

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 36

TUESDAY, 16 AUGUST 2005

Contents

1	Meeting of Senate	941
2	Government Documents	941
3	Consideration of Legislation.....	941
4	Parliamentary Zone—Capital Works Proposal—Approval	941
5	Skilling Australia’s Workforce Bill 2005 Skilling Australia’s Workforce (Repeal and Transitional Provisions) Bill 2005	941
6	Senator Sworn	943
7	Questions	943
8	Communications—Telstra—Answer to Question	943
9	Environment—Natural Heritage Trust Fund—Answer to Question.....	943
10	Environment—Biofuels—Statement by Leave.....	943
11	Petitions	943
12	Notices.....	944
13	Environment—Natural Heritage Trust Fund—Answer to Question— Statement by Leave	946
14	Finance and Public Administration References Committee—Leave to Meet During Sitting	947
15	Postponements.....	947
16	Urgency Motion—Indigenous Australians—Health—Petrol Sniffing	947
17	Asia-Pacific Partnership on Clean Development and Climate—Ministerial Statement—Document.....	947
18	Legal and Constitutional Legislation Committee—Report—Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005	947
19	Asia-Pacific Partnership on Clean Development and Climate—Ministerial Statement—Consideration	948
20	First Speeches.....	948
21	Documents.....	948
22	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document.....	951

23	Committees—Changes in Membership.....	951
24	Customs Tariff Amendment Bill (No. 2) 2005	952
25	Building and Construction Industry Improvement Bill 2005 Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005	952
26	Joint Committees—Changes in Membership.....	953
27	Governor-General’s Message—Assent to Laws.....	953
28	Proposed Matter of Privilege—Statement by President.....	953
29	Objection to Ruling of President	953
30	Government Documents—Consideration	954
31	Adjournment	954
32	Attendance.....	954

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:

Civil Aviation Safety Authority—Corporate plan 2005-06 to 2007-08.

Department of Communications, Information Technology and the Arts—Report—Review into the viability of establishing an Indigenous television service and the regulatory arrangements that should apply to the digital transmission of such a service using spectrum in the broadcasting services bands (*Broadcasting Services Act 1992*, clause 60 of Schedule 4), August 2005.

Productivity Commission—Report—No. 35—Australian pigmeat industry, 18 March 2005.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2005.

3 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Arts and Sport (Senator Kemp) and 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 Customs Amendment (Extension of Import Cut-over Time) Bill 2005, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

4 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Communications, Information Technology and the Arts (Senator Coonan) and pursuant to notice, moved government business notice of motion no. 2—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of a pathway on the southern foreshore of Lake Burley Griffin, including Australian of the Year Walk.

Question put and passed.

5 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.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the resumption of the debate was made an order of the day for a later hour.

6 SENATOR SWORN

Amanda Vanstone, senator for the state of South Australia, attending for the first time since her current term of service commenced, pursuant to the Constitution of the Commonwealth of Australia, made and subscribed the affirmation of allegiance at the table.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 COMMUNICATIONS—TELSTRA—ANSWER TO QUESTION

Senator Carr moved—That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to a question without notice asked by Senator Conroy today relating to Telstra.

Debate ensued.

Question put and passed.

9 ENVIRONMENT—NATURAL HERITAGE TRUST FUND—ANSWER TO QUESTION

Senator Milne moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Milne today relating to the natural heritage trust fund.

Question put and passed.

10 ENVIRONMENT—BIOFUELS—STATEMENT BY LEAVE

The Leader of The Nationals in the Senate (Senator Boswell), by leave, made a statement relating to comments he made during the discussion of matters of public interest on 10 August 2005.

11 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Allison, from 8 petitioners, requesting that the Senate reject proposed legislation that would undermine a woman's right to access abortion.

Senator Boswell, from 44 petitioners, requesting that the Senate take action to expedite the entry of Christian refugees into Australia.

Senators Lightfoot and Stephens, from 3 906 and 2 779 petitioners, respectively, requesting that the Senate take action to restrict children's exposure to Internet pornography.

12 NOTICES

Notices of motion:

The Chair of the Community Affairs Legislation Committee (Senator Humphries): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 18 August 2005, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Health Insurance Amendment (Medicare Safety-nets) Bill 2005. (*general business notice of motion no. 210*)

Senator Watson: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 18 August 2005, from 10.45 am to 11.45 am, to take evidence for the committee's inquiry into aviation security in Australia. (*general business notice of motion no. 211*)

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Industry, Tourism and Resources, no later than 3.30 pm on 18 August 2005, any legal advice which the Government has received from the Australian Government Solicitor or other source on the Commonwealth Government's authority to unilaterally approve uranium mines in the Northern Territory. (*general business notice of motion no. 212*)

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 Gallipoli Peninsula be extended to 15 September 2005. (*general business notice of motion no. 213*)

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

(a) notes that:

- (i) 13 August to 21 August 2005 is National Science Week, a week designated to celebrate and promote the role of science in everyday life and in our future, and
- (ii) the theme for 2005 is 'Energy: Future Challenges'; and

(b) congratulates the finalists of the 2005 Australian Museum Eureka Prizes for their perseverance and commitment to helping the community through their critical discoveries and innovative designs. (*general business notice of motion no. 214*)

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

- (a) the historic peace deal between the Indonesian Government and the Free Aceh Movement;
- (b) that the agreement calls for a withdrawal of Indonesian troops from the region; and
- (c) that both sides have confirmed their commitment to a comprehensive, peaceful and sustainable solution to the conflict in Aceh. (*general business notice of motion no. 215*)

The Minister for Defence (Senator Hill): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes. ***Defence Legislation Amendment Bill (No. 1) 2005.***

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That there be laid on the table by the Minister for Defence, no later than 4.30 pm on Thursday, 18 August 2005, a copy of the Australian Defence Force report on the presence of depleted uranium in the Australian area of operations in Al Muthanna province in southern Iraq. (*general business notice of motion no. 216*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than 4.30 pm on Monday, 5 September 2005, a copy of the report provided by Deloitte Touche Tohmatsu as part of their consultancy to assist in the development of a strategy to implement the recommendations made by the Australian National Audit Office in Audit Report no. 18 of 2004-05, *Regulation of non-prescription medicinal products: Department of Health and Ageing and Therapeutic Goods Administration*. (*general business notice of motion no. 217*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than 4.30 pm on Monday, 5 September 2005, a copy of the report from the review of the Better Outcomes in Mental Health Initiative. (*general business notice of motion no. 218*)

Senator Bartlett: To move on 18 August 2005—That the Senate—

- (a) notes that:
 - (i) 26 August 2005 marks the 4th anniversary of the rescue of 433 asylum seekers by the MV *Tampa*,
 - (ii) this rescue was followed by the refusal of the Government to allow the ship to enter Australian waters,
 - (iii) the asylum seekers did not have access to adequate medical care, legal advice or sanitary conditions, particularly for the pregnant women and children who were on board,
 - (iv) the MV *Tampa* was boarded by Australian Special Air Services troops and the asylum seekers taken to Nauru,
 - (v) the unnecessary and degrading cost of the resulting Pacific Solution is estimated at close to a billion dollars, which does not take into consideration the cost of human suffering, and
 - (vi) some of the refugees rescued by the MV *Tampa* are still on temporary protection visas and have therefore not been able to reunite with their families after more than 4 years apart;
- (b) expresses the view that many of the changes made to the *Migration Act 1958* following the MV *Tampa* incident have undermined basic legal principles such as equality before the law, procedural fairness, transparent accountability of the actions of Commonwealth officers and protecting against refoulement; and
- (c) calls for review and reform of the Act, and an end to the Pacific Solution, mandatory detention and temporary protection visas. (*general business notice of motion no. 219*)

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

- (a) notes:
 - (i) the loss of independence in the assessment of Australian heritage sites since the Australian Heritage Commission was absorbed into the Department of the Environment and Heritage,

- (ii) the failure of the Government to protect Australian heritage sites since that time, including Recherche Bay in Tasmania and the Burrup Peninsula in Western Australia, and
 - (iii) the Government's willingness to manipulate the heritage assessment and funding process for political purposes; and
- (b) calls on the Government to re-establish an independent statutory heritage body with authority to assess sites and allocate funding for heritage protection. (*general business notice of motion no. 220*)

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

- (a) acknowledges research by the Centre for Genetics Education on attitudes to predictive genetic testing as a part of the Australian National University's Australian Survey of Social Attitudes;
- (b) notes that the research reveals many Australians oppose genetic testing for insurance and employment purposes due to concerns about potential discrimination;
- (c) notes that the Government has not yet released its response to the Australian Law Reform Commission (ALRC) report no. 96, *Essentially yours: The protection of human genetic information in Australia*; and
- (d) calls on the Government to respond to the ALRC's report and implement federal laws to protect our genetic privacy and prevent discrimination. (*general business notice of motion no. 221*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Australian Workplace Safety Standards Bill 2005
National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005.

Document: Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of certain bills in the 2005 spring sittings.

Notice of motion withdrawn: Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) and pursuant to notice of intention given on 11 August 2005, withdrew business of the Senate notice of motion no. 2 standing in the name of Senator Watson for 9 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*.

**13 ENVIRONMENT—NATURAL HERITAGE TRUST FUND—ANSWER TO QUESTION—
STATEMENT BY LEAVE**

The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Milne today relating to the natural heritage trust fund.

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

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), by leave, moved—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate on 17 August 2005, from 3.30 pm to 7 pm, to take evidence for the committee's inquiry into the Regional Partnerships program.

Question put and passed.

15 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 208 standing in the name of Senator Stott Despoja for today, relating to World Breastfeeding Week, postponed till 17 August 2005.

General business notice of motion no. 209 standing in the name of Senator Brown for today, relating to petrol sniffing in Indigenous communities, postponed till 17 August 2005.

16 URGENCY MOTION—INDIGENOUS AUSTRALIANS—HEALTH—PETROL SNIFFING

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Brown advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to address the scourge of petrol sniffing in Indigenous communities by implementing the comprehensive roll out of Opal Fuel through the entire central desert region.

The proposal was supported by 4 senators.

Senator Brown moved the motion.

Debate ensued.

Question put and passed.

17 ASIA-PACIFIC PARTNERSHIP ON CLEAN DEVELOPMENT AND CLIMATE—MINISTERIAL STATEMENT—DOCUMENT

The Acting Deputy President (Senator Chapman) tabled the following document received on 11 August 2005:

Asia-Pacific Partnership on Clean Development and Climate—Ministerial statement by the Minister for Foreign Affairs (Mr Downer) and the Minister for the Environment and Heritage (Senator Ian Campbell).

18 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—LAW AND JUSTICE LEGISLATION AMENDMENT (SERIOUS DRUG OFFENCES AND OTHER MEASURES) BILL 2005

The Acting Deputy President (Senator Chapman) tabled the following report and documents received on 15 August 2005:

Legal and Constitutional Legislation Committee—Provisions of the Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005—Report, dated August 2005, Hansard record of proceedings and submissions [13].

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

**19 ASIA-PACIFIC PARTNERSHIP ON CLEAN DEVELOPMENT AND CLIMATE—
MINISTERIAL STATEMENT—CONSIDERATION**

Senator Milne, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 17*).

Debate ensued.

After 5 pm: Debate was interrupted.

20 FIRST SPEECHES

Pursuant to order (*see entry no. 3, 10 August 2005*), Senators Trood, Sterle and Joyce made their first speeches.

21 DOCUMENTS

The following documents were tabled by the Clerk:

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

Aged Care (Consequential Provisions) Act—Residential Care Services – Additional Payment, dated 23 June 2005 [F2005L02240]*.

Bounty (Ships) Act—Return for 2004-2005.

Broadcasting Services Act—Variation to Licence Area Plan for Scottsdale Radio – No. 1 of 2005 [F2005L02264]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 289/05—Approval and permission – use of Class A airspace by gliders [F2005L02280]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part 105—AD/DAUPHIN/81—Tail Rotor Blade Sleeve [F2005L02275]*.

Instrument No. CASA EX25/05—Exemption – Display of markings [F2005L02248]*.

Commonwealth Authorities and Companies Act—Select Legislative Instrument 2005 No. 177—Commonwealth Authorities and Companies Amendment Regulations 2005 (No. 2) [F2005L02252]*.

Currency Act—Currency (Royal Australian Mint) Determination 2005 (No. 1) Amendment Determination 2005 (No. 1) [F2005L02201]*.

Customs Act—Select Legislative Instrument 2005 No. 174—Customs (Prohibited Imports) Amendment Regulations 2005 (No. 3) [F2005L01720]*.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens, dated—

7 July 2005 [F2005L02227]*.

28 July 2005 [F2005L02277]*.

5 August 2005 [F2005L02279]*.

Farm Household Support Act—

Farm Help Advice and Training Scheme Amendment 2005 (No. 2) [F2005L02281]*.

Farm Help Re-establishment Grant Scheme Amendment 2005 (No. 2) [F2005L02282]*.

Federal Court of Australia Act—Select Legislative Instrument 2005 No. 183—Federal Court Amendment Rules 2005 (No. 1) [F2005L02250]*.

Film Licensed Investment Company Act—

Film Licensed Investment Company (Application) Rules 2005 [F2005L02285]*.

Film Licensed Investment Company (Decision-making Criteria and Procedures) Determination 2005 [F2005L02284]*.

Film Licensed Investment Company (Reporting Requirements) Determination 2005 [F2005L02287]*.

Financial Management and Accountability Act—

Financial Management and Accountability Net Appropriation Agreement Cancellation 2005 [F2005L01981]*.

Financial Management and Accountability Net Appropriation Agreement Variation 2005 [F2005L01982]*.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) Determinations Nos—

46 of 2005—Reporting Standard SRS 100.0 (2005) [F2005L02206]*.

47 of 2005—Reporting Standard SRS 110.0 (2005) [F2005L02207]*.

48 of 2005—Reporting Standard SRS 110.1 (2005) [F2005L02210]*.

49 of 2005—Reporting Standard SRS 110.2 (2005) [F2005L02212]*.

50 of 2005—Reporting Standard SRS 120.0 (2005) [F2005L02213]*.

51 of 2005—Reporting Standard SRS 200.0 (2005) [F2005L02214]*.

52 of 2005—Reporting Standard SRS 210.0 (2005) [F2005L02215]*.

53 of 2005—Reporting Standard SRS 210.1 (2005) [F2005L02216]*.

54 of 2005—Reporting Standard SRS 210.2 (2005) [F2005L02219]*.

55 of 2005—Reporting Standard SRS 220.0 (2005) [F2005L02220]*.

56 of 2005—Reporting Standard SRS 230.0 (2005) [F2005L02221]*.

59 of 2005—Reporting Standard SRS 310.0 (2005) [F2005L02229]*.

63 of 2005—Reporting Standard SRS 330.0 (2005) [F2005L02235]*.

78 of 2005—Reporting Standard ARS 231.1b (2005) [F2005L02148]*.

80 of 2005—Reporting Standard ARS 231.3a (2005) [F2005L02151]*.

81 of 2005—Reporting Standard ARS 231.3b (2005) [F2005L02153]*.

87 of 2005—Reporting Standard ARS 320.7 (2005) [F2005L02164]*.

89 of 2005—Reporting Standard ARS 321.0 (2005) [F2005L02172]*.

91 of 2005—Reporting Standard ARS 326.0 (2005) [F2005L02177]*.

93 of 2005—Reporting Standard ARS 330.1 (2005) [F2005L02180]*.

94 of 2005—Reporting Standard ARS 330.2 (2005) [F2005L02181]*.

95 of 2005—Reporting Standard ARS 330.3 (2005) [F2005L02182]*.

98 of 2005—Reporting Standard ARS 391.0 (2005) [F2005L02185]*.

101 of 2005—Reporting Standard ARS 394.0 (2005) [F2005L02188]*.

102 of 2005—Reporting Standard ARS 395.0 (2005) [F2005L02189]*.

103 of 2005—Reporting Standard ARS 396.0 (2005) [F2005L02190]*.

104 of 2005—Revocation of former reporting standards applying to ADIs [F2005L02300]*.

Fisheries Management Act—Southern Squid Jig Fishery Management Plan 2005—Determination No. SSJF 01—Total Allowable Effort [F2005L02244]*.

Health Insurance Act—

Health Insurance (Obstetric Item 15999) Determination HS/02/2005 [F2005L02270]*.

Select Legislative Instrument 2005 No. 178—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2005 (No. 2) [F2005L02031]*.

Higher Education Support Act—

Higher Education Provider Approval (No. 7 of 2005)—Perth Bible College [F2005L02247]*.

OS-HELP Guidelines, dated 24 July 2005 [F2005L02268]*.

Income Tax Assessment Act 1936—Select Legislative Instrument 2005 No. 181—Income Tax Amendment Regulations 2005 (No. 5) [F2005L02045]*.

Insurance Act—Insurance Exemption Determination No. 1 of 2005—Audit requirements relating to certain yearly statutory accounts [F2005L02193]*.

Migration Act—Direction under section 499—Direction No. 36—Visitor Applications [F2005L02034]*.

Petroleum (Submerged Lands) Act—Select Legislative Instruments 2005 Nos—

179—Petroleum (Submerged Lands) (Occupational Health and Safety) Amendment Regulations 2005 (No. 2) [F2005L02194]*.

180—Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Amendment Regulations 2005 (No. 1) [F2005L02195]*.

Product Rulings—

Notice of Withdrawal—PR 2005/82.

PR 2005/103-PR 2005/106.

Radiocommunications Act—Select Legislative Instrument 2005 No. 175—Radiocommunications Amendment Regulations 2005 (No. 1) [F2005L02191]*.

Remuneration Tribunal Act—Determinations—

2005/13: Official Travel by Office Holders and Members of Parliament [F2005L02224]*.

2005/14: Remuneration and Allowances for Office Holders [F2005L02230]*.

Seas and Submerged Lands Act—

Seas and Submerged Lands Amendment Proclamation 2005 (No. 1) [F2005L01989]*.

Seas and Submerged Lands (Limits of Continental Shelf in the Tasman Sea and South Pacific Ocean) Proclamation 2005 [F2005L01990]*.

Social Security Act—

Employment and Workplace Relations Exempt Lump Sum (South Australian Energy Concession Bonus) Determination 2005 [F2005L02265]*.

Family and Community Services Exempt Lump Sum (South Australian Energy Concession Bonus) Determination 2005 [F2005L02274]*.

Superannuation Industry (Supervision) Act—Request from Minister to APRA under section 230A.

Taxation Administration Act—Select Legislative Instrument 2005 No. 182—Taxation Administration Amendment Regulations 2005 (No. 2) [F2005L02119]*.

Telecommunications Act—

Carrier Licence Conditions (Telstra Corporation Limited) Declarations 1997—(Amendment No. 1 of 2005) [F2005L02261]*.

(Amendment No. 2 of 2005) [F2005L02262]*.

Select Legislative Instrument 2005 No. 176—Telecommunications Amendment Regulations 2005 (No. 1) [F2005L02192]*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notice 2005 (No. 5) [F2005L02171]*.

* Explanatory statement tabled with legislative instrument.

22 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Department of Communications, Information Technology and the Arts.

23 COMMITTEES—CHANGES IN MEMBERSHIP

The President informed the Senate that he 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:

Economics Legislation and References Committees—

Appointed—Participating member: Senator Adams

Environment, Communications, Information Technology and the Arts References Committee—

Appointed—Substitute member: Senator Stephens to replace Senator Conroy for the committee's inquiry into the economic impact of salinity on the Australian environment

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Discharged—Senator Sandy Macdonald

Appointed—Senator Scullion

Foreign Affairs, Defence and Trade Legislation Committee—

Discharged—Senator Scullion

Appointed—Senator Joyce

Foreign Affairs, Defence and Trade References Committee—

Discharged—Senator Scullion

Appointed—Senator Nash

Legal and Constitutional References Committee—

Discharged—Senator Scullion

Appointed—Senator Joyce

Library—Standing Committee—

Discharged—Senator Scullion

Appointed—Senator Joyce

National Capital and External Territories—Joint Standing Committee—

Discharged—Senator Scullion

Appointed—Senator Joyce

Public Accounts and Audit—Joint Statutory Committee—

Discharged—Senator Scullion

Appointed—Senator Nash

Publications—Standing Committee—

Discharged—Senator Scullion

Appointed—Senator Nash

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Participating members: Senators Adams and Nash

Rural and Regional Affairs and Transport References Committee—

Discharged—Senator McGauran

Appointed—

Senator Nash

Participating members: Senators Adams and McGauran

Senators' Interests—Standing Committee—

Discharged—Senator McGauran

Appointed—Senator Nash.

Question put and passed.

24 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2005

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

Message no. 187, dated 11 August 2005—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

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

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

25 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005**BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2005**

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

Message no. 189, dated 16 August 2005—A Bill for an Act to improve workplace relations practices in the building and construction industry, and for related purposes.

Message no. 190, dated 16 August 2005—A Bill for an Act to deal with matters consequential on the enactment of the *Building and Construction Industry Improvement Act 2005*, 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.

Explanatory memoranda: Senator Abetz tabled revised explanatory memoranda [2] relating to the bills.

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

26 JOINT COMMITTEES—CHANGES IN MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of changes in the membership of various joint committees, as follows:

Message no. 188, dated 11 August 2005—

Joint Standing Committee on Treaties, Mr Keenan in place of Mr Turnbull.

Parliamentary Joint Committee on Corporations and Financial Services, Mr Baker in place of Mrs J Kelly.

27 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

12 August 2005—Message No. 27—

Tax Laws Amendment (Personal Income Tax Reduction) Act 2005 (Act No. 101, 2005)

Superannuation Laws Amendment (Abolition of Surcharge) Act 2005 (Act No. 102, 2005).

28 PROPOSED MATTER OF PRIVILEGE—STATEMENT BY PRESIDENT

The President made a statement relating to a matter of privilege raised by Senator Brown concerning the conduct of Senator McGauran on 11 August 2005.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that he should not give precedence to a motion to refer the matter to the Committee of Privileges.

29 OBJECTION TO RULING OF PRESIDENT

Order of the day read for the consideration of the motion moved by the Leader of the Australian Democrats (Senator Allison)—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 ensued.

After 6.50 pm: Debate was interrupted.

30 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2005. Motion to take note of document moved by Senator George Campbell. Debate adjourned till Thursday at general business, Senator George Campbell in continuation.

Civil Aviation Safety Authority—Corporate plan 2005-06 to 2007-08. Motion to take note of document moved by Senator George Campbell. Debate adjourned till Thursday at general business, Senator George Campbell in continuation.

Department of Communications, Information Technology and the Arts—Report—Review into the viability of establishing an Indigenous television service and the regulatory arrangements that should apply to the digital transmission of such a service using spectrum in the broadcasting services bands, August 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

31 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.54 pm till Wednesday, 17 August 2005 at 9.30 am.

32 ATTENDANCE

Present, all senators.

HARRY EVANS
Clerk of the Senate