

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 TRANSPORT—TASMANIAN FREIGHT EQUALISATION SCHEME—PERSONAL EXPLANATION

The Special Minister of State (Senator Abetz), by leave, made a personal explanation relating to comments made by Senator Denman during question time on 21 June 2005 concerning the Tasmanian Freight Equalisation Scheme.

Document: Senator Abetz tabled the following document—

Transport—Tasmanian Freight Equalisation Scheme—Copy of transcript of Tasmanian Country Hour, ABC Radio Tasmania, 20 June 2005.

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*), as varied on 21 June 2005 (*see entry no. 3, 21 June 2005*), be modified as follows:

Omit paragraph (4), substitute:

(4) On Wednesday, 22 June 2005:

- (a) subject to paragraph (4)(b), the routine of business from 9.30 am to not later than 2 pm, and from 3.45 pm, shall be valedictory statements;
- (b) at 4.30 pm, the business of the Senate notice of motion standing in the names of Senators Marshall and Nettle for the disallowance of Guidelines under the *Workplace Relations Act 1996* shall have precedence over all other business till determined; and
- (c) consideration of government documents shall not be proceeded with.

Question put and passed.

4 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—CHANGE IN MEMBERSHIP

The President informed the Senate that he had received a letter requesting a change in the membership of a committee.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That Senator Stephens replace Senator George Campbell for the committee's inquiry into the Regional Partnerships program, in place of Senator Carr.

Question put and passed.

5 VALEDICTORY STATEMENTS

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

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

Environment—Regional Natural Heritage Program (RNHP)—Copies of RNHP project assessment information 2004-05—Project summaries [15].

Statements continued.

6 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) moved—That government business orders of the day no. 1 (Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005) and no. 2 (Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005) be called on immediately and considered till not later than 2 pm.

Question put and passed.

7 CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS INTERCEPTION AND OTHER MEASURES) BILL 2005

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Greig:

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.

Debate resumed.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time.

8 SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) BILL 2005

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

Debate resumed.

At 2 pm: Debate was interrupted while Senator Sherry was speaking.

9 QUESTIONS

Questions without notice were answered.

10 QUESTION ON NOTICE—ANSWER AND EXPLANATION

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Leader of the Government in the Senate (Senator Hill) for an explanation of an answer not being provided to question on notice no. 29 (notice given 16 November 2004) relating to orders for the production of documents.

Senator Hill made a statement relating to the matter.

Senator Allison moved—That the Senate take note of the minister's failure to provide either an answer or an explanation.

Debate ensued.

Question put and passed.

11 MOTIONS TO TAKE NOTE OF ANSWERS

Motions to take note of answers were called on but no motion was moved.

12 PETITION

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

From 12 petitioners, requesting that the Senate pass legislation that provides for a national system of paid maternity leave which recognises the principles of the International Labour Organization and provides payment for at least 14 weeks.

13 NOTICES

Senator Marshall: To move on the next day of sitting—That the following proposed amendments to the standing orders be referred to the Procedure Committee for inquiry and report:

- (1) That standing order 74(5) be amended by omitting “and does not” and substituting “or if a question taken on notice during a hearing of a legislation committee considering estimates remains unanswered 30 days after the day set for answering the question, and a minister does not”.
- (2) That standing order 164 be amended by adding:
 - “(3) If a minister does not comply with an order for the production of documents, directed to the minister, within 30 days after the date specified for compliance with the order, and does not, within that period, provide to the Senate an explanation of why the order has not been complied with which the Senate resolves is satisfactory:
 - (a) at the conclusion of question time on each and any day after that period, a senator may ask the relevant minister for such an explanation; and
 - (b) the senator may, at the conclusion of the explanation, move without notice – That the Senate take note of the explanation; or
 - (c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion in relation to the minister’s failure to provide either an answer or an explanation.”.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to the security of maritime transport and offshore facilities, and for related purposes. *Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other Measures) Bill 2005*.

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

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation relating to higher education, and for related purposes. *Higher Education Legislation Amendment (2005 Measures No. 3) Bill 2005*.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to aviation, and for related purposes. *Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Bill 2005*.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to broadcasting, and for related purposes. *Broadcasting Legislation Amendment Bill (No. 1) 2005*.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to the arts, and for related purposes. *Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005*.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Acts Interpretation Act 1901*, and for related purposes. *Acts Interpretation Amendment (Legislative Instruments) Bill 2005*.

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

- (a) recalls that on 2 December 2002 and 7 December 2004 it referred a proposed agreement between Australia and the United States of America (US), pursuant to which Australia would agree not to surrender US nationals to the International Criminal Court without the consent of the US (the proposed agreement) to the Joint Standing Committee on Treaties for inquiry and report, and that this reference was reiterated on 30 August 2004;
- (b) notes that, despite the clear will of the Senate, the Joint Standing Committee on Treaties continues to refuse to commence any inquiry until such time as the proposed agreement has been finalised;
- (c) further notes that:
 - (i) the Government has indicated that its negotiations with the US for the proposed agreement are ongoing and that a model agreement has been circulated,
 - (ii) the US has entered into at least 95 such agreements with other nation states, and
 - (iii) there is widespread evidence regarding these agreements, including various legal opinions;
- (d) expresses the view that, given the significance of such an agreement, it is desirable for the Parliament to consider its implications before it is negotiated to completion, rather than after; and
- (e) refers the proposed agreement to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 October 2005, with particular reference to the following matters:
 - (i) whether the proposed agreement would breach the terms, or be otherwise inconsistent with the spirit, of the Rome Statute which Australia has ratified,
 - (ii) the effect of the proposed agreement, either itself or in conjunction with similar agreements between the US and other states, on the ability of the International Criminal Court to effectively fulfil its intended function,
 - (iii) the implications of any extradition provisions in the proposed agreement and whether the proposed agreement would require the re-negotiation of existing extradition agreements to which Australia is a party, and
 - (iv) the implications of the proposed agreement with respect to Australia's national interest.

Senator Nettle: To move on the next day of sitting—That there be laid on the table by the Minister for Immigration and Multicultural and Indigenous Affairs a copy of the final report, including findings and recommendations, by Mr Mick Palmer into the Ms Cornelia Rau matter, no later than 3 calendar days after the Minister receives the report and, if the Senate is not sitting at that time, the report be presented to the President in accordance with standing order 166. (*general business notice of motion no. 192*)

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

- (a) notes:
 - (i) that the students at Monash University Clayton Campus are due to boycott classes at the commencement of the second academic semester on 18 July 2005 in protest at the Government's intention to abolish compulsory student association fees,

- (ii) the staff at Monash University Clayton Campus support the students' decision to boycott classes, and
- (iii) this action is just one of numerous acts of protest being organised on campuses around Australia in order to demonstrate the depth of concern students and university staff feel at the threatened loss of democratic control of student services on campus that will result from the Government's moves to abolish compulsory student association fees;
- (b) congratulates Monash University students on their willingness to sacrifice their study time to defend their ability to collectively and democratically organise and preserve student services; and
- (c) calls on the Government to:
 - (i) recognise the community-wide benefits that well-resourced student associations deliver in promoting campus democracy,
 - (ii) recognise the demonstrated inability of 'market forces' to provide the appropriate range of services students need when they need them, and
 - (iii) abandon plans to abolish compulsory student association fees. (*general business notice of motion no. 193*)

The Minister for Defence (Senator Hill): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Amendment (Detention Arrangements) Bill 2005, allowing it to be considered during this period of sittings.

Document: Senator Hill tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Migration Amendment (Detention Arrangements) Bill 2005 in the 2005 winter sittings.

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 6 OF 2005

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

SELECTION OF BILLS COMMITTEE REPORT NO. 6 OF 2005

1. The committee met in private session on Tuesday, 21 June 2005 at 4.20 pm.
2. The committee resolved to recommend—That—
 - (a) the National Animal Welfare Bill 2005 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 10 November 2005; and
 - (b) the Tax Laws Amendment (2005 Measures No. 2) Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 10 August 2005.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005
 - Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005
 - Corporations Amendment Bill (No. 1) 2005

Medical Indemnity (Competitive Advantage Payment) Bill 2005
Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill
2005
Migration Amendment (Act of Compassion) Bill 2005
Migration Amendment (Mandatory Detention) Bill 2005.

The committee recommends accordingly.

4. The committee *deferred* consideration of the following bill to the next meeting:

Bill deferred from meeting of 8 February 2005

Trade Practices Amendment (Personal Injuries and Death) Bill 2004.

Jeannie Ferris
Chair
22 June 2005.

Senator Ferris moved—That the report be adopted.

The Minister for Defence (Senator Hill) moved the following amendment:

At the end of the motion, add “and, in respect of the Tax Laws Amendment (2005 Measures No. 2) Bill 2005, the bill not be referred to the Economics Legislation Committee”.

Question—That the amendment be agreed to—put.

The Senate proceeded to divide—

The call for the division was withdrawn, by leave.

Question put and passed.

Main question, as amended, put and passed.

15 NOTICE OF MOTION WITHDRAWN

The following notice of motion was withdrawn:

General business notice of motion no. 27 standing in the name of Senator Lees for today, relating to Asian elephants.

16 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 173 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005, postponed till 23 June 2005.

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

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), moved—That the order of the Senate of 20 June 2005, authorising the Rural and Regional Affairs and Transport Legislation Committee to hold a public meeting during the sitting of the Senate today, be varied as follows:

Paragraph (a), omit “4.30 pm”, substitute “5 pm”.

Omit paragraph (b).

Question put and passed.

18 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator George Campbell, at the request of the Chair of the Employment, Workplace Relations and Education References Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 186—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.

Question put and passed.

19 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. 188—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.

Question put and passed.

20 INDIGENOUS AUSTRALIANS—ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION REGIONAL COUNCILS

Senator Ridgeway, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 187—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.

Question put and passed.

21 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL—MINISTER'S RESPONSE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 191—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.

Question put and passed.

22 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Leader of the Australian Democrats (Senator Allison) amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of December 2005:

- (a) the health impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations;
- (b) the adequacy and timeliness of regulation governing workplace exposure, safety precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity;
- (c) the extent to which employers and employees are informed of the risk of workplace dust inhalation;
- (d) the availability of accurate diagnoses and medical services for those affected and the financial and social burden of such conditions;
- (e) the availability of accurate records on the nature and extent of illness, disability and death, diagnosis, morbidity 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.

Question put and passed.

23 IMMIGRATION—ASYLUM SEEKERS—CHRISTMAS ISLAND

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 184—That the Senate calls on the Government to bring the 31 asylum seekers on Christmas Island to mainland Australia.

Question put.

The Senate divided—

AYES, 9

Senators—

Allison	Cherry	Murray	Ridgeway
Bartlett (Teller)	Greig	Nettle	Stott Despoja
Brown			

NOES, 34

Senators—

Brandis	Ferris (Teller)	Lightfoot	Santoro
Campbell, George	Fierravanti-Wells	Lundy	Stephens
Chapman	Fifield	Marshall	Tchen
Colbeck	Hogg	Mason	Troeth
Crossin	Humphries	McLucas	Watson
Denman	Hutchins	Moore	Webber
Eggleston	Johnston	Murphy	Wong
Ellison	Kirk	Patterson	
Ferguson	Knowles	Ray	

Question negatived.

24 FOREIGN AFFAIRS—WEST PAPUA

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 190—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.

Question put and negatived.

25 FOREIGN AFFAIRS—COLOMBIA—INDIGENOUS WAYUU PEOPLE

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 166—That the Senate—

- (a) notes:
- (i) that on 15 April 2004, 12 members of the indigenous Wayuu people, including senior women of this matriarchal society, were massacred and 30 more abducted by a Colombian paramilitary force, and that 300 surviving Wayuu had to flee to Venezuela, and
 - (ii) that the Wayuun representative, Ms Debora Barros, who visited Australia in June 2005, has pleaded with BHP Billiton, which has part ownership of a nearby coal mine and railway, to help identify the killers and ensure the safe repatriation of the Wayuu people to their homeland; and
- (b) calls on BHP Billiton to investigate claims that villagers recognised members of the Colombian army, which helps protect the Cerrejon Coal Mine, accompanying the paramilitary killers on 15 April 2004, to ensure no such personnel crossover has been or will be permitted.

Question put and passed.

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 167—That the Senate calls on the Government to obtain from Colombian President Uribe:

- (a) an explanation of the massacre of Wayuu women and their families on 15 April 2004, in particular claims by Wayuu observers that members of the Colombian army were involved;
- (b) an assurance of the safe return of the 300 Wayuu people who fled to Venezuela; and

- (c) a guarantee for the wellbeing of the Wayuu leader, Ms Debora Barros, after her return to Colombia from Australia in June 2005.

Question put and passed.

26 INDUSTRIAL RELATIONS—AUSTRALIAN COUNCIL OF TRADE UNIONS

Senator Nettle, also on behalf of Senator Sherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 189—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.

Question put and passed.

27 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—6TH, 7TH, 8TH, 9TH AND 10TH REPORTS OF 2005

Senator Ferris, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

6th report of 2005—Proposed Australia House defence and lightwells refurbishment, Australian High Commission, London, dated June 2005.

7th report of 2005—Proposed mid-life upgrade of existing Chancery at the Australian High Commission, Singapore, dated June 2005.

8th report of 2005—Proposed new Consulate-General building, Bali, Indonesia, dated June 2005.

9th report of 2005—Proposed construction of Chancery, Vientiane, Laos, dated June 2005.

10th report of 2005—Proposed Reserve Bank of Australia business resumption site, dated June 2005.

Senator Ferris moved—That the Senate take note of the reports.

Question put and passed.

28 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT AND ALERT DIGEST NO. 7 OF 2005

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

Scrutiny of Bills—Standing Committee—

6th report of 2005, dated 22 June 2005.

Alert Digest no. 7 of 2005, dated 22 June 2005.

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

29 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENT

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the following document:

Senators' Interests—Standing Committee—Register of senators' interests incorporating statements of interests and notifications of alterations of interests of senators lodged between 7 December 2004 and 20 June 2005, dated June 2005.

Senator Denman moved—That the Senate take note of the document.

Question put and passed.

30 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—403RD REPORT

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—403rd report—Access of Indigenous Australians to law and justice services, dated June 2005.

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

Debate ensued.

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

31 MIGRATION—JOINT STANDING COMMITTEE—REPORT—BAXTER IMMIGRATION DETENTION FACILITY AND PORT AUGUSTA RESIDENTIAL HOUSING PROJECT

Senator Kirk, on behalf of the Joint Standing Committee on Migration, tabled the following report:

Migration—Joint Standing Committee—Inspections of Baxter Immigration Detention Facility and Port Augusta Residential Housing Project, April 2005—Report, dated June 2005.

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

Debate ensued.

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

32 DEPARTMENT OF THE SENATE—REGISTER OF SENATE SENIOR EXECUTIVE OFFICERS' INTERESTS—DOCUMENT

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

Department of the Senate—Register of Senate senior executive officers' interests incorporating notifications of alterations of interests of senior executive officers lodged between 7 December 2004 and 20 June 2005, dated June 2005.

33 AUDITOR-GENERAL—AUDIT REPORT NO. 54 OF 2004-05—DOCUMENT

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

Auditor-General—Audit report no. 54 of 2004-05—Performance audit—Administration of health care cards: Health Insurance Commission; Department of Health and Ageing; Centrelink; Department of Family and Community Services.

34 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Land Transport Development Act—Determination of charge rate for the financial year 2003-04 [F2005L01533]*.

Australian Meat and Live-stock Industry Act—Select Legislative Instrument 2005 No. 119—Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2005 (No. 1) [F2005L01501]*.

Australian National University Act—

Chancellorship Statute 2005 [F2005L01575]*.

Faculties and Faculty Boards (Institute of Advanced Studies) Statute—Faculty and Faculty Board (Research School of Astronomy and Astrophysics) Rules (No. 2) 2005 [F2005L01566]*.

Halls of Residence Statute 2005 [F2005L01577]*.

Pro-Chancellorship Statute 2005 [F2005L01574]*.

Corporations Act—ASIC Class Orders—

[CO 05/542] [F2005L01566]*.

[CO 05/611] [F2005L01569]*.

Customs Act—Tariff Concession Orders—

0503521 [F2005L01538]*.

0503968 [F2005L01583]*.

0503990 [F2005L01585]*.

0503991 [F2005L01586]*.

0503992 [F2005L01587]*.

Environment Protection and Biodiversity Conservation Act—Amendment of lists of specimens taken to be suitable for live import, dated 6 June 2005 [F2005L01549]*.

Hearing Services Administration Act—Hearing Services Rules of Conduct Amendment Rules 2005 (No. 1) [F2005L01559]*.

Income Tax Assessment Act 1997—Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2005 (No. 1) [F2005L01567]*.

Migration Act—Select Legislative Instruments 2005 Nos—

131—Migration Agents Amendment Regulations 2005 (No. 1) [F2005L01500]*.

135—Migration (Cote d'Ivoire – United Nations Security Council Resolutions) Regulations 2005 [F2005L01519]*.

Migration Agents Registration Application Charge Act—Select Legislative Instrument 2005 No. 132—Migration Agents Registration Application Charge Amendment Regulations 2005 (No. 1) [F2005L01498]*.

Motor Vehicle Standards Act—Select Legislative Instrument 2005 No. 138—Motor Vehicle Standards Amendment Regulations 2005 (No. 2) [F2005L01413]*.

Governor-General's Proclamation—Commencement of Provisions of an Act

Australian Passports Act 2005—Sections 3 to 58—1 July 2005 [F2005L01517]*.

* Explanatory statement tabled with legislative instrument.

35 COMMITTEES—CHANGES IN MEMBERSHIP

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

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

Community Affairs Legislation and References Committees—

Appointed—Participating member: Senator Brown

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator Brown

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Stephens to replace Senator George Campbell for the committee's inquiry into the Regional Partnerships program on 23 June, 30 June, 14 July, 15 July, 18 July and 19 July 2005, in place of Senator Carr

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Kirk to replace Senator Mackay for the committee's inquiry into the Chen Yonglin and Vivian Solon cases.

Question put and passed.

36 CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2005

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

Message no. 167, dated 21 June 2005—Criminal Code Amendment (Trafficking in Persons Offences) Bill 2005.

37 VALEDICTORY STATEMENTS

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

38 COMPLIANCE POWERS IN THE BUILDING AND CONSTRUCTION INDUSTRY—GUIDELINES—PROPOSED DISALLOWANCE

Leave was granted for business of the Senate notice of motion no. 1, proposing the disallowance of the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry, to be called on immediately.

Senator Marshall, also on behalf of Senator Nettle, and pursuant to notice, moved business of the Senate notice of motion no. 1—That the Guidelines in relation to the exercise of Compliance Powers in the Building and Construction Industry, made under section 88AGA of the *Workplace Relations Act 1996*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 24

Senators—

Bishop	Crossin	Lundy	O'Brien
Bolkus	Denman	Marshall	Ray
Brown	Forshaw	McLucas	Sherry
Buckland	Hogg	Moore	Stephens
Campbell, George	Hutchins	Murphy	Webber (Teller)
Collins	Kirk	Nettle	Wong

NOES, 37

Senators—

Abetz	Coonan	Johnston	Ridgeway
Allison	Eggleston	Kemp	Santoro
Barnett	Ellison	Knowles	Scullion
Bartlett	Ferguson	Lees	Stott Despoja
Boswell	Ferris	Lightfoot	Tchen
Brandis	Fierravanti-Wells	Macdonald, Ian	Troeth
Calvert	Fifield	Macdonald, Sandy	Watson
Chapman	Greig	Mason	
Cherry	Heffernan	McGauran (Teller)	
Colbeck	Humphries	Murray	

Question negatived.

39 NOTICE

Senator Murray gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 31 October 2005:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed federal government changes, meets the social and economic needs of all Australians, with particular reference to:

- (a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
- (b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
- (c) the parties' ability to genuinely bargain, focusing on groups such as women, youth and casual employees;
- (d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
- (e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
- (f) Australia's international obligations.

40 VALEDICTORY STATEMENTS

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

41 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Communications, Information Technology and the Arts (Senator Coonan), by leave, moved—That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Carr to replace Senator Moore for the committee's inquiry into government advertising

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee's inquiry into the Chen Yonglin and Vivian Solon cases.

Question put and passed.

42 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—PROPOSED REFERENCE

Senator Bartlett, pursuant to notice, moved business of the Senate notice of motion no. 3—

- (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.

Debate ensued.

Question put and negatived.

43 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 1) 2005 AND SHORTFALL INTEREST CHARGE (IMPOSITION) BILL 2005

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—Provisions of the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 and Shortfall Interest Charge (Imposition) Bill 2005—Report, dated June 2005, Hansard record of proceedings and submissions [119].

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

44 ORDER OF BUSINESS—REARRANGEMENT

Senator McGauran, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the committee on Tax Laws Amendment (2005 Measures No. 1) Bill 2005, be postponed till the next day of sitting.

Question put and passed.

45 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—REPORT—INDIGENOUS EDUCATION FUNDING

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—Indigenous education funding—Final report, dated June 2005, Hansard record of proceedings, additional information and submissions [23].

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

At 7.20 pm—

46 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.53 pm till Thursday, 23 June 2005 at 9.30 am.

47 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate