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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 CONSIDERATION OF LEGISLATION

Leave refused: Senator Conroy sought leave to move a motion relating to the consideration of the Telstra (Transition to Full Private Ownership) Bill 2005 and a related bill.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Conroy, at the request of the Leader of the Opposition in the Senate (Senator Evans) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Evans moving a motion relating to the conduct of the business of the Senate, namely a motion to provide that further consideration of the Telstra (Transition to Full Private Ownership) Bill 2005 and a related bill be made an order of the day for 4 October 2005.

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 36

Senators—

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

Question negatived.

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—

- (1) 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:

Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005

Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005

Appropriation (Regional Telecommunications Services) Bill 2005-2006.

- (2) That, after the motion for the second reading of the bills listed in paragraph (1) has been moved, they may be taken together for their remaining stages with the following bills:

Telstra (Transition to Full Private Ownership) Bill 2005

Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005.

Debate ensued.

At 2 pm: Debate was interrupted.

3 QUESTIONS

Questions without notice were answered.

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

Industrial Relations—National Building and Construction Industry Award 2000—

Australian Industrial Registry loose-leaf consolidation [AW790741CRV].

The AWA construction industry framework, pp. 4-20.

4 COMMUNICATIONS—TELSTRA—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

5 ELECTORAL MATTERS—PAMPHLETS—ANSWER TO QUESTION

Senator Bob Brown moved—That the Senate take note of the answer given by the Special Minister of State (Senator Abetz) to a question without notice asked by Senator Bob Brown today relating to election pamphlets.

Question put and passed.

6 DEATH OF FORMER SENATOR DAME NANCY EILEEN BUTTFIELD, DBE

The President informed the Senate of the death, on 4 September 2005, of Dame Nancy Eileen Buttfeld, DBE, a senator for the state of South Australia from 1955 to 1965, and 1968 to 1974.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 4 September 2005, of Dame Nancy Eileen Buttfeld, DBE, former senator for South Australia, and places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

7 PETITIONS

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

Senator Bob Brown, from 108 petitioners, requesting that the Senate legislate for the permanent protection of old-growth forests and all areas of high conservation value and for the implementation of tree plantation strategies.

Senator Stott Despoja, from 35 petitioners, requesting that the Senate take action to ensure that Austudy recipients are eligible for rent assistance.

Senator Stott Despoja, from 117 petitioners, requesting that the Senate oppose legislation to abolish universal student union fees.

8 NOTICES

Notices of motion:

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 13 September 2005, from 4 pm, to take evidence for the committee's inquiry into Australia's relationship with China. (*general business notice of motion no. 253*)

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 Australia's relationship with China be extended to 10 November 2005. (*general business notice of motion no. 254*)

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

(a) notes:

- (i) that there are 2.5 million carers in Australia who look after family members or friends with a disability, a mental illness, a chronic condition or who are frail aged,
- (ii) the contribution carers make is not only to the people they care for, but also to the community and to the economy more broadly,
- (iii) that it is estimated that carers save the Australian economy approximately \$20 billion annually through unpaid work, and
- (iv) that on 13 September 2005, Australian carers are conducting a national day of action, the 'Walk a Mile in our Shoes' campaign, to raise awareness of issues of concern that affect carers and those they care for and to request an inquiry into disability and mental health support services and a review of the Commonwealth-State/Territory Disability Agreement, which they believe has failed to meet even the most urgent needs of disabled citizens; and

(b) calls on the Government to:

- (i) provide greater recognition for carers in government policy,
- (ii) provide greater support in the workplace to manage competing priorities of paid and unpaid work, and
- (iii) consider the special and varied needs of carers when implementing policies across a range of portfolio areas that ultimately affect carers' participation in community life. (*general business notice of motion no. 255*)

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

- (a) the plight of the endangered Australian native marsupial, the bilby;
- (b) that the first official National Bilby Day was commemorated on 11 September 2005 in Charleville, Queensland;
- (c) that before European settlement, bilbies covered approximately 70 per cent of the Australian mainland but they can now be found only in a small area in south west Queensland and isolated areas in the Northern Territory and Western Australia;
- (d) that the decline of bilbies is due to the loss of habitat through land use change, overgrazing, hunting and predation from introduced species, such as foxes and feral cats; and
- (e) that the Save the Bilby Fund has been raising awareness of the plight of the marsupial for many years and has established a 25 square kilometre wildlife enclosure near Charleville to try and protect the species. (*general business notice of motion no. 256*)

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

- (a) notes the ‘Walk a Mile in our Shoes’ gathering on the lawns of Parliament House, Canberra, on 13 September 2005 to demonstrate support for the family carers of Australia;
- (b) acknowledges the work that Australia’s 1.6 million unpaid family carers do to look after the frail, the sick and the aged, and those with dependent disabilities;
- (c) recognises that:
 - (i) in many cases, this work is done at great personal cost to carers’ physical and mental health, marriages, other family members’ welfare, and employment and retirement, and
 - (ii) were it not for this voluntary family care, the wider community would be faced with substantial additional costs;
- (d) acknowledges the increased burden on these carers caused by shortfalls in availability of support services to those needing care; and
- (e) calls on the Government to address the unmet need for support services for those needing care and their carers. (*general business notice of motion no. 257*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1, 3 and 4 standing in his name for 9 sitting days after today for the disallowance of the following instruments:

Export Control (Meat and Meat Products) Amendment Orders 2005 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982.

Modification Declaration No. 1, made under section 177 of the *Retirement Savings Account Act 1997*.

Veterans’ Entitlements (Veterans’ Children Education Scheme – Scholarships, Statistics, MRCA) Instrument 2004 – Instrument No. R11/2004, made under subsection 117(1) of the *Veterans’ Entitlements Act 1986*.

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

9 LEAVE OF ABSENCE

Senator Bartlett, by leave, moved—That leave of absence be granted to Senator Allison for the period 13 September to 15 September 2005, on account of parliamentary business overseas.

Question put and passed.

10 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 14 September 2005.

Government business order of the day no. 1 (Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005) postponed till 13 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 13 September 2005.

General business notice of motion no. 252 standing in the name of Senator Milne for today, relating to the Nuclear Non-Proliferation Treaty, postponed till 13 September 2005.

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—PRIVATE HEALTH INSURANCE

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

The failure of the Howard Government to ensure that private health insurance is affordable, provides cover for needed services and provides real value to Australian families.

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

12 FAMILY AND COMMUNITY SERVICES—PREGNANCY COUNSELLING AND FAMILY PLANNING—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 15 June 2005, the Acting Deputy President (Senator Brandis) tabled the following documents received on 9 September 2005:

Family and Community Services—Pregnancy Counselling and Family Planning—Reports provided to the Department of Health and Ageing—Project progress reports, financial statements, business plan and annual project plan—

Australian Episcopal Conference of the Roman Catholic Church.

Family Planning Queensland.

Family Planning Tasmania Inc.

Family Planning Victoria.

Family Planning Welfare Association of NT Inc.

Family Planning Western Australia.

FPA Health.

Sexual Health and Family Planning Australia.

Working Woman's Health Inc.

13 NORTHERN TERRITORY—COMMONWEALTH GOVERNMENT’S INDUSTRIAL RELATIONS LEGISLATIVE AGENDA—DOCUMENT

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

Northern Territory—Commonwealth Government’s industrial relations legislative agenda—Letter to the President of the Senate from the Speaker of the Legislative Assembly of the Northern Territory (Ms Aagaard) forwarding the text of a resolution, dated 5 September 2005.

14 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—REPORT—INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005

Senator Eggleston, on behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, tabled the following report:

ASIO, ASIS and DSD—Parliamentary Joint Committee—Review of the Intelligence Services Legislation Amendment Bill 2005—Report, dated September 2005.

Senator Eggleston, by leave, moved—That the Senate take note of the report.

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

15 TREATIES—JOINT STANDING COMMITTEE—67TH REPORT

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

Treaties—Joint Standing Committee—67th report—Treaties tabled on 21 June 2005, dated September 2005, Hansard record of proceedings and minutes of proceedings.

Senator Wortley, by leave, moved—That the Senate take note of the report.

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—AUSTRALIA’S HUMAN RIGHTS DIALOGUE PROCESS

Senator Payne, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:

Foreign Affairs, Defence and Trade—Joint Statutory Committee—Australia’s human rights dialogue process—Report, dated September 2005.

Senator Payne, by leave, moved—That the Senate take note of the report.

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

17 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—REFORM OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Senator Payne, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:

Foreign Affairs, Defence and Trade—Joint Statutory Committee—Reform of the United Nations Commission on Human Rights—Report, dated September 2005.

Senator Payne, by leave, moved—That the Senate take note of the report.

Question put and passed.

18 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) Margin Scheme Valuation Requirements Determination MSV 2005/3 [F2005L02565]*.

Civil Aviation Act—

Civil Aviation Order 82.0 Amendment Order (No. 1) 2005 [F2005L02506]*.

Civil Aviation Order 82.0 Amendment Order (No. 2) 2005 [F2005L02507]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/S-PUMA/57 Amdt 1—Tail Servo-Control [F2005L02511]*.

Class Rulings CR 2005/69-CR 2005/72.

Corporations Act—ASIC Class Order [CO 05/910] [F2005L02538]*.

Customs Act—

CEO Instrument of Approvals Nos—

37 of 2005 [F2005L02470]*.

47 of 2005 [F2005L02497]*.

Tariff Concession Orders—

0504353 [F2005L02515]*.

0504543 [F2005L02517]*.

0504544 [F2005L02518]*.

0504553 [F2005L02520]*.

0504554 [F2005L02564]*.

0504562 [F2005L02549]*.

0504563 [F2005L02550]*.

0504570 [F2005L02522]*.

0507031 [F2005L02557]*.

0507308 [F2005L02559]*.

0507315 [F2005L02525]*.

0507355 [F2005L02526]*.

0507356 [F2005L02529]*.

0507357 [F2005L02532]*.

0507364 [F2005L02530]*.

0507365 [F2005L02531]*.

Financial Management and Accountability Act—Net Appropriation Agreements for—

Australian Electoral Commission [F2005L02505]*.

Australian Public Service Commission [F2005L02503]*.

Commonwealth Grants Commission [F2005L02501]*.

Geoscience Australia [F2005L02450]*.

Higher Education Support Act—

Higher Education Provider Approval (No. 9 of 2005)—Northern Melbourne Institute of TAFE [F2005L02551]*.

Higher Education Provider Approval (No. 10 of 2005)—Perth Institute of Business and Technology Pty Ltd [F2005L02575]*.

Higher Education Provider Approval (No. 11 of 2005)—Colleges of Business and Technology (WA) Pty Ltd trading as Curtin International College [F2005L02576]*.

Maritime Transport and Offshore Facilities Security Act—Maritime Transport and Offshore Facilities Security Act Notice About How Incident Reports Are To Be Made [F2005L02514]*.

Migration Act—Migration Regulations—Specification of designated APEC economies for the purposes of the definition of “designated APEC economy” in regulation 1.03, dated 26 July 2005 [F2005L02408]*.

Military Superannuation and Benefits Act—Military Superannuation and Benefits (Delayed Payment of Benefits) Amendment Determination 2005 (No. 1) [F2005L02366]*.

Radiocommunications Act—Radiocommunications (Trading Rules for Defence Spectrum Licences) Determination 2005 [F2005L02543]*.

Superannuation Industry (Supervision) Act—Revocation of Modification Declarations [F2005L02475]*.

Taxation Ruling TR 2005/17.

Veterans' Entitlements Act—Instrument No. R20/2005—Veterans' Entitlements (Child-Related Rent Assistance Payments) Determination [F2005L02495]*.

* Explanatory statement tabled with legislative instrument.

19 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Departmental and agency contracts for 2004-05—Letter of advice—Education, Science and Training portfolio agencies.

20 TREATIES—JOINT STANDING COMMITTEE—APPOINTMENT OF MEMBER

The Acting Deputy President (Senator Brandis) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), by leave, moved—That Senator Carol Brown be appointed to the Joint Standing Committee on Treaties.

Question put and passed.

21 WORKPLACE RELATIONS AMENDMENT (BETTER BARGAINING) BILL 2005

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

Message no. 213, dated 8 September 2005—A Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

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

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

22 POSTAL INDUSTRY OMBUDSMAN BILL 2005

A message from the House of Representatives was reported agreeing to the following bill with an amendment:

Message no. 214, dated 8 September 2005—Postal Industry Ombudsman Bill 2005.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

23 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

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

6 September 2005—Message No. 33—*Human Services Legislation Amendment Act 2005* (Act No. 111, 2005).

24 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—TELSTRA BILLS

Pursuant to order, the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston) tabled the following report and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Telstra (Transition to Full Private Ownership) Bill 2005 and the Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005, and the provisions of the Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005, the Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005, and the Appropriation (Regional Telecommunications Services) Bill 2005-2006—Report, dated September 2005, Hansard record of proceedings, documents presented to the committee, answers to questions on notice, submissions [24] and correspondence [9].

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

Senator Eggleston, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

**25 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—
MR CHEN YONGLIN'S REQUEST FOR POLITICAL ASYLUM**

Pursuant to order, 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—Mr Chen Yonglin's request for political asylum—Report, dated September 2005, Hansard record of proceedings, additional information and submissions [9].

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

Senator Hutchins, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

26 CONSIDERATION OF LEGISLATION

Order read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp) (*see entry no. 2*).

Debate resumed.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

**27 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005
TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND
CONSUMER ISSUES) 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 these bills be now read a second time.

Senator Bob Brown moved the following amendment:

Omit all words after “That”, substitute “further consideration of the bills be made an order of the day for 4 October 2005”.

Debate ensued.

At 11 pm: Debate was interrupted while Senator McGauran was speaking.

28 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.20 pm till Tuesday, 13 September 2005 at 12.30 pm.

29 ATTENDANCE

Present, all senators except Senator Ray (on leave).

HARRY EVANS
Clerk of the Senate