

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 35

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**Contents**

1	Meeting of Senate .....	921
2	Petitions .....	921
3	Notices .....	921
4	Order of Business—Rearrangement .....	922
5	Science and Technology—National Aeronautics and Space Administration—Mission .....	922
6	Environment—Uranium Mining .....	922
7	Truth in Food Labelling Bill 2003—Restoration to <i>Notice Paper</i> .....	923
8	Foreign Affairs—Burma—Human Rights .....	923
9	Foreign Affairs—Iraq .....	924
10	Science and Technology—Nuclear Weapons .....	925
11	Environment—Global Warming .....	926
12	Australian Crime Commission—Joint Statutory Committee— Supplementary Report—Trafficking of Women for Sexual Servitude .....	926
13	Tax Laws Amendment (2005 Measures No. 4) Bill 2005 .....	926
14	Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005 .....	927
15	Migration Amendment Regulations—Proposed Disallowance .....	927
16	Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005 .....	927
17	Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005 .....	928
18	Order of Business—Rearrangement .....	928
19	Skilling Australia's Workforce Bill 2005 Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005 .....	928
20	Questions .....	929
21	Unparliamentary Conduct—Statement by President .....	929
22	Victory in the Pacific (VP) Day—60th Anniversary .....	930
23	Temporary Chairs of Committees .....	930
24	Discussion of Matter of Public Importance—Communications—Telstra .....	930

25	Employment—Skills Shortages—Training Policies.....	931
26	First Speeches.....	931
27	Government Documents—Consideration.....	931
28	Committee Reports and Government Responses—Orders of the Day— Consideration.....	933
29	Auditor-General’s Reports—Orders of the Day—Consideration.....	935
30	Finance and Public Administration Legislation Committee—Government Response—Annual Reports.....	936
31	National Capital and External Territories—Joint Standing Committee— Government Response—Norfolk Island.....	936
32	Auditor-General—Audit Report No. 5 of 2005-06—Document.....	936
33	Documents.....	937
34	Committees—Changes in Membership.....	937
35	Adjournment.....	937
36	Attendance.....	938

**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 PETITIONS**

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senators Fierravanti-Wells and McGauran, from 3 817 and 11 759 petitioners, respectively, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator Marshall, from 567 petitioners, requesting that the Senate reject any changes to industrial relations legislation which adversely affect working Australians and their families.

**3 NOTICES**

*Notices of motion:*

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

- (a) notes that:
  - (i) the week beginning 1 August 2005 was World Breastfeeding Week,
  - (ii) the theme for the week was 'Breastfeeding and Family Foods (feeding beyond 6 months)',
  - (iii) breastfeeding is a natural and normal way of providing optimal nutrition, immunological and emotional nurturing for the growth and development of infants, and
  - (iv) every woman has the right to be supported and not discriminated against if she chooses to breastfeed or not; and
- (b) notes that breastfeeding women must be supported by allowing them to take breastfeeding breaks and breaks to express milk, encouraging workplaces to provide places for mothers to breastfeed and express milk, and encouraging workplaces to provide the necessary facilities for the storage of breast milk. (*general business notice of motion no. 208*)

Senator Brown: To move on the next day of sitting—That the Senate, noting the scourge of petrol sniffing in Indigenous communities, calls on the Government to introduce the comprehensive roll out of non-sniffable Opal fuel throughout the central desert region of Australia. (*general business notice of motion no. 209*)

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for 10 sitting days after today for the disallowance of 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*.

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

**4 ORDER OF BUSINESS—REARRANGEMENT**

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

No. 4 Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005.

Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005.

Question put and passed.

Senator Ellison moved—That the order of general business for consideration today be as follows:

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

Question put and passed.

**5 SCIENCE AND TECHNOLOGY—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MISSION**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 205—That the Senate—

- (a) congratulates the National Aeronautics and Space Administration and the Discovery crew on their successful mission which involved the resupply of, and maintenance on, the International Space Station; and
- (b) commends the Discovery crew, astronauts Eileen Collins (Commander), Charles Camarda, Wendy Lawrence, Steven Robinson, Soichi Noguchi, James Kelly and South Australian-born Andrew Thomas, on their safe launch into space on 26 July 2005 and return on 9 August 2005.

Question put and passed.

**6 ENVIRONMENT—URANIUM MINING**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 203—That the Senate—

- (a) notes the Federal Government's intention to override the Northern Territory Government in pursuit of expanding uranium mining, announced on the eve of the 60th anniversary of the United States of America dropping the first atomic bomb, killing approximately 140 000 people in the Japanese city of Hiroshima;
- (b) rejects the expansion of uranium mining because of its potential to cause grave harm to people and the environment, and the risk of Australian uranium being diverted to the production of nuclear weapons; and
- (c) calls on the Federal Government to abandon the expansion of uranium mining and instead support the expansion of energy efficiency and renewable energy to address the challenge of climate change.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison	Brown	Murray	Siewert (Teller)
Bartlett	Milne	Nettle	Stott Despoja

NOES, 54

Senators—

Adams	Ellison	Kirk	Polley
Barnett	Faulkner	Lightfoot	Ronaldson
Bishop	Ferguson	Ludwig	Santoro
Boswell	Ferris (Teller)	Marshall	Scullion
Brandis	Fierravanti-Wells	Mason	Sherry
Calvert	Fifield	McEwen	Stephens
Campbell, George	Forshaw	McGauran	Sterle
Campbell, Ian	Heffernan	Minchin	Troeth
Carr	Hogg	Moore	Trood
Chapman	Humphries	Nash	Watson
Colbeck	Hutchins	O'Brien	Webber
Conroy	Johnston	Parry	Wortley
Coonan	Joyce	Patterson	
Eggleston	Kemp	Payne	

Question negatived.

#### 7 TRUTH IN FOOD LABELLING BILL 2003—RESTORATION TO NOTICE PAPER

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 206—

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That the Truth in Food Labelling Bill 2003 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Question put and passed.

#### 8 FOREIGN AFFAIRS—BURMA—HUMAN RIGHTS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 197—That the Senate—

(a) notes:

- (i) 8 August 2005 was the 17th anniversary of the Burmese military regime's murderous suppression of the pro-democracy movement,
- (ii) thousands of people have died and continue to die under the rule of the Burmese military,
- (iii) Daw Aung San Suu Kyi and many hundreds of other political prisoners remain under detention within Burma, and
- (iv) the Australian Government's passive approach to the Burmese regime's continued human rights abuses; and

- (b) calls on the Government to:
- (i) make representations to the United Nations Security Council, calling on the Council to pass a strong resolution addressing the urgent need for democratic reform and greater protection of human rights in Burma, and
  - (ii) repeat its calls for the immediate and unconditional release of Daw Aung San Suu Kyi and all remaining political prisoners.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

#### 9 FOREIGN AFFAIRS—IRAQ

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 207—That the Senate—

- (a) notes that 126 members of the Iraqi Parliament have signed on to a statement that notes that:
- (i) the National Assembly is the legitimate representative of the Iraqi people and the guardian of its interests, and is the voice of the people, especially with regard to repeated demands for the departure of the occupation,
  - (ii) these demands have earlier been made in more than one session but have blatantly been ignored from the Chair, and
  - (iii) the Iraqi Government's request to the United Nations Security Council to extend the presence of the occupation forces, was made without consultation with the people's representatives in the National Assembly who hold the right to make such fateful decisions;
- (b) notes that in line with their historic responsibility, these 126 members of the Iraqi Parliament reject legitimisation of the occupation and they repeat their demand for the departure of the occupation forces, especially since their national forces have been able to break the back of terrorism and to notably establish their presence in the Iraqi streets and to recover the state's dignity and the citizens' trust in the security forces leading to the noble objectives in an Iraq whose sovereignty is not compromised; and
- (c) calls on the Government to bring Australia's troops home from Iraq.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison  
Bartlett

Brown  
Milne

Nettle  
Siewert (Teller)

Stott Despoja

## NOES, 54

Senators—

Adams	Ellison	Kirk	Polley
Barnett	Faulkner	Lightfoot	Ronaldson
Bishop	Ferguson	Ludwig	Santoro
Boswell	Ferris (Teller)	Marshall	Scullion
Brandis	Fierravanti-Wells	Mason	Stephens
Calvert	Fifield	McEwen	Sterle
Campbell, George	Forshaw	McGauran	Troeth
Campbell, Ian	Heffernan	McLucas	Trood
Carr	Hogg	Minchin	Watson
Chapman	Humphries	Moore	Webber
Colbeck	Hutchins	Nash	Wong
Coonan	Johnston	Parry	Wortley
Crossin	Joyce	Patterson	
Eggleston	Kemp	Payne	

Question negatived.

## 10 SCIENCE AND TECHNOLOGY—NUCLEAR WEAPONS

The Leader of the Australian Democrats (Senator Allison) amended general business notice of motion no. 196 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) acknowledges the massive destruction caused by the use of nuclear weapons against the cities of Hiroshima and Nagasaki 60 years ago;
- (b) notes that the one megaton bombs in the 28 000 strong nuclear arsenal worldwide are 70 times bigger and more destructive than those used against Japan;
- (c) notes:
  - (i) the inability of the United Nations, at the recent Nuclear Non-proliferation Treaty Review conference, to commit to stringent and effective measures towards nuclear disarmament,
  - (ii) the message of 4 August 2005 by the World Council of Churches referring to the ‘unfinished business of banning nuclear weapons’,
  - (iii) that since the first atomic bombings in 1945 the number of nuclear-armed states is widely believed to have increased from one to nine, and
  - (iv) that nuclear weapons have not stopped wars in Korea, Vietnam, Afghanistan, the Falklands or Iraq, nor deterred terrorists anywhere;
- (d) recognises the tremendous resilience and spirit of the Japanese people, especially the survivors and their families affected by the bombings in both Hiroshima and Nagasaki;
- (e) recognises, that due to that spirit, vibrant and modern cities have arisen out of the destruction and loss of life in both locations;
- (f) understands the special lesson of Hiroshima and Nagasaki is the need for us to redouble our efforts to stop the proliferation of weapons of mass destruction, including nuclear weapons; and
- (g) calls on the Australian Government to work towards a nuclear-weapons free world.

Question put and passed.

**11 ENVIRONMENT—GLOBAL WARMING**

Senator Brown, by leave, moved—That the Minister for the Environment and Heritage (Senator Ian Campbell) explain to the Senate his denial in the Federal Court that global warming exists or that the burning of coal contributes to global warming.

Debate ensued.

Question put.

The Senate divided—

**AYES, 31**

Senators—

Allison	Faulkner	Marshall	Siewert
Bartlett	Forshaw	McEwen	Stephens
Bishop	Hogg	McLucas	Sterle
Brown	Hurley	Milne	Stott Despoja
Campbell, George	Hutchins	Moore	Webber (Teller)
Carr	Kirk	Murray	Wong
Conroy	Ludwig	Nettle	Wortley
Crossin	Lundy	Ray	

**NOES, 33**

Senators—

Abetz	Ellison	Lightfoot	Ronaldson
Adams	Ferguson	Macdonald, Ian	Santoro
Barnett	Ferris	Macdonald, Sandy	Scullion
Boswell	Fierravanti-Wells	Mason	Troeth
Brandis	Fifield	McGauran (Teller)	Trood
Calvert	Heffernan	Minchin	Watson
Campbell, Ian	Humphries	Nash	
Chapman	Joyce	Parry	
Eggleston	Kemp	Payne	

Question negatived.

**12 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—  
SUPPLEMENTARY REPORT—TRAFFICKING OF WOMEN FOR SEXUAL SERVITUDE**

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Santoro) tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Trafficking of women for sexual servitude—Supplementary report, dated August 2005, Hansard record of proceedings, documents presented to the committee and submission.

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

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

Debate ensued.

Question put and passed.

**13 TAX LAWS AMENDMENT (2005 MEASURES NO. 4) BILL 2005**

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

Message no. 185, dated 10 August 2005—A Bill for an Act to amend the law relating to taxation, 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 till the next day of sitting.

**14 TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (PROTECTION OF SUBMARINE CABLES AND OTHER MEASURES) BILL 2005**

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

Message no. 186, dated 10 August 2005—A Bill for an Act to provide for the protection of submarine cables, and for other 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.

**15 MIGRATION AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE**

Order of the day read for the adjourned debate on the motion of Senator Bartlett—That the Migration Amendment Regulations 2005 (No. 6), as contained in Select Legislative Instrument 2005 No. 171 and made under the *Migration Act 1958*, be disallowed.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Kirk was speaking.

**16 ARTS LEGISLATION AMENDMENT (MARITIME MUSEUM AND FILM, TELEVISION AND RADIO SCHOOL) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

**17 TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (PROTECTION OF SUBMARINE CABLES AND OTHER MEASURES) 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 Senator Coonan the bill was read a third time.

**18 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That consideration of government business orders of the day no. 1 (Skilling Australia's Workforce Bill 2005 and a related bill) and no. 2 (Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 and a related bill) be called on to enable second reading speeches to be made till not later than 2 pm.

Question put and passed.

**19 SKILLING AUSTRALIA'S WORKFORCE BILL 2005  
SKILLING AUSTRALIA'S WORKFORCE (REPEAL AND TRANSITIONAL 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—and on the amendment moved by Senator Nettle in respect of the *Skilling Australia's Workforce Bill 2005*—

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

- (a) condemns the Government for introducing legislation that would undermine the quality of public provision of vocational education and training by:
  - (i) failing to recognise and reward the good will of Australia's Technical and Further Education (TAFE) teachers and support staff and their commitment to the best interests of their students and the community,
  - (ii) attempting to introduce a climate of fear and greed into TAFE colleges, based on both punitive industrial relations arrangements and the entirely impractical requirement for performance-based pay,
  - (iii) compromising the ability of TAFE teachers to work collaboratively by attempting to set them in competition with each other,
  - (iv) using TAFE as a beachhead in their assault on Australia's union movement,
  - (v) using TAFE as a pawn in their attempt to centralise decision making in Canberra and undermine the balance of power between the states and the Commonwealth,

- (vi) substituting financial blackmail of the states for proper negotiation with all interested parties and consensus building,
  - (vii) playing out an agenda of revenge against the Australian Education Union and the New South Wales Teachers Federation for their well-founded criticisms of the Howard Government's failure to adequately fund public provision of vocational education and training, and
  - (viii) further progressing their vision of a privatised vocational education and training sector, despite the massive failure of existing funding of private providers to effectively contribute to quality outcomes; and
- (b) calls on the Government to withdraw this bill because it is fundamentally flawed and will fail to address Australia's growing skills shortage, and instead to:
- (i) develop arrangements for negotiation between the states, the Commonwealth and TAFE teachers and their union on funding of vocational education and training and on the coordination of policy setting in this sector,
  - (ii) recognise the current and potential future role that TAFE colleges and TAFE teachers and support staff play in wealth creation and in building Australia's cultural, social and democratic institutions,
  - (iii) recognise that the Commonwealth Government should play a key role in the funding of public provision of vocational education and training by restoring its per student funding of TAFE to 1996 levels in real terms and providing funding increases to match the growth in demand for vocational education and training over that period and for the next planning period, and
  - (iv) end the funding of private providers that compete with TAFE".

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Stephens was speaking.

## 20 QUESTIONS

Questions without notice were answered.

## 21 UNPARLIAMENTARY CONDUCT—STATEMENT BY PRESIDENT

The President made a statement on a matter raised by Senator Brown earlier today relating to the conduct of Senator McGauran.

*Ruling of President:* The President ruled that the conduct of Senator McGauran in making a gesture following a division was unseemly but not unparliamentary.

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

Debate ensued.

Question put and passed.

*Statement by leave:* Senator McGauran, by leave, made a statement relating to the matter.

The Leader of the Australian Democrats (Senator Allison), having objected, in writing, to the ruling of the President, moved—That the Senate dissents from the ruling of the President (that the conduct of Senator McGauran in making a gesture following a division on 11 August 2005 was unseemly but not unparliamentary).

Debate was adjourned till the next day of sitting, pursuant to standing order 198.

**22 VICTORY IN THE PACIFIC (VP) DAY—60TH ANNIVERSARY**

The Minister for Defence (Senator Hill), by leave, moved—That the Senate—

- (a) notes that 15 August 2005 (VP Day) marks 60 years since the Japanese surrender which ended World War II;
- (b) recalls with profound gratitude the heroic achievements and sacrifices of those Australians who served in the defence forces during the war, as well as those who contributed on the civilian front;
- (c) particularly remembers the thousands of Australians who lost their lives or were wounded in the conflict, and especially recalls the suffering of so many Australians taken as prisoners of war;
- (d) whilst never forgetting those who suffered during World War II, acknowledges the strength and importance of the post World War II relationship between Australia and Japan; and
- (e) resolves that Australia's efforts should always be directed to ensuring that a conflict of that magnitude never occurs again.

Debate ensued.

Question put and passed.

**23 TEMPORARY CHAIRS OF COMMITTEES**

The Deputy President (Senator Hogg) tabled a warrant, dated 11 August 2005, revoking the warrant nominating Senator Sandy Macdonald as a Temporary Chair of Committees and nominating Senator Barnett as an additional Temporary Chair of Committees.

**24 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COMMUNICATIONS—TELSTRA**

The Deputy President (Senator Hogg) informed the Senate that Senator Conroy had proposed that the following matter of public importance be submitted to the Senate for discussion:

The overwhelming opposition of the Australian public to the full sale of Telstra as evidenced by:

- (a) the recent survey undertaken by the New South Wales Farmers' Association which found that 80 per cent of their members were opposed to the privatisation of Telstra;
- (b) the recent nationwide poll published in *The Canberra Times* which found that 71 per cent of Australians are opposed to the sale of Telstra, and that 79 per cent of Queenslanders oppose the sale; and
- (c) the Queensland National Party's election commitment to oppose the sale, and

despite this overwhelming opposition, the Federal Government is continuing to pursue its extreme agenda for the full sale of Telstra.

The proposal was supported by four senators and the matter was discussed.

*General business was called on.*

**25 EMPLOYMENT—SKILLS SHORTAGES—TRAINING POLICIES**

Senator George Campbell, pursuant to notice, moved general business notice of motion no. 113—That the Senate notes that:

- (a) the Howard Government's training policies since 1996 have contributed to Australia's current skills shortages in the traditional trades; and
- (b) the Government's inaction in addressing this national skills crisis is hurting Australian businesses, families, young people and the economy.

Debate ensued.

*After 5 pm:* Debate was interrupted.

**26 FIRST SPEECHES**

Pursuant to order (*see entry no. 3, 10 August 2005*), Senators Adams, Polley and Siewert made their first speeches.

**27 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

National Oceans Office—Report for 2003-04. Motion to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Sydney Harbour Federation Trust—Report for 2003-04. Motion to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04. Motion to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Refugee Review Tribunal—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginals Benefit Account—Report for 2003-04. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Cape York Land Council Aboriginal Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*National Environment Protection Measures (Implementation) Act 1998*—Independent review by Baker and McKenzie. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2004. Motion of Senator Bartlett to take note of document agreed to.

Productivity Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2004. Motion of Senator Bartlett to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2004. Motion of Senator Bartlett to take note of document agreed to.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2005. Motion of Senator Bartlett to take note of document agreed to.

Australian Competition and Consumer Commission—Telecommunications report for 2003-04—Telstra's compliance with price control arrangements. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Electoral Commission—Election 2001—Funding and disclosure report. Motion to take note of document moved by Senator Bartlett and agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2004. Motion of Senator Carr to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2004. Motion of Senator Carr to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Productivity Commission—Report—No. 33—Review of national competition policy reforms, 28 February 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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

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

Former parliamentarians' travel paid by the Department of Finance and Administration—July to December 2004, dated June 2005. Motion to take note of document moved by Senator Bartlett and agreed to.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Immigration—Ms Cornelia Rau—Inquiry into the circumstances of the immigration detention of Cornelia Rau—Report by Mick Palmer, AO, APM, dated July 2005. Motion of Senator Ludwig to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 17, 18, 22 to 27, 29 to 41 and 43 to 45 relating to government documents were called on but no motion was moved.

*General business concluded.*

## 28 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Environment, Communications, Information Technology and the Arts References Committee—Report—The performance of the Australian telecommunications regulatory regime. Motion of the chair of the committee (Senator Bartlett) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Australian Crime Commission—Joint Statutory Committee—Report—Examination of the annual report for 2003-04 of the Australian Crime Commission. Motion of Senator Scullion to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Antarctica: Australia's pristine frontier—Report on the adequacy of funding for Australia's Antarctic Program. Motion of the chair of the committee (Senator Lightfoot) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Native Title and the Aboriginal and Torres Strait Islander Land Account—Joint Statutory Committee—Report—Examination of annual reports 2003-04. Motion of Senator Eggleston to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Property investment advice – Safe as houses? Motion of the chair of the committee (Senator Chapman) to take note of report called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

Regulations and Ordinances—Standing Committee—112th report—40th Parliament report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Community Affairs References Committee—Report—Quality and equity in aged care. Motion of the chair of the committee (Senator Marshall) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—The cancer journey: Informing choice—Report on the inquiry into services and treatment options for persons with cancer. Motion to take note of report debated. Debate adjourned till the next day of sitting, Senator Moore in continuation.

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

Migration—Joint Standing Committee—Report—Inspections of Baxter Immigration Detention Facility and Port Augusta Residential Housing Project, April 2005. Motion of Senator Kirk to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Public Accounts and Audit—Joint Statutory Committee—Report 403—Access of Indigenous Australians to law and justice services. Motion of Senator Watson to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Privileges—Standing Committee—122nd report—Parliamentary privilege – unauthorised disclosure of committee proceedings. Motion of the chair of the committee (Senator Faulkner)—That the Senate adopt the recommendation at paragraph 3.60 of the 122nd report of the Committee of Privileges—debated and agreed to.

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*Reference to committee:* Pursuant to the recommendation in paragraph 3.60 of the 122nd report of the Committee of Privileges, the following reference to the Procedure Committee was agreed to:

Proposals relating to the unauthorised disclosure of committee proceedings as contained in the 122nd report of the Committee of Privileges, its appendices and associated documents.

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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. Motion of Senator O'Brien to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—The effectiveness of Australia's military justice system. Motion of the chair of the committee (Senator Hutchins) to take note of report debated and agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Administration of Biosecurity Australia – Revised draft import risk analysis for apples from New Zealand. Motion of Senator Ferris to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Administration of Biosecurity Australia – Revised draft import risk analysis for bananas from the Philippines. Motion of Senator McGauran to take note of report agreed to.

Community Affairs References Committee—Report—Protecting vulnerable children: A national challenge—Second report on the inquiry into children in institutional or out-of-home care. Motion of the chair of the committee (Senator Marshall) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

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



Corporations and Financial Services—Joint Statutory Committee—Reports—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Parts 1 and 2—Government response. Motion of Senator Chapman to take note of document agreed to.

**29 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 17 of 2004-05—Performance audit—The administration of the National Action Plan for Salinity and Water Quality: Department of Agriculture, Fisheries and Forestry; Department of the Environment and Heritage. Motion of Senator Bartlett to take note of document agreed to.

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 39 of 2004-05—Performance audit—The Australian Taxation Office's administration of the Superannuation Contributions Surcharge. Motion to take note of document moved by Senator Sherry and agreed to.

Auditor-General—Audit report no. 45 of 2004-05—Performance audit—Management of selected Defence system program offices: Department of Defence. Motion to take note of document moved by Senator Bishop. Debate adjourned till the next day of sitting, Senator Bishop in continuation.

Auditor-General—Audit report no. 44 of 2004-05—Performance audit—Defence's management of long-term property leases. Motion to take note of document moved by Senator Bishop. Debate adjourned till the next day of sitting, Senator Bishop in continuation.

Auditor-General—Audit report no. 48 of 2004-05—Performance audit—Internationalisation of Australian education and training: Department of Education, Science and Training. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 49 of 2004-05—Business support process audit—Administration of fringe benefits tax. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 50 of 2004-05—Performance audit—Drought assistance. Motion to take note of document moved by Senator Stephens and agreed to.

Auditor-General—Audit report no. 51 of 2004-05—Performance audit—DEWR's oversight of Job Network services to job seekers: Department of Employment and Workplace Relations; Centrelink. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 58 of 2004-05—Performance audit—Helping carers: the National Respite for Carers Program: Department of Health and Ageing. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 1 of 2005-06—Performance audit—Management of detention centre contracts—Part B: Department of Immigration and Multicultural and Indigenous Affairs. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 3 of 2005-06—Performance audit—Management of the M113 Armoured Personnel Carrier Upgrade Project. Motion to take note of document moved by Senator Bishop. Debate adjourned till the next day of sitting, Senator Bishop in continuation.

Orders of the day nos 5 to 8, 11, 12, 17 to 21, 23 and 25 relating to reports of the Auditor-General were called on but no motion was moved.

**30 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—  
GOVERNMENT RESPONSE—ANNUAL REPORTS**

The Special Minister of State (Senator Abetz) tabled the following document:

Finance and Public Administration Legislation Committee—Report—Annual reports referred to legislation committees—Report No. 1 of 2005—Government response.

**31 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING  
COMMITTEE—GOVERNMENT RESPONSE—NORFOLK ISLAND**

The Special Minister of State (Senator Abetz) tabled the following document:

National Capital and External Territories—Joint Standing Committee—Report—Norfolk Island: Review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage—Government response, dated June 2005.

**32 AUDITOR-GENERAL—AUDIT REPORT NO. 5 OF 2005-06—DOCUMENT**

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

Auditor-General—Audit report no. 5 of 2005-06—Performance audit—A financial management framework to support managers in the Department of Health and Ageing.

### 33 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2005/29—Overseas conditions of service – post indexes and school fees.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Consolidated statement of expenditure under paragraph 18(b), dated 9 August 2005.

### 34 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

#### **Employment, Workplace Relations and Education Legislation and References Committees—**

Appointed—Participating member: Senator Trood

#### **Finance and Public Administration Legislation and References Committees—**

Appointed—Participating members: Senators Fierravanti-Wells and Trood

#### **Foreign Affairs, Defence and Trade Legislation and References Committees—**

Discharged—Senator Sandy Macdonald

Appointed—

Senator Scullion

Participating members: Senators Fierravanti-Wells and Trood

#### **Legal and Constitutional Legislation and References Committees—**

Appointed—Participating members: Senators Fierravanti-Wells and Trood

#### **Public Works—Joint Statutory Committee—**

Discharged—Senator Ferguson

Appointed—Senator Parry

#### **Rural and Regional Affairs and Transport Legislation and References Committees—**

Appointed—Participating member: Senator Trood.

Question put and passed.

### 35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.59 pm till Tuesday, 16 August 2005 at 12.30 pm.

**36 ATTENDANCE**

Present, all senators except Senators Vanstone (on leave).

**HARRY EVANS**  
Clerk of the Senate