

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 41

WEDNESDAY, 7 SEPTEMBER 2005

Contents

1	Meeting of Senate	1037
2	Government Document	1037
3	Building and Construction Industry Improvement Bill 2005 Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005	1037
4	Environment, Communications, Information Technology and the Arts Legislation Committee—Change in Membership	1040
5	Consideration of Legislation	1040
6	Matters of Public Interest	1041
7	Questions	1041
8	Communications—Telstra—Answers to Questions	1041
9	Petition	1041
10	Notices	1041
11	Selection of Bills—Standing Committee—Report No. 9 of 2005	1044
12	Postponements	1045
13	Foreign Affairs—United States of America—Hurricane Katrina	1045
14	Law and Justice—Mr David Hicks—Right to Trial	1046
15	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting	1046
16	World Poverty	1046
17	Discussion of Matter of Public Importance—Communications—Telstra	1047
18	Scrutiny of Bills—Standing Committee—9th Report and Alert Digest No. 10 of 2005	1048
19	Particulars of Proposed Expenditure and Portfolio Supplementary Estimates Statements in Relation to Regional Telecommunications Services— Documents	1048
20	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents	1048
21	Departmental and Agency Contracts—Order for Production of Documents—Documents	1048
22	Committees—Changes in Membership	1049

23	Tax Laws Amendment (2005 Measures No. 5) Bill 2005	1049
24	Joint Committees—Changes in Membership.....	1050
25	Privileges—Standing Committee—Proposed Reference	1050
26	Order of Business—Rearrangement.....	1050
27	Consideration of Legislation.....	1051
28	Government Documents—Consideration	1052
29	Adjournment	1052
30	Attendance.....	1052

1 **MEETING OF SENATE**

The Senate met at 9.30 am. The Deputy President (Senator Hogg) took the chair and read prayers.

2 **GOVERNMENT DOCUMENT**

The following government document was tabled:

ASC Pty Ltd—Statement of corporate intent 2005-08.

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

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

In the committee

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT BILL 2005—

Consideration resumed of the bill—*and of the amendments moved by Senator Murray:*

Clause 4, page 4 (lines 7 and 8), omit the definition of ***building agreement***, substitute:

building agreement means an agreement that primarily applies to building work.

Clause 4, page 4 (after line 15), after the definition of ***building association***, insert:

building award means an award that primarily applies to building work.

Clause 4, page 4 (lines 16 to 18), omit the definition of ***building certified agreement***, substitute:

building certified agreement means a certified agreement that primarily applies to building work.

Clause 5, page 9 (line 1) to page 10 (line 15), omit the clause, substitute:

5 Definition of *building work*

- (1) Subject to subsections (2), (3) and (4), ***building work*** means any of the following activities:
 - (a) the construction, extension, restoration, demolition or dismantling of buildings, structures or works that form, or are to form, part of land, at the site where such buildings, structures or works are to be located, whether or not the buildings, structures or works are permanent;
 - (b) the construction, extension, restoration, demolition or dismantling of railways (not including rolling stock) or docks;
 - (c) the installation of fittings forming part of buildings, structures or works which are being constructed, extended, restored, demolished or dismantled, including heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation,

water supply, fire protection, security and communications systems;

- (d) any operation that is part of, or is preparatory to, or is for rendering complete, work covered by paragraph (a), (b) or (c), for example:
- (i) site clearance, earthmoving, excavation, tunnelling and boring;
 - (ii) the laying of foundations;
 - (iii) the erection, maintenance or dismantling of scaffolding;
 - (iv) the prefabrication of major parts of buildings, structures and works (eg. precastings) carried out on-site or in a temporary facility or yard established for the purposes of carrying out such prefabrication work for the project;
 - (v) site restoration, landscaping and the provision of roadways and other access works;

but does not include any of the following:

- (e) the drilling for, or extraction of, oil or natural gas;
 - (f) the extraction (whether by underground or surface working) of minerals, including tunnelling or boring, or constructing underground works, for that purpose;
 - (g) any work that is part of a project for:
 - (i) the construction, repair or restoration of a single dwelling house;
 - (ii) the construction, repair or restoration of any building, structure or work associated with a single dwelling house;
 - (iii) the alteration or extension of a single-dwelling house, if it remains a single-dwelling house after the alteration or extension;
 - (h) the installation and repair of equipment or machinery in existing buildings, structures or works which does not form part of the building, structure or works, for example, industrial machinery.
- (2) Paragraph (1)(g) does not apply if the project is part of a multi-dwelling development that consists of, or includes, the construction of at least 5 single-dwelling houses.
- (3) Subject to subsection (4), **building work** includes any activity that is prescribed by the regulations for the purposes of this section.
- (4) **Building work** does not include any activity which is prescribed by the regulations for the purposes of this section.
- (5) In this section:

land includes land beneath water.

Debate resumed.

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

Senator Murray moved the following amendments together by leave:

Clause 15, page 16 (line 5), after “Commissioner”, insert “and Deputy Commissioner”.

Clause 15, page 16 (line 6), after “instrument”, insert “and in accordance with the merit selection process required by subsections (6) to (9)”.

Clause 15, page 16 (after line 19), at the end of the clause, add:

- (6) The Minister must by writing determine a code of practice for selecting and appointing the ABC Commissioner and any acting or Deputy ABC Commissioner 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.
- (7) After determining a code of practice under subsection (6), the Minister must publish the code in the *Gazette*.
- (8) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (9) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (10) A code of practice determined under subsection (6) is a legislative instrument.

Clause 16, page 16 (line 22), after “Commissioner”, insert “in accordance with the merit selection process specified in section 15”.

Debate ensued.

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

Bill agreed to.

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT (CONSEQUENTIAL AND TRANSITIONAL) BILL 2005—

Bill, taken as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Abetz) the report from the committee was adopted.

Senator Abetz moved—That these bills be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

Bills read a third time.

**4 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Minister for Communications, Information Technology and the Arts (Senator Coonan), by leave, moved—That Senator Conroy replace Senator Wortley on the Environment, Communications, Information Technology and the Arts Legislation Committee for the committee's inquiry into the Telstra (Transition to Full Private Ownership) Bill 2005 and the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005, and the provisions of related bills.

Question put and passed.

5 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—That—

- (a) the following bills be introduced:
 - Telstra (Transition to Full Private Ownership) Bill 2005, and
 - Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005; and
- (b) the provisions of paragraphs (5) to (8) of standing order 111 not apply to these bills allowing them to be considered during this period of sittings.

Debate ensued.

Senator Bob Brown moved the following amendment:

After paragraph (b), insert:

; and (c) in the meantime, the Prime Minister (Mr Howard) desist from any further injudicious influence on Telstra or its executives to falsely ‘talk up’ the company’s interests.

Debate ensued.

At 12.45 pm: Debate was interrupted while Senator George Campbell was speaking.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS

Senator Sherry moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) and the Minister for Finance and Administration (Senator Minchin) to questions without notice asked today relating to Telstra.

Debate ensued.

Question put and passed.

9 PETITION

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

From 16 petitioners, requesting that the Senate reject proposed legislation that would undermine a woman’s right to access abortion.

10 NOTICES

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

- (a) notes the release of the report, *Chernobyl’s legacy: Health, environmental and socio-economic impacts*, by the Chernobyl Forum, initiated by the International Atomic Energy Agency;
- (b) expresses its concern that:
 - (i) 4 000 people may die from radiation exposure from the accident,
 - (ii) approximately 4 000 cases of thyroid cancer, mainly in children and adolescents at the time of the accident, have resulted from contamination,
 - (iii) 100 000 people living in the vicinity of the reactor are still receiving more than the recommended radiation dose limit,
 - (iv) 784 320 hectares of land have been taken out of agricultural production,
 - (v) there is still a highly contaminated 30 kilometre zone around the reactor,
 - (vi) structural elements of the sarcophagus built to contain the damaged reactor have degraded, posing a risk of collapse and the release of radioactive dust,

- (vii) a plan to dispose of tonnes of high level radioactive waste at and around Chernobyl has yet to be defined, and
- (viii) the financial cost of the direct damage, the recovery and mitigation operations, and indirect economic losses over the 2 decades since the accident amounts to hundreds of billions of dollars; and
- (c) calls on the Government to heed the extensive environmental, economic and social costs of the Chernobyl nuclear accident and stop the promotion of nuclear power as a clean and safe energy option. (*general business notice of motion no. 242*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—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 12 September 2005. (*general business notice of motion no. 243*)

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

- (a) the important work being done by the international ‘Make Poverty History’ campaign and the tireless and dedicated work of the many non-government agencies, faith groups, community organisations and individuals working around the world to end poverty;
- (b) the vital importance of meeting the Millennium Development Goals;
- (c) that Australia has the resources, knowledge and opportunity to help end global poverty; and
- (d) that, with commitment and political will, an end to world poverty is an achievable goal. (*general business notice of motion no. 244*)

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

- (a) notes that:
 - (i) 8 September 2005 is International Literacy Day,
 - (ii) marking the beginning of the United Nations Decade of Education and Sustainable Development (2005-2014), the theme of International Literacy Day for 2005 is the role of literacy in sustainable development,
 - (iii) literacy is a key lever of change and a practical tool of empowerment on each of the three main pillars of sustainable development, namely economic development, social development and environmental protection,
 - (iv) worldwide, almost one in every seven people is illiterate, and out of a total of 860 million illiterate adults, more than 500 million are women,
 - (v) worldwide, more than 100 million children are not in school, and
 - (vi) an Organisation for Economic Co-operation and Development (OECD) survey in 2000, *Literacy in the information age: The final report of the International Adult Literacy Survey*, found that approximately 20 per cent of the Australian population was at the lowest level of prose and the OECD listed Australia as one of 14 countries with more than 15 per cent of citizens performing at the lowest prose level; and
- (b) calls on the Government to address this deficiency so that literacy alone is no impediment to an individual’s progress or development in Australia. (*general business notice of motion no. 245*)

Senator Carr: To move on the next day of sitting—That the Senate condemns the Government's arrogant abuse of its Senate majority in subverting the Senate's processes and procedures. (*general business notice of motion no. 246*)

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 12 October 2005. (*general business notice of motion no. 247*)

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

- (a) notes:
 - (i) comments by the Member for Indi, Ms Sophie Panopoulos, seeking to ban Muslim girls from wearing headscarves at public schools and saying that the wearing of the hijab is 'more an act of rebellion' than religion,
 - (ii) comments by the Member for Mackellar, Ms Bronwyn Bishop, that Muslim girls wearing headscarves is 'an iconic act of defiance',
 - (iii) the view of the *Herald Sun* columnist, Mr Andrew Bolt, that such comments are 'fostering bigotry', and
 - (iv) that the Prime Minister, Mr Howard, has not condemned the comments, but rather ruled out banning headscarves from schools as 'impractical';
- (b) expresses the view that the above comments by the Members for Indi and Mackellar are an unacceptable attack on basic religious freedoms that risk fanning discrimination and antagonism in our community; and
- (c) calls on the Prime Minister to unequivocally condemn these comments and categorically disassociate his government from them. (*general business notice of motion no. 248*)

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

- (a) notes that:
 - (i) medical research improves health, creates jobs and results in economic returns to Australia,
 - (ii) the effects of demographic ageing will place unprecedented demands on the Australian health system, and
 - (iii) the 'burden of disease', including pain, suffering and premature death, in Australia already costs 13.7 per cent of the health span of Australians; and
- (b) calls on the Government to act on the recommendations of the Investment Review of Health and Medical Research report by:
 - (i) reorganising the National Health and Medical Research Council to administer research funds in a more streamlined and strategic fashion, and
 - (ii) increasing investment in health and medical research to bring Australia up to the Organisation for Economic Co-operation and Development average of 0.2 per cent of gross domestic product. (*general business notice of motion no. 249*)

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

- (a) expresses its great sympathy for the people of the United States of America (US) after the catastrophe of Hurricane Katrina;

- (b) grieves for those whose lives have been taken or who have suffered loss, and wishes all strength to those working to aid the people of the stricken region; and
- (c) from the other side of our shared planet, wishes the people of the US rapid healing and all possible recovery from the ravages of this terrific storm. (*general business notice of motion no. 250*)

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

No. 1—That the Crimes Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 81 and made under the *Crimes Act 1914*, be disallowed.

No. 2—That Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [FACS], dated 26 April 2005, made under subsection 1207P(4) of the *Social Security Act 1991*, be disallowed.

No. 3—That Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [DEWR], dated 29 April 2005, made under subsection 1207P(4) of the *Social Security Act 1991*, be disallowed.

No. 4—That Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [DEST], dated 17 May 2005, made under subsection 1207P(4) of the *Social Security Act 1991*, be disallowed.

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

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2005

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

SELECTION OF BILLS COMMITTEE REPORT NO. 9 OF 2005

1. The committee met in private session on Tuesday, 6 September 2005 at 4.18 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 12 October 2005; and
 - (b) the *provisions* of the Therapeutic Goods Amendment Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 30 October 2005.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Defence Legislation Amendment Bill (No. 1) 2005
 - Protection of the Sea (Shipping Levy) Amendment Bill 2005
 - Tax Laws Amendment (2005 Measures No. 5) Bill 2005.

The committee recommends accordingly.

Jeannie Ferris

Chair

7 September 2005.

Senator Ferris moved—That the report be adopted.

Senator Bartlett moved the following amendment:

At the end of the motion, add “but, in respect of the Therapeutic Goods Amendment Bill 2005, the Community Affairs Legislation Committee report on 28 October 2005”.

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

Main question, as amended, put and passed.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bob Brown for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 8 September 2005.

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for 8 September 2005, proposing the disallowance of the Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005, postponed till 4 October 2005.

General business notice of motion no. 236 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to foetal alcohol spectrum disorders, postponed till 8 September 2005.

General business notice of motion no. 237 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to National Gynaecological Awareness Day, postponed till 8 September 2005.

General business notice of motion no. 238 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to ethanol in petrol, postponed till 8 September 2005.

General business notice of motion no. 240 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to reproductive health services, postponed till 8 September 2005.

General business notice of motion no. 241 standing in the name of Senator Nettle for today, relating to Wandella State Forest, postponed till 8 September 2005.

13 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—HURRICANE KATRINA

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 235—That the Senate—

- (a) expresses its profound sympathy to all Australians and their families who have suffered as a result of Hurricane Katrina; and
- (b) extends its sincere condolences and deepest sympathy to the American people in the aftermath of Hurricane Katrina.

Question put and passed.

14 LAW AND JUSTICE—MR DAVID HICKS—RIGHT TO TRIAL

The Leader of the Australian Democrats (Senator Allison), at the request of Senator Stott Despoja, also on behalf of Senators Kirk and Bob Brown, and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 232—That the Senate—

(a) notes:

- (i) the right of all Australians, regardless of their alleged crimes, to a fair and transparent trial,
- (ii) the number of serious doubts raised by legal and military experts, including retired High Court of Australia Justices Mary Gaudron and Sir Ninian Stephen, the Presidents of the Law Council of Australia and the 14 Law Societies and Bar Associations of the states and territories of Australia, independent Law Council of Australia observer Mr Lex Lasry QC, head of the Australian Military Bar Captain Paul Willee QC, Mr Geoffrey Robertson QC, the American Bar Association, three United States of America (US) military commission prosecutors and sitting High Court of Australia Justice Michael Kirby, who regard US military commissions as unjust,
- (iii) that Spain, France and the United Kingdom have all refused to allow their citizens to be tried before US military commissions, and
- (iv) the comments by the United Kingdom's Attorney General, the Right Honourable Lord Goldsmith, that 'the United Kingdom have been unable to accept the US military tribunals ... offer sufficient guarantees of a fair trial in accordance with international standards'; and

(b) calls on the Government to advocate for Mr David Hicks' trial to be conducted in a properly constituted court with rules of procedure and evidence that meet Australian and international standards of fairness.

Question put and negatived.

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

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 234—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 September 2005, from 4 pm to 6 pm, in relation to its inquiry on the administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak.

Question put and passed.

16 WORLD POVERTY

Senator Barnett, also on behalf of Senators Chapman, Stephens and Polley, and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 239—That the Senate—

(a) recognises:

- (i) the extent and gravity of world poverty and the urgency of tackling this situation,

- (ii) that the most impoverished countries cannot escape the cycle of poverty without assistance, and
 - (iii) that two-thirds of the world's poor are actually in Asia, rather than Africa;
- (b) acknowledges recent efforts by the Australian Government including increases in the Australian overseas aid budget and special support for those in need following the December 2004 tsunami;
- (c) supports the Millennium Development Goals agreed to by the Australian and other governments in 2000 which specifically included a set of eight goals to be achieved by 2015 as follows:
- (i) halve extreme poverty and hunger,
 - (ii) achieve universal primary education,
 - (iii) promote gender equality and empower women in all levels of education,
 - (iv) reduce child mortality by two-thirds,
 - (v) reduce the maternal mortality ratio by three-quarters,
 - (vi) halt and begin to reverse the spread of HIV/AIDS, malaria and other diseases,
 - (vii) ensure environmental sustainability by:
 - (A) integrating the principles of sustainable development into country policies,
 - (B) reversing the loss of environmental resources,
 - (C) halving the proportion of people without access to clean water or adequate sanitation, and
 - (D) significantly improving the lives of at least 100 million slum dwellers by 2020, and
 - (viii) develop a global partnership for development based on fairer international trade, financial and governance systems; and
- (d) urges the Australian Government to recommit itself to the achievement of those goals.

Question put and passed.

Statements by leave: Senators Barnett and Polley, by leave, made statements relating to the motion.

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

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

The failure of the Howard Government to be open and honest with the Australian public and Telstra shareholders over the sale of Telstra.

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

18 SCRUTINY OF BILLS—STANDING COMMITTEE—9TH REPORT AND ALERT DIGEST NO. 10 OF 2005

Senator McGauran, at the request of the Deputy Chairman of the Standing Committee for the Scrutiny of Bills (Senator Mason), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

9th report of 2005, dated 7 September 2005.

Alert Digest No. 10 of 2005, dated 7 September 2005.

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

19 PARTICULARS OF PROPOSED EXPENDITURE AND PORTFOLIO SUPPLEMENTARY ESTIMATES STATEMENTS IN RELATION TO REGIONAL TELECOMMUNICATIONS SERVICES—DOCUMENTS

The Minister for Family and Community Services (Senator Patterson) tabled the following documents:

Particulars of proposed expenditure in relation to regional telecommunications services in respect of the year ending on 30 June 2006.

Portfolio supplementary estimates statements 2005-06—Communications, Information Technology and the Arts portfolio.

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

The following documents were 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—Statements of compliance—

Australian Trade Commission.

Communications, Information Technology and the Arts portfolio agencies.

Defence.

Department of Foreign Affairs and Trade.

Department of Industry, Tourism and Resources and Industry, Tourism and Resources portfolio agencies.

Department of the Environment and Heritage and Environment and Heritage portfolio agencies.

Treasury portfolio agencies [except Australian Taxation Office].

21 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—

Defence.

Department of Transport and Regional Services and National Capital Authority.

22 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 Family and Community Services (Senator Patterson), by leave, moved—That senators be discharged from and appointed to committees as follows:

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

Appointed—

Participating members: Senators Brandis and Joyce

Substitute member: Senator Adams to replace Senator Santoro for the committee's inquiry into the Telstra (Transition to Full Private Ownership) Bill 2005 and the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005, and the provisions of related bills

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—Senator Stott Despoja

**Native Title and the Aboriginal and Torres Strait Islander Land Account—
Joint Statutory Committee—**

Discharged—Senator Carr

Appointed—Senator Evans

Privileges—Standing Committee—

Discharged—Senator Ray from 7 September 2005, and Senator Hutchins from 11 December 2005

Appointed—Senator Hutchins from 7 September 2005, and Senator Ray from 11 December 2005

Procedure—Standing Committee—

Discharged—Senator Ray from 7 September 2005, and Senator Ludwig from 11 December 2005

Appointed—Senator Ludwig from 7 September 2005, and Senator Ray from 11 December 2005.

Question put and passed.

23 TAX LAWS AMENDMENT (2005 MEASURES NO. 5) BILL 2005

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

Message no. 212, dated 7 September 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That this bill be now read a second time.

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

24 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. 211, dated 6 September 2005—

Joint Standing Committee on Electoral Matters, Mr Griffin in place of Mr Melham

Joint Standing Committee on Migration, Mr T S Burke in place of Mr Price.

25 PRIVILEGES—STANDING COMMITTEE—PROPOSED REFERENCE

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), pursuant to notice, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges:

Having regard to the letter dated 17 August 2005 to the President from the Finance and Public Administration References Committee, whether any false or misleading evidence was given to the committee, and whether any contempt was committed in that regard.

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Fielding	McLucas	Stephens
Bartlett	Forshaw	Milne	Sterle
Bishop	Hogg	Moore	Stott Despoja
Brown, Bob	Hurley	Murray	Webber
Brown, Carol	Hutchins	Nettle	Wong
Campbell, G (Teller)	Kirk	O'Brien	Wortley
Carr	Ludwig	Polley	
Evans	Marshall	Sherry	
Faulkner	McEwen	Siewert	

NOES, 35

Senators—

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

Question negatived.

26 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald) moved—That government business notice of motion no. 2 standing in the name of the Minister for Justice and Customs (Senator Ellison) for today, relating to the hours of meeting and routine of business for 12 September and 13 September 2005, be postponed till a later hour.

Question put and passed.

27 CONSIDERATION OF LEGISLATION

Order read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—*and on the amendment moved by Senator Bob Brown (see entry no. 5).*

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

Main question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 33

Senators—

Allison	Fielding	McLucas	Stephens
Bartlett	Forshaw	Milne	Sterle
Bishop	Hogg	Moore	Stott Despoja
Brown, Bob	Hurley	Murray	Webber
Brown, Carol	Hutchins	Nettle	Wong
Campbell, G (Teller)	Kirk	O'Brien	Wortley
Carr	Ludwig	Polley	
Evans	Marshall	Sherry	
Faulkner	McEwen	Siewert	

Question agreed to.

After 6.50 pm—

28 GOVERNMENT DOCUMENTS—CONSIDERATION

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

ASC Pty Ltd—Statement of corporate intent 2005-08. Motion to take note of document moved by Senator Bishop. Debate adjourned till Thursday at general business, Senator Hogg in continuation.

At 7.20 pm—

29 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.59 pm till Thursday, 8 September 2005 at 9.30 am.

30 ATTENDANCE

Present, all senators except Senators Calvert*, Crossin, Lundy and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate