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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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 ABSENCE OF PRESIDENT—STATEMENT BY PRESIDENT—AUTHORITY OF DEPUTY PRESIDENT**

The President informed the Senate that he would be absent from the Senate from 5 September to 8 September 2005, to lead the Australian parliamentary delegation to the 51st Commonwealth Parliamentary Conference in Fiji.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—

- (1) That, during the absence of the President, the Deputy President shall, on each sitting day, take the chair of the Senate and may, during such absence, perform the duties and exercise the authority of the President in relation to all proceedings of the Senate and proceedings of committees to which the President is appointed.
- (2) That the President be granted leave of absence from 5 September to 8 September 2005.

Question put and passed.

**3 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY—PRESENTATION**

The President informed the Senate that, accompanied by honourable senators, he had on 17 August 2005 waited on the Governor-General and presented to him the address-in-reply to his speech, on the occasion of the opening of Parliament, agreed to on 10 February 2005.

The Governor-General had indicated that he would convey the address-in-reply to Her Majesty The Queen.

**4 NOTICES**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 6 September 2005, from 6 pm, to take evidence for the committee's inquiry into the economic impact of salinity on the Australian environment. (*general business notice of motion no. 227*)

Senator Brown: To move on 7 September 2005—

- (1) That the Senate:
  - (a) notes that the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities;
  - (b) recognises the need for an inquiry into the feasibility of a comprehensive roll out of Opal fuel in the central desert region of Australia;
  - (c) intends that such an inquiry would establish the basis for a staged process, of which this inquiry would be the first stage, for the eventual comprehensive roll out of Opal fuel to all regions across Australia where petrol-sniffing is an issue; and

- (d) requires the specific targeting of this inquiry to the central desert region of Australia in the first instance, as a trial to establish a blueprint for developing in the future a comprehensive and multi-faceted approach to eliminating petrol sniffing throughout Australia.
- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
  - (a) the identification of the means of implementing a comprehensive roll out of Opal fuel throughout the central desert region of Australia (defined for these purposes as extending from Coober Pedy in South Australia to Tennant Creek in the Northern Territory and Laverton in Western Australia); and
  - (b) the recommendation of strategies to enable the comprehensive roll out of Opal fuel throughout the central desert region of Australia, including:
    - (i) proposals for any legislative amendments which may be required, and
    - (ii) the identification of and assignment of a clear delineation of Commonwealth and state responsibilities for the matter, to ensure the rapid and streamlined Commonwealth/state coordination of the roll out.

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

- (a) notes that Gunns Pty Ltd's proposed pulp mill in the Tamar Valley in Tasmania, by the admission of the proponent, will:
  - (i) consume up to 4 million tonnes of woodchips per annum requiring at least 30 years' access to native forests,
  - (ii) pollute the air shed of the Tamar Valley with hydrogen sulphide emissions and other gaseous emissions generated by burning 500 000 tonnes of green wood waste each year,
  - (iii) potentially affect the habitat of 33 threatened species, including five nationally-listed endangered and five nationally-listed vulnerable species, and
  - (iv) pump approximately 30 billion litres of effluent containing organo-chlorines into Bass Strait each year, thus impacting on Commonwealth waters;
- (b) calls on the Prime Minister (Mr Howard) to withdraw the offer of \$5 million in Commonwealth funding to Gunns Pty Ltd; and
- (c) calls on the Minister for the Environment and Heritage (Senator Ian Campbell) to use his powers under the *Environment Protection and Biodiversity Conservation Act 1999* to reject the new proposal. (*general business notice of motion no. 228*)

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

- (a) notes the release of the report prepared by the University of Sydney's Centre for Peace and Conflict Studies, *Genocide in West Papua? The role of the Indonesian Security Services Apparatus*; and
- (b) calls on the Australian Government to investigate the claims in the report and report back to the Senate. (*general business notice of motion no. 229*)

#### 5 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the government business order of the day relating to the National Residue Survey (Customs) Levy Amendment Bill 2005 and a related bill be considered from 12.45 pm till not later than 2 pm today.

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. 222 standing in the name of Senator Ludwig relating to ministerial responsibility; and
- (b) consideration of government documents.

Question put and passed.

#### 6 **POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the disallowance of the Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005, postponed till 5 September 2005.

General business notice of motion no. 221 standing in the name of Senator Stott Despoja for today, relating to genetic testing and privacy, postponed till 5 September 2005.

#### 7 **ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Ferris, by leave and on behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, moved—That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 11 am to noon, in relation to its review of Division 3 Part III of the *Australian Security Intelligence Organisation Act 1979*.

Question put and passed.

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

Senator George Campbell, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), moved—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on matters specified in paragraphs (a) and (b) of the terms of reference for the inquiry into the Chen Yonglin and Vivian Solon cases, and any related matters, be extended to 8 September 2005.

Question put and passed.

#### 9 **WOMEN—WORLD BREASTFEEDING WEEK**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 208—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.

Question put and passed.

#### 10 ENVIRONMENT—NORTHERN TERRITORY—NUCLEAR WASTE MANAGEMENT

Senator Crossin, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 226—That the Senate—

- (a) notes that:
  - (i) in 2004 the Northern Territory Parliament passed the *Nuclear Waste, Storage and Disposal (Prohibition) Act 2004* which bans the establishment and operation of a nuclear waste management facility in the Northern Territory, and
  - (ii) during the 2004 federal election the Minister for the Environment and Heritage (Senator Ian Campbell) gave an ‘absolute categorical assurance’ to Territorians that the Commonwealth is not pursuing any options anywhere on the mainland, including the Northern Territory, for a national nuclear waste facility; and
- (b) calls on the Commonwealth Government to honour its election promise not to locate a nuclear waste facility in the Northern Territory.

Question put and passed.

#### 11 MENTAL HEALTH—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Select Committee on Mental Health (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 223—That the time for the presentation of the report of the Select Committee on Mental Health be extended to the Thursday of the second sitting week in March 2006.

Question put and passed.

#### 12 IMMIGRATION—MV TAMPA—ANNIVERSARY

Senator Bartlett, also on behalf of Senator Nettle, amended general business notice of motion no. 219 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 refolement;
- (c) calls for review and reform of the Act, and an end to the Pacific Solution, mandatory detention and temporary protection visas;
- (d) further notes that 4 years later, 32 asylum seekers remain on Nauru as part of the Government's cruel Pacific Solution; and
- (e) calls on the Government to bring the remaining asylum seekers still on Nauru to the Australian mainland.

Question put and negatived.

### 13 IMMIGRATION—MS VIVIAN SOLON

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 224—That the Senate—

- (a) notes that:
- (i) it has been 1 484 days since Ms Vivian Solon's unlawful deportation by the Department of Immigration and Multicultural and Indigenous Affairs and 94 days since she was discovered in a hospice in the Philippines,
  - (ii) evidence suggests that numerous officers within the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade and the Queensland Police knew that Ms Solon had been deported unlawfully but failed to correct the situation and bring her home, and
  - (iii) the Australian Government:
    - (A) is refusing to guarantee that it will provide more than 6 months care for Ms Solon when she returns, and
    - (B) refuses to agree to arbitration should mediation not result in a compensation settlement; and
- (b) calls on the Government to allow Ms Solon to come home to Australia and be with her children by:
- (i) extending the guarantee of care past 6 months,
  - (ii) offering her brother a visa which entitles him to work rights or a carer's allowance and is not limited to 6 months, and
  - (iii) agreeing to arbitration of a compensation settlement if 6 months of mediation does not result in a settlement.



Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Hogg	McLucas	Sherry
Bartlett	Hurley	Milne	Siewert
Brown	Hutchins	Moore	Stephens
Campbell, G (Teller)	Kirk	Murray	Sterle
Carr	Ludwig	Nettle	Stott Despoja
Conroy	Lundy	O'Brien	Webber
Crossin	Marshall	Polley	Wong
Forshaw	McEwen	Ray	Wortley

NOES, 35

Senators—

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

Question negatived.

**14 TREATIES—JOINT STANDING COMMITTEE—66TH REPORT**

Senator Santoro, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—66th report—Treaties tabled on 7 December 2004 (4), 15 March and 11 May 2005, dated August 2005, Hansard record of proceedings and minutes of proceedings.

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

Debate ensued.

Question put and passed.

**15 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—11TH, 12TH, 13TH, 14TH AND 15TH REPORTS OF 2005**

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

Public Works—Joint Statutory Committee—

11th report of 2005—Proposed Holsworthy program: Special operations working accommodation and base redevelopment stage 1, dated August 2005.

12th report of 2005—Proposed CSIRO entomology bioscience laboratory at Black Mountain, Canberra, ACT, dated August 2005.

13th report of 2005—Proposed operational upgrade, Darwin Detention Facility, Berrimah, NT, dated August 2005.

14th report of 2005—Proposed upgrade patrol boat facilities, HMAS *Coonawarra*, Darwin, NT, dated August 2005.

15th report of 2005—Proposed redevelopment of Kokoda Barracks, Canungra, Queensland, dated August 2005.

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

Question put and passed.

**16 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 9 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—

8th report of 2005, dated 17 August 2005.

Alert Digest No. 9 of 2005, dated 17 August 2005.

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

**17 PUBLICATIONS—STANDING COMMITTEE—5TH REPORT**

Senator Ferris, at the request of the Chair of the Standing Committee on Publications (Senator Watson), tabled the following report:

PUBLICATIONS COMMITTEE

5TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 23 June 2005, recommends that the following be printed:

Circumstances of the immigration detention of Cornelia Rau—Report of the inquiry by Mick Palmer, AO, APM, July 2005.

Natural Heritage Trust—Report for 2003-04—Errata.

Northern Territory Fisheries Joint Authority—Reports—  
2000-01.  
2001-02.

Official Establishments Trust—Report for 2003-04.

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

Western Australian Fisheries Joint Authority—Report for 2002-03.

Wreck Bay Aboriginal Community Council—Report for 2003-04.

Senator John Watson

Chairman

18 August 2005.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—  
DUTIES OF AUSTRALIAN PERSONNEL IN IRAQ**

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

Foreign Affairs, Defence and Trade References Committee—Duties of Australian personnel in Iraq—Report, dated August 2005, Hansard record of proceedings and documents presented to the committee.

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

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

Debate ensued.

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

**19 NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005  
NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 2005**

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

Message no. 192, dated 16 August 2005—A Bill for an Act to amend the *National Residue Survey (Customs) Levy Act 1998*, and for related purposes.

Message no. 191, dated 16 August 2005—A Bill for an Act to amend the *National Residue Survey (Excise) Levy Act 1998*, and for related purposes.

The Minister for Finance and Administration (Senator Minchin) 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 Minchin moved—That these bills be now read a second time.

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

**20 AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005  
NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL,  
CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005  
HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES)  
BILL 2005  
HEALTH INSURANCE AMENDMENT (MEDICAL SPECIALISTS) BILL 2005  
SUPERANNUATION LEGISLATION AMENDMENT (SUPERANNUATION SAFETY AND  
OTHER MEASURES) BILL 2005**

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

Message no. 194, dated 16 August 2005—A Bill for an Act to provide for the making of occupational health and safety standards, and for related purposes.

Message no. 193, dated 16 August 2005—A Bill for an Act to repeal the *National Occupational Health and Safety Commission Act 1985*, to deal with consequential and transitional matters related to that repeal and to the enactment of the *Australian Workplace Safety Standards Act 2005*, and for related purposes.

Message no. 196, dated 17 August 2005—A Bill for an Act to amend higher education legislation, and for related purposes.

Message no. 198, dated 17 August 2005—A Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes.

Message no. 199, dated 17 August 2005—A Bill for an Act to amend the law relating to superannuation, and for other purposes.

The Minister for Finance and Administration (Senator Minchin) 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 Minchin moved—That these bills be now read a second time.

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

*Consideration of legislation:* Senator Minchin moved—That the Australian Workplace Safety Standards Bill 2005 and the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

#### 21 **WORKPLACE RELATIONS AMENDMENT (SMALL BUSINESS EMPLOYMENT PROTECTION) BILL 2005**

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

Message no. 197, dated 18 August 2005—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

The Minister for Finance and Administration (Senator Minchin) 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 Minchin moved—That this bill be now read a second time.

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*Explanatory memorandum:* Senator Minchin tabled a revised explanatory memorandum relating to the bill.

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

#### 22 **PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Committee of Public Accounts and Audit, as follows:

Message no. 195, dated 16 August 2005—Mrs B Bishop in place of Mr Somlyay.

**23 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).

Question put.

The Senate divided—

**AYES, 8**

Senators—

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

**NOES, 54**

Senators—

Abetz	Ferguson	Lightfoot	Ronaldson
Adams	Ferris (Teller)	Ludwig	Santoro
Barnett	Fierravanti-Wells	Macdonald, Sandy	Scullion
Bishop	Fifield	Marshall	Sherry
Boswell	Forshaw	Mason	Stephens
Brandis	Hefferman	McEwen	Sterle
Calvert	Hogg	McGauran	Troeth
Carr	Humphries	McLucas	Trood
Chapman	Hurley	Minchin	Watson
Colbeck	Hutchins	Moore	Webber
Conroy	Johnston	Nash	Wong
Coonan	Joyce	Parry	Wortley
Crossin	Kemp	Payne	
Eggleston	Kirk	Polley	

Question negatived.

**24 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.

Question put.

The Senate divided—

**AYES, 32**

Senators—

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

## NOES, 36

## Senators—

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

Question negatived.

**25 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005**

Pursuant to order, Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Indigenous Education (Targeted Assistance) Amendment Bill 2005—Report, dated August 2005 and submissions [20].

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

**26 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) BILL 2005**

Pursuant to order, Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Provisions of the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005—Report, dated August 2005 and submissions [8].

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

**27 HUMAN SERVICES LEGISLATION AMENDMENT BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendments together by leave:

Schedule 1, page 9 (after line 24), after item 30, insert:

**30A Subsection 29(2)**

After “Minister”, insert “and in accordance with the merit selection process required by subsections (5) to (9)”

Schedule 1, page 9 (after line 28), after item 31, insert:

**31A At the end of section 29**

Add:

- (5) The Minister must by writing determine a code of practice for selecting and appointing the Chief Executive Officer and any acting Chief Executive Officer which sets out general principles on which selection and appointment is to be made, including but not limited to:
  - (a) merit;
  - (b) independent scrutiny of appointments;
  - (c) probity;
  - (d) openness and transparency.
- (6) After determining a code of practice under subsection (5), the Minister must publish the code in the *Gazette*.
- (7) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (8) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (9) A code of practice determined under subsection (5) is a legislative instrument.

Debate ensued.

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

**28 NATIONAL RESIDUE SURVEY (CUSTOMS) LEVY AMENDMENT BILL 2005  
NATIONAL RESIDUE SURVEY (EXCISE) LEVY AMENDMENT BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

**29 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That consideration of government business order of the day no. 2 (Building and Construction Industry Improvement 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.

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

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

Debate resumed.

*At 2 pm:* Debate was interrupted.

**31 QUESTIONS**

Questions without notice were answered.

**32 MINISTER FOR IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS—  
ANSWERS TO QUESTIONS**

Senator Carr moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to questions without notice asked today.

Debate ensued.

Question put and passed.

**33 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTER FOR IMMIGRATION  
AND MULTICULTURAL AND INDIGENOUS AFFAIRS—MINISTERIAL RESPONSIBILITY**

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

The need for Senator Vanstone to accept ministerial responsibility for the serious and systemic failures of administration at the Department of Immigration and Multicultural and Indigenous Affairs that have caused such injustice and misery.

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

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*Before 4.30 pm:* The Acting Deputy President (Senator Chapman) reminded the Senate that the standing orders provide for general business to be called on not later than 4.30 pm.

Leave was granted to enable the tabling of certain documents and for a motion relating to the membership of committees to be moved prior to the commencement of general business.



**34 ENVIRONMENT—EARTH CHARTER—DOCUMENT**

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

Environment—Earth Charter—Letter to the President of the Senate from the Premier of Victoria (Mr Bracks) responding to the resolution of the Senate of 21 June 2005, dated 15 August 2005.

**35 DEPARTMENT OF THE SENATE—SENATORS' TRAVELLING ALLOWANCE—DOCUMENT**

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

Department of the Senate—Travelling allowance payments to senators and members, 1 July 2004 to 30 June 2005, dated August 2005.

**36 DEPARTMENT OF THE SENATE—TRAVEL EXPENDITURE—DOCUMENT**

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

Department of the Senate—Travel expenditure, 1 July 2004 to 30 June 2005, dated August 2005.

**37 AUDITOR-GENERAL—AUDIT REPORT NO. 6 OF 2005-06—DOCUMENT**

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

Auditor-General—Audit report no. 6 of 2005-06—Performance audit—Implementation of Job Network employment services contract 3: Department of Employment and Workplace Relation; Centrelink.

**38 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/A330/52—Electronic Instrument System Display Units [F2005L02293]\*.

Customs Act—Tariff Concession Revocation Instrument 16/2005 [F2005L02289]\*.

Environment Protection and Biodiversity Conservation Act—Threat Abatement Plans for—

Predation, Habitat Degradation, Competition and Disease Transmission by Feral Pigs [F2005L02259]\*.

Psittacine Beak and Feather Disease Affecting Endangered Psittacine Species [F2005L02255]\*.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—Direction No. 5 of 2005-2006 [F2005L02283]\*.

Financial Management and Accountability Determinations—

2005/21 – Other Trust Moneys – Insolvency and Trustee Service Australia Special Account Establishment 2005 [F2005L02306]\*.

2005/22 – Other Trust Moneys – National Blood Authority Special Account Establishment 2005 [F2005L02307]\*.

2005/23 – Other Trust Moneys – Australian Communications and Media Authority Special Account Establishment 2005 [F2005L02309]\*.

Net Appropriation Agreements for—

Department of Finance and Administration [F2005L02254]\*.

Department of Transport and Regional Services [F2005L02297]\*.

Insolvency and Trustee Service Australia [F2005L02267]\*.

National Capital Authority [F2005L02257]\*.

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

57 of 2005—Reporting Standard SRS 240.0 (2005) [F2005L02223]\*.

58 of 2005—Reporting Standard SRS 300.0 (2005) [F2005L02225]\*.

60 of 2005—Reporting Standard SRS 310.1 (2005) [F2005L02231]\*.

61 of 2005—Reporting Standard SRS 310.2 (2005) [F2005L02233]\*.

62 of 2005—Reporting Standard SRS 320.0 (2005) [F2005L02234]\*.

64 of 2005—Revocation of reporting standards applying to superannuation entities [F2005L02238]\*.

Migration Act—Migration Regulations—Specification of a class of persons for the purposes of subparagraph 1222(1)(a)(ii), dated 10 August 2005 [F2005L02294]\*.

\* Explanatory statement tabled with legislative instrument.

#### 39 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2004-05—Letters of advice—

Communications, Information Technology and the Arts portfolio agencies.

Foreign Affairs and Trade portfolio agencies.

#### 40 UNPROCLAIMED LEGISLATION—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 31 July 2005, dated August 2005.

#### 41 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Chapman) 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:

**Employment, Workplace Relations and Education Legislation Committee—**

Appointed—

Participating member: Senator Brandis

Substitute member: Senator Crossin to replace Senator George Campbell for the committee's inquiry into the provisions of the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005

**Employment, Workplace Relations and Education References Committee—**

Appointed—Participating member: Senator Brandis

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

Appointed—Participating member: Senator Siewert

**Rural and Regional Affairs and Transport Legislation Committee—**

Appointed—Participating member: Senator Brandis

**Rural and Regional Affairs and Transport References Committee—**

Appointed—Participating members: Senators Brandis, Milne and Siewert.

Question put and passed.

*General business was called on.*

**42 MINISTER FOR IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS—  
MINISTERIAL RESPONSIBILITY**

Senator Ludwig, pursuant to notice, moved general business notice of motion no. 222—That the Senate expresses its deep concern that the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) has failed to take responsibility for the Department of Immigration and Multicultural and Indigenous Affairs despite the ongoing revelations and rising financial and human cost of the portfolio mismanagement.

Debate ensued.

*After 5 pm:* Debate was interrupted.

**43 FIRST SPEECHES**

Pursuant to order (*see entry no. 3, 10 August 2005*), Senators Nash, Wortley and Parry made their first speeches.

**44 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 debated and agreed to.

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.

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.

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

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2004. Motion of Senator Carr to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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 Moore debate was adjourned till Thursday at general business.

Productivity Commission—Report—No. 33—Review of national competition policy reforms, 28 February 2005. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till Thursday at general business.

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. On the motion of Senator Moore debate was adjourned till Thursday at general business.

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.

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. On the motion of Senator Moore debate was adjourned till Thursday at general business.

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 debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*General business concluded.*

**45 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. On the motion of Senator Stephens debate was adjourned till the next day of sitting.

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 debated. Debate adjourned till the next day of sitting, the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) in continuation.

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 debated and agreed to.

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 Stephens 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 Adams 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 agreed to.

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

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 debated and agreed to.

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 agreed to.

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

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 44 of 2004-05—Performance audit—Defence's management of long-term property leases. Motion of Senator Bishop to take note of document debated and agreed to.

**47 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 8.28 pm till Monday, 5 September 2005 at 12.30 pm.

**48 ATTENDANCE**

Present, all senators.

**HARRY EVANS**  
Clerk of the Senate