests for warrants pursuant to section 9 that the Minister has refused during that year; and
- (c) the number of warrants that the Minister has issued pursuant to section 9 during that year; and
- (d) the number of requests for warrants that the Organisation has made pursuant to section 9A during that year; and
- (e) the number of requests for warrants pursuant to section 9A that the Minister has refused during that year; and
- (f) the number of warrants that the Minister has issued pursuant to section 9A during that year; and
- (g) the number of warrants issued by the Director-General of Security pursuant to section 10 during that year.

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*At 2 pm:* The President resumed the chair and the Temporary Chair of Committees (Senator Moore) reported progress.

**7 QUESTIONS**

Questions without notice were answered.

**8 ANSWERS TO QUESTIONS**

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

Debate ensued.

Question put and passed.

**9 PETITION**

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

From 308 petitioners, requesting that the Senate call on the Department of Immigration and Multicultural and Indigenous Affairs to review the current practice of removal of children from school grounds.

**10 NOTICES**

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on student income support be extended to 23 June 2005. (*general business notice of motion no. 186*)



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

- (a) notes that with the commencement of the *Aboriginal and Torres Strait Islander Commission Amendment Act 2005* 35 Aboriginal and Torres Strait Islander Commission (ATSIC) regional councils will cease operating after 30 June 2005;
- (b) commends all Indigenous people who have served on regional councils in the past 15 years especially those regional councillors who have worked through the past 12 months, with few resources and little support, managing the difficult transition to the new administrative arrangements in Indigenous affairs;
- (c) notes the government-commissioned ATSIC review report recommended that the 35 ATSIC regional councils be retained, and also recommended elevating the regional council chairs to a national representative body; and
- (d) calls on the Government to commit to working with Indigenous people to formulate truly representative structures to fully engage Indigenous Australians in their futures. (*general business notice of motion no. 187*)

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 the Regional Partnerships program be extended to 6 October 2005. (*general business notice of motion no. 188*)

Senators Nettle and Sherry: To move on the next day of sitting—That the Senate—

- (a) notes the launch on Sunday, 19 June 2005 of the advertising campaign of the Australian Council of Trade Unions (ACTU) highlighting the terrible impact of the Government's planned industrial relations changes on working people and their families;
- (b) urges all Australians to support the ACTU's national week of union and community action from 27 June to 1 July 2005;
- (c) commends the planned community action to be held across the country from 29 June to 1 July 2005;
- (d) notes the growing community concern and anger about the proposed industrial relations changes which will remove many basic rights and conditions that workers have acquired in the past 100 years; and
- (e) calls on the Government to withdraw its proposals and commit to a fair and cooperative approach to industrial relations. (*general business notice of motion no. 189*)

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

- (a) notes:
  - (i) that a Yale University Law School report has found that genocide of the indigenous people in West Papua is occurring,
  - (ii) that an HIV/AIDS epidemic appears to be ongoing in West Papua amongst the indigenous population and that the Indonesian Government is doing little to control the spread of this disease, and
  - (iii) that Indonesian military activity is causing systematic harm and human rights abuse to the indigenous West Papuans both within civil society and at a village level and that the Indonesian military is profiteering from its business interests in West Papua and is directly linked to illegal logging and export operations;
- (b) calls on the Australian Government to support a parliamentary fact finding mission to West Papua to investigate the situation first-hand; and

- (c) supports West Papua being granted observer status at the upcoming Pacific Islands Forum in Port Moresby in October 2005. (*general business notice of motion no. 190*)

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

- (a) notes the frivolous and off-hand rejection of its reasonable request that the Minister for the Environment and Heritage provide correspondence concerning the Gunns Pty Ltd proposed pulp mill in Tasmania; and
- (b) noting that the Government has committed \$5 million to Gunns for the project and agreed to ‘fast-track’ consideration of it as a project of ‘national significance’:
  - (i) believes its request was responsible and warranted, and
  - (ii) condemns the Minister’s failure to respond properly to its request. (*general business notice of motion no. 191*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of December 2005:

The health impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations, with particular reference to:

- (a) the adequacy and timeliness of regulation governing workplace exposure, safety precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity;
- (b) the extent to which employers and employees are informed of the risk of workplace dust inhalation;
- (c) the availability of accurate diagnoses and medical services for those affected and the financial and social burden of such conditions;
- (d) the nature and extent of illness, disability and death related to workplace dust exposure;
- (e) the availability of accurate records on workplace exposure, diagnosis, morbidity, mortality and treatment;
- (f) access to compensation, limitations in seeking legal redress and alternative models of financial support for affected individuals and their families; and
- (g) the potential of emerging technologies, including nanoparticles, to result in workplace related harm.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen): To move 15 sitting days after today—

No. 1—That the Aviation Transport Security Regulations 2005, as contained in Select Legislative Instrument 2005 No. 18 and made under the *Aviation Transport Security Act 2004* and the *Aviation Transport Security (Consequential Amendments and Transitional Provisions) Act 2004*, be disallowed.

No. 2—That the HIH Royal Commission (Transfer of Records) Regulations 2005, as contained in Select Legislative Instrument 2005 No. 11 and made under the *HIH Royal Commission (Transfer of Records) Act 2003*, be disallowed.

Senator Tchen, by leave, made a statement relating to the notices of motion.

**11 NOTICE OF MOTION WITHDRAWN**

The following notice of motion was withdrawn:

Business of the Senate notice of motion no. 1 standing in the name of Senator Murray for 22 June 2005, 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*.

**12 POSTPONEMENT**

The following item of business was postponed:

General business notice of motion no. 183 standing in the name of Senator Crossin for today, relating to the election in the Northern Territory, postponed till 23 June 2005.

**13 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING—VARIATION**

Senator Webber, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), moved—That the order of the Senate of 15 June 2005 authorising the Foreign Affairs, Defence and Trade References Committee to hold a public meeting during the sitting of the Senate on 22 June 2005 be varied to provide that the committee be authorised to meet from 4 pm. Question put and passed.

**14 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Troeth, 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. 177—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 22 June 2005.

Question put and passed.

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

Senator Webber, 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. 179—That the time for the presentation of the report of the Finance and Public Administration References Committee on the Gallipoli Peninsula be extended to 18 August 2005.

Question put and passed.

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

Senator Webber, 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. 180—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on duties of Australian personnel in Iraq be extended to 9 August 2005.

Question put and passed.

**17 FOREIGN AFFAIRS—ZIMBABWE—HUMAN RIGHTS**

Senator Troeth, at the request of Senators Ferguson, Murray and Sandy Macdonald and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 182—That the Senate—

- (a) notes the current grave situation in Zimbabwe, in which:
  - (i) Operation Murambatsvina, ‘Operation Restore Order’, has demolished the shanty homes and informal businesses of Zimbabwe’s city dwellers, leaving more than 200 000 families homeless and destitute,
  - (ii) non-government organisations have been prevented from assisting these men, women and children,
  - (iii) severe food shortages are causing unimaginable suffering to more than 6 million Zimbabweans, and
  - (iv) soaring rates of HIV/AIDS infections continue to inflict misery on the population;
- (b) expresses its strong concern about ongoing events in Zimbabwe;
- (c) commends the Australian Government’s public condemnation of the brutal operations being carried out in Zimbabwe by the Mugabe Government; and
- (d) calls on the Australian Government to encourage the international community to do everything in its power to stop these continual abuses of basic human rights in Zimbabwe.

Question put and passed.

**18 WOMEN—WORLD POPULATION DAY**

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. 181—That the Senate—

- (a) recognises that:
  - (i) 11 July 2005 is World Population Day and that the day’s theme is ‘equality empowers’, and
  - (ii) the empowerment of women will greatly help to alleviate global poverty;
- (b) acknowledges that 500 000 women die each year due to the lack of adequate reproductive health services; and
- (c) calls on the Government to use Australia’s unique position in our region to advocate for the empowerment of women and to ensure that the human rights of women and girls are respected, protected and promoted through gender-sensitive policies and legislation and through the provision of appropriate services.

Question put and passed.

**19 FOREIGN AFFAIRS—UNITED STATES—NUCLEAR DISARMAMENT**

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. 133—That the Senate—

- (a) notes that the Bush Administration’s proposed 2006 budget for the United States of America (US) includes:

- (i) \$US4 million to fund a study for enabling nuclear warheads to penetrate deeper underground before exploding, known as Robust Nuclear Earth Penetrators,
  - (ii) \$US606 billion to fund the weapons activities of the US Energy Department's National Security Administration, and a total of \$US9.4 billion for the agency for 2006, an increase of \$US233 million on current spending,
  - (iii) \$US786 million to power nuclear navy vessels,
  - (iv) \$US35 million for retiring and dismantling excess warheads, the same as the current spending,
  - (v) \$US25 million to ensure nuclear weapons testing can take place within 18 months of a decision to do so, having previously been 24 to 36 months, and
  - (vi) \$US7.7 million for a Modern Pit Facility to build new warhead cores known as 'pits' to replace those whose plutonium has degraded over time, a facility expected to process 125 pits per year; and
- (b) urges the Minister for Defence (Senator Hill), the Minister for Foreign Affairs (Mr Downer) and the Prime Minister (Mr Howard) to commit to any action that will progress global nuclear disarmament, and encourage all other nations to do the same.

Question put and negatived.

#### 20 ENVIRONMENT—EARTH CHARTER

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 165—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.

Question put and passed.

#### 21 TAXATION—DEDUCTIBLE GIFT RECIPIENT STATUS—ENVIRONMENT GROUPS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 185—That there be laid on the table by the Minister for the Environment and Heritage, no later than 3.30 pm on Wednesday, 22 June 2005, all correspondence between the Minister and the Assistant Treasurer, the Australian Taxation Office, or the Institute of Public Affairs in 2004 and 2005 relating to the issue of deductible gift recipient status of environment groups.

Question put and passed.

**22 DEFENCE—IRAQ—AUSTRALIAN DEFENCE FORCE PERSONNEL**

*Motion determined as not formal:* Senator Brown requested that general business notice of motion no. 176 standing in his name for today, relating to the withdrawal of Australian Defence Force Personnel from Iraq, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Proposed suspension of standing orders:* Senator Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 176.

Debate ensued.

Question put.

The Senate divided—

AYES, 5

Senators—

Allison	Brown	Nettle (Teller)
Bartlett	Greig	

NOES, 44

Senators—

Abetz	Cook	Hutchins	O'Brien
Barnett	Denman	Johnston	Patterson
Bishop	Eggleston	Kirk	Ray
Brandis	Ellison	Knowles	Santoro
Buckland	Ferguson	Lightfoot	Scullion
Calvert	Ferris (Teller)	Lundy	Sherry
Carr	Fierravanti-Wells	Marshall	Stephens
Chapman	Fifield	Mason	Tchen
Colbeck	Forshaw	McGauran	Troeth
Collins	Hogg	McLucas	Watson
Conroy	Humphries	Moore	Webber

Question negatived.

**23 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—REFERENCE**

Senator Bartlett, also on behalf of Senators Ludwig and Nettle, and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 8 November 2005:

- (a) the administration and operation of the *Migration Act 1958*, its regulations and guidelines by the Minister for Immigration and Multicultural and Indigenous Affairs and the Department of Immigration and Multicultural and Indigenous Affairs, with particular reference to the processing and assessment of visa applications, migration detention and the deportation of people from Australia;
- (b) the activities and involvement of the Department of Foreign Affairs and Trade and any other government agencies in processes surrounding the deportation of people from Australia;
- (c) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;

- (d) the outsourcing of management and service provision at immigration detention centres; and  
 (e) any related matters.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

**24 TAXATION LAWS AMENDMENT (SCHOLARSHIPS) BILL 2005**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 162—That the following bill be introduced:

A Bill for an Act to amend the *Income Tax Assessment Act 1997*, the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*, and for related purposes.

Question put and passed.

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

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

**25 FOREIGN AFFAIRS—JAPAN—WHALING PROGRAM**

Senator Brown amended general business notice of motion no. 175 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 Japanese whaling boats and other vessels owned by the companies engaged in whaling (such as occurred over the southern blue fin tuna dispute) if Japan continues its whaling program.

Question put and passed. All Government senators, by leave, recorded their votes for the noes.

**26 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

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. 178—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the performance of the Australian telecommunications regulatory regime be extended to 9 August 2005.

Question put and passed.

**27 NOTICE OF MOTION WITHDRAWN**

Senator Bartlett withdrew 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.

**28 AUDITOR-GENERAL—AUDIT REPORT NO. 53 OF 2004-05—DOCUMENT**

The Acting Deputy President (Senator Chapman) tabled the following document:

Auditor-General—Audit report no. 53 of 2004-05—Performance audit—The Home Ownership Programme: Indigenous Business Australia.

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

Question put and passed.

**29 FAMILY AND COMMUNITY SERVICES—PREGNANCY COUNSELLING AND FAMILY PLANNING—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 15 June 2005 for the production of documents concerning funding for pregnancy counselling and family planning (*see entry no. 17, 15 June 2005*).

**30 EMPLOYMENT—BUILDING ON SUCCESS COMMUNITY DEVELOPMENT EMPLOYMENT PROJECT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 11 May 2005 for the production of submissions in response to discussion paper, 'Building on success: Community Development Employment Projects' and, pursuant to that order, tabled the following documents:

Employment—Building on Success Community Development Employment Project—Department of Employment and Workplace Relations—Community Development Employment Projects [CDEP]—Discussion paper—Building on success—Further submissions in response to discussion paper [36].



**31 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—CHANGES IN MEMBERSHIP**

The Acting Deputy President (Senator Chapman) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to the Foreign Affairs, Defence and Trade References Committee as follows:

Discharged—Substitute member: Senator Ray

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

Question put and passed.

**32 DOCUMENTS**

The following documents were tabled by the Clerk:

Class Rulings—

CR 2005/30 and CR 2005/46.

Notice of Withdrawal—CR 2005/30.

Sydney Airport Curfew Act—Curfew Dispensation Report—Dispensation No. 4/05 [3 dispensations].

Taxation Determinations TD 2005/23-TD 2005/26.

**33 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2005-2006**

**APPROPRIATION BILL (NO. 1) 2005-2006**

**APPROPRIATION BILL (NO. 2) 2005-2006**

**APPROPRIATION BILL (NO. 5) 2004-2005**

**APPROPRIATION BILL (NO. 6) 2004-2005**

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

Message no. 163, dated 20 June 2005—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 162, dated 20 June 2005—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 165, dated 20 June 2005—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 166, dated 20 June 2005—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 164, dated 20 June 2005—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Special Minister of State (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

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

**34 NATIONAL SECURITY INFORMATION LEGISLATION AMENDMENT BILL 2005**

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

Message no. 160, dated 20 June 2005—National Security Information Legislation Amendment Bill 2005.

**35 MEMBERS OF PARLIAMENT—ENTITLEMENTS—PROPOSED DISAPPROVAL**

Senator Bartlett, also on behalf of Senators Murray and Brown and pursuant to notice, moved business of the Senate notice of motion no. 2—That the ‘Communications Allowance’, being clauses 10.4 to 10.13 of Determination 2005/09: Members of Parliament – Entitlements, made pursuant to subsections 7(1), (2) and (4) of the *Remuneration Tribunal Act 1973*, be disapproved.

Debate ensued.

Question put and negatived.

**36 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—UNFAIR DISMISSAL AND SMALL BUSINESS EMPLOYMENT**

Pursuant to order, the Chair of the Employment, Workplace Relations and Education References Committee (Senator Crossin) tabled the following report and documents:

Employment, Workplace Relations and Education References Committee—Unfair dismissal and small business employment—Report, dated June 2005, Hansard record of proceedings, additional information, answers to questions on notice and submissions [17].

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

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

Debate ensued.

Question put and passed.

**37 ECONOMICS LEGISLATION COMMITTEE—REPORT—SUPERANNUATION BILLS**

Pursuant to order, Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Superannuation Bill 2005, Superannuation (Consequential Amendments) Bill 2005 and Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005—Report, dated June 2005, Hansard record of proceedings, additional information and submission.

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

**38 ORDER OF BUSINESS—REARRANGEMENT**

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Crossin), by leave, moved—That business of the Senate order of the day no. 5, relating to the presentation of the report of the committee on Indigenous education, be postponed till the next day of sitting.

Question put and passed.

**39 PRIVILEGES—STANDING COMMITTEE—122ND REPORT**

Pursuant to order, the Chair of the Standing Committee of Privileges (Senator Faulkner) tabled the following report and documents:

Privileges—Standing Committee—122nd report—Parliamentary privilege: Unauthorised disclosure of committee proceedings, dated June 2005, Hansard record of proceedings and volume of submissions and documents.

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

Senator Faulkner, by leave, moved—That the Senate adopt the recommendation at paragraph 3.60 of the 122nd report of the Committee of Privileges.

Debate ensued.

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

**40 VALEDICTORY STATEMENTS**

Pursuant to order, senators made statements relating to the retirement of certain senators.

**41 NOTICE**

Senator Bartlett gave a notice of motion as follows: To move on the next day of sitting—

- (1) That the provisions of the Migration Amendment (Detention Arrangements) Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by Thursday, 23 June 2005.
- (2) That the committee have leave to meet during the sitting of the Senate on Thursday, 23 June 2005 for the purpose of considering the bill.

**42 ADJOURNMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate do now adjourn.

Debate ensued.

*Time expired:* The debate reached the limit of 40 minutes.

The Senate adjourned at 11.11 pm till Wednesday, 22 June 2005 at 9.30 am.

**43 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate