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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 NOTICES

Senator Scullion: To move on the next day of sitting—

(1) That the Senate:

- (a) notes that despite the efforts of communities and governments, the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities;
- (b) acknowledges the efforts of the Government to work in collaboration with the Northern Territory, Western Australian and South Australian Governments to assist them to implement a comprehensive strategy to tackle petrol sniffing;
- (c) congratulates the Government for providing an additional \$6 million over 2 years to expand the roll out of Opal petrol in the central desert region;
- (d) notes that:
 - (i) total expenditure for Opal subsidies has now reached \$19.6 million over 4 years, and
 - (ii) the Government is considering a limited supply of Opal petrol in Alice Springs for residents of affected Indigenous communities and for people visiting those communities;
- (e) calls on the Government, should it proceed with the limited supply of Opal petrol in Alice Springs, to work with petrol retailers and communities to develop a code of practice and an education strategy in relation to responsible trading;
- (f) notes that the roll out of non-sniffable Opal petrol can only be one part of the solution;
- (g) congratulates the Government for its initiative to provide funds, to address trafficking in petrol and to implement rehabilitation and diversionary programs;
- (h) endorses the principles contained in the comprehensive 8 point plan developed between state, territory and Australian government officials; and
- (i) encourages all governments to adopt the plan recommended by officials.

(2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:

- (a) the appropriateness of laws and policing with respect to petrol sniffing in affected Indigenous communities;
- (b) diversionary initiatives and community responsibility; and
- (c) lessons that can be learned from the success some communities have had in reducing petrol sniffing.

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

Customs Tariff Amendment (Commonwealth Games) Bill 2005
 Education Services for Overseas Students Amendment Bill 2005
 Energy Efficiency Opportunities Bill 2005
 Health Legislation Amendment Bill 2005
 Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005
 Law and Justice Legislation Amendment (Video Link Evidence and Other Measures) Bill 2005
 Migration and Ombudsman Legislation Amendment Bill 2005
 National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005
 National Health Amendment (Immunisation Program) Bill 2005
 Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005
 Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005
 Therapeutic Goods Amendment Bill (No. 2) 2005.

Documents: Senator Ellison tabled the following documents:

Consideration of legislation—Statements of reasons [12] for introduction and passage of certain bills in the 2005 spring sittings.

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the government business order of the day relating to the Protection of the Sea (Shipping Levy) Amendment Bill 2005 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 order of the day no. 38 (Truth in Food Labelling Bill 2003 [2005]); and
- (b) consideration of government documents.

Question put and passed.

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

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), by leave, moved—That the Finance and Public Administration References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm to 7 pm, to take evidence for the committee's inquiry into the Regional Partnerships program.

Question put and passed.

5 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Bob Brown, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the Senate notes that:
 - (a) the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities; and
 - (b) this problem is exacerbated by the proximity and availability of aromatic petrol in major town centres.
- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
 - (a) the means, including costs, 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 specifically to the town centres of Alice Springs and Tennant Creek;
 - (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,
 - (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, and
 - (iii) ensuring that mechanisms are in place to guarantee price parity throughout the specified region; and
 - (c) any related matters.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 35

Senators—

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

Question negatived.

6 MIGRATION AND OMBUDSMAN LEGISLATION AMENDMENT BILL 2005

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the *Ombudsman Act 1976* and the law relating to migration, and for related purposes.

Question put and passed.

Senator Ellison presented the bill and 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 Ellison moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ellison tabled an explanatory memorandum relating to the bill.

Document: Senator Ellison tabled the following document:

Migration Act—Select Legislative Instrument 2005—Migration Amendment Regulations 2005—Draft.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

7 EDUCATION—AUSTRALIAN BOOK INDUSTRY AWARDS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 262—That the Senate—

(a) notes that:

(i) the annual Australian Book Industry Awards took place on 12 September 2005, and

(ii) award recipients included HarperCollins Publishers Australia (Publisher of the Year); Dymocks Booksellers Rundle Mall and The Avenue Bookstore (joint winners of Bookshop of the Year); Alliance Distribution Services (Distributor of the Year); *the CSIRO total wellbeing diet*, published by Penguin Group (Australia) (Publishing Project 2005); Sue Donovan (the Lloyd O’Neil Award for Services to Publishing); Rosalind Price (the Pixie O’Harris Award for Children’s Publishing); and Helen Garner for *Joe Cinque’s Consolation* (the Booksellers’ Choice Award);

(b) acknowledges the important contribution of the book industry in Australia; and

(c) recognises that books are integral to literacy, knowledge-building and education, and should be affordable and accessible to all.

Question put and passed.

8 LAW AND JUSTICE—MR SCOTT PARKIN

Senator Bob Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 263—That the Government give the Senate a detailed explanation for the detention of United States citizen, Mr Scott Parkin, before he is deprived of his right to remain in Australia.

Statements by leave: Senators Ludwig, Bob Brown and Stott Despoja, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 7

Senators—

Bartlett	Milne	Nettle	Stott Despoja
Brown, Bob	Murray	Siewert (Teller)	

NOES, 45

Senators—

Abetz	Ellison	Lightfoot	Patterson
Adams	Ferguson	Ludwig	Payne
Barnett	Ferris (Teller)	Lundy	Polley
Boswell	Fierravanti-Wells	Macdonald, Sandy	Ronaldson
Brown, Carol	Fifield	Marshall	Santoro
Calvert	Heffernan	McEwen	Scullion
Campbell, George	Humphries	McGauran	Trood
Carr	Hurley	McLucas	Watson
Chapman	Hutchins	Minchin	Wortley
Colbeck	Johnston	Moore	
Crossin	Joyce	Nash	
Eggleston	Kirk	Parry	

Question negatived.

9 PUBLICATIONS—STANDING COMMITTEE—6TH REPORT

The Chair of the Standing Committee on Publications (Senator Watson) tabled the following report:

PUBLICATIONS COMMITTEE
6TH 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 18 August 2005, recommends that the following be printed:

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2004-05—Australian Federal Police.

Members of Parliament (Staff) Act 1984—Report for 2004-05 on consultants engaged under section 4 of the Act.

Productivity Commission—Report No. 34—Smash repair and insurance, 17 March 2005.

Repatriation Medical Authority—Report for 2004-05.

Reserve Bank of Australia—Report for 2004-05.

Witness Protection Act 1994—Report for 2004-05 on the operation of the National Witness Protection Program.

Senator John Watson

Chairman

15 September 2005.

Senator Watson moved—That the report be adopted.

Question put and passed.

10 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2004-05 AND BUDGET ESTIMATES 2005-06

Senator McGauran, at the request of the respective chairs, tabled additional information received by committees as follows:

Additional estimates 2004-05—Additional information—Rural and Regional Affairs and Transport Legislation Committee—1 vol.

Budget estimates 2005-06—Additional information—

Community Affairs Legislation Committee—vols 1 to 3.

Employment, Workplace Relations and Education Legislation Committee—vols 1 to 6.

Finance and Public Administration Legislation Committee—5 vols.

Rural and Regional Affairs and Transport Legislation Committee—1 vol.

11 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENTS

Senator George Campbell, at the request of the Chair of the Standing Committee of Senators' Interests (Senator Webber), tabled the following documents:

Senators' Interests—Standing Committee—Register of senators' interests incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 21 June and 12 September 2005, dated September 2005—

Volume 1—A-L.

Volume 2—M-Z.

12 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2004

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

Message no. 220, dated 14 September 2005—A Bill for an Act to amend the *Trade Practices Act 1974*, 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.

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

13 PROTECTION OF THE SEA (SHIPPING LEVY) AMENDMENT BILL 2005

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

Message no. 221, dated 14 September 2005—A Bill for an Act to amend the *Protection of the Sea (Shipping Levy) Act 1981*, 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.

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.

14 OBJECTION TO RULING OF THE PRESIDENT—PROCEDURE—STANDING COMMITTEE—REFERENCE

Order of the day read for the consideration of the motion moved by Senator Bob Brown—That the Senate dissents from the ruling of the President on 14 September 2005 (that the Chair could not accept repeated motions to suspend standing orders to allow senators to make statements).

Debate ensued.

Reference to committee: Senator Ludwig moved the following amendment:

Omit “dissented from”, insert “referred to the Procedure Committee for inquiry and report, particularly considering whether the President should exercise a discretion in applying the rulings of President Sibraa of 1991 to 1993 to ensure that adequate opportunity is given to non-government senators to state a case for a suspension of standing orders”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate proceeded to divide—

The President made a statement relating to the effect of the amendment.

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

Main question, as amended, put.

The Senate divided—

AYES, 59

Senators—

Abetz	Eggleston	Kirk	Patterson
Adams	Ellison	Lightfoot	Payne
Barnett	Evans	Ludwig	Polley
Bartlett	Ferguson	Lundy	Ronaldson
Bishop	Ferris (Teller)	Macdonald, Sandy	Santoro
Boswell	Fierravanti-Wells	Marshall	Scullion
Brandis	Fifield	Mason	Stephens
Brown, Carol	Forshaw	McEwen	Sterle
Campbell, George	Heffernan	McGauran	Stott Despoja
Carr	Hogg	McLucas	Trood
Chapman	Humphries	Moore	Watson
Colbeck	Hurley	Murray	Webber
Conroy	Hutchins	Nash	Wong
Coonan	Joyce	O'Brien	Wortley
Crossin	Kemp	Parry	

NOES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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Question agreed to.

15 POSTPONEMENT

Senator Wong, by leave, moved—That business of the Senate notice of motion no. 2 standing in her name for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, be postponed till the next day of sitting.

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

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—INTERIM REPORT—REMOVAL, SEARCH FOR AND DISCOVERY OF MS VIVIAN SOLON

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—The removal, search for and discovery of Ms Vivian Solon—Interim report, dated September 2005 and documents presented to the committee.

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

Extension of time to report: Senator Hutchins, by leave, moved—That the time for the presentation of the final report of the committee on matters specified in paragraph (c) of the terms of reference for the inquiry into the Chen Yonglin and Vivian Solon cases, and any related matters, be extended to the last sitting day in 2005.

Question put and passed.

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

Debate ensued.

Time expired: The debate on the motion moved by leave to take note of the tabled document reached the limit of 30 minutes.

Leave was granted for the time for the debate to be extended.

Debate continued.

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

17 AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) 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.

At 12.45 pm: Debate was interrupted while Senator Wong was speaking.

18 PROTECTION OF THE SEA (SHIPPING 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 this bill be now read a second time.

Debate resumed.

Senator O'Brien moved the following amendment:

At the end of the motion, add "but the Senate condemns the Government for failing to uphold Australia's national interest by adopting anti-Australian shipping policies that favour foreign vessels and crew despite the risk to national security, Australian jobs and the natural environment".

Debate ensued.

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

Senator Milne moved the following amendment:

At the end of the motion, add "but the Senate is of the view that:

- (a) the current requirement to phase out single hull tankers is set at the year 2010; and
- (b) this time limit is unacceptable and Australia must deny entry into its ports or off-shore terminals to all single hull tankers from December 2005".

Debate ensued.

Question—That the amendment be agreed to—put and negatived. Senator Milne, by leave, recorded her vote for the ayes.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Forshaw) reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the report from the committee was adopted and the bill read a third time.

Suspension of sitting: On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.16 pm till 2 pm.

At 2 pm—

19 QUESTIONS

Questions without notice were answered.

20 FAMILY AND COMMUNITY SERVICES—CHILD CARE—ANSWERS TO QUESTIONS

Senator Crossin moved—That the Senate take note of the answers given by the Minister for Family and Community Services (Senator Patterson) to questions without notice asked by Senators Crossin and Polley today relating to child care.

Debate ensued.

Question put and passed.

21 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—HUMAN RIGHTS AND GOOD GOVERNANCE EDUCATION IN THE ASIA PACIFIC REGION

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Human Rights and Good Governance Education in the Asia Pacific Region—Government response, dated September 2005.

22 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—ROLE OF THE NATIONAL CAPITAL AUTHORITY IN DETERMINING THE EXTENT OF REDEVELOPMENT OF THE PIERCES CREEK SETTLEMENT IN THE ACT

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

National Capital and External Territories—Joint Standing Committee—Report—Role of the National Capital Authority in determining the extent of redevelopment of the Pierces Creek Settlement in the ACT—Government response, dated September 2005.

Senator Lundy, by leave, moved—That the Senate take note of the document.

Debate ensued.

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

23 DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS' INTERESTS—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Register of Senate senior executive officers' interests incorporating statements of registrable interests of Senate senior executive officers lodged between 21 June and 6 September 2005, dated September 2005.

**24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06**

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled additional information received by the committee (Budget estimates 2005-06—vol. 1 and attachments).

25 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 Regulations—Instruments Nos—

CASA 369/05—Instructions – use of RNAV (GNSS) approaches by RNP capable aircraft [F2005L02595]*.

CASA 395/05—Approval – operations without an approved digital flight data recorder [F2005L02621]*.

CASA 396/05—Approval – operations without an approved digital flight data recorder [F2005L02624]*.

Corporations Act—ASIC Class Order [CO 05/938] [F2005L02615]*.

Customs Act—

Declaration of Places No. 1 of 2005 [F2005L02566]*.

Tariff Concession Orders—

0504376 [F2005L02642]*.

0504571 [F2005L02643]*.

0504708 [F2005L02644]*.

0504710 [F2005L02645]*.

0504713 [F2005L02646]*.

0504720 [F2005L02647]*.

0504759 [F2005L02631]*.

0504792 [F2005L02632]*.

0506771 [F2005L02633]*.

0507060 [F2005L02634]*.

0507509 [F2005L02649]*.

0507510 [F2005L02636]*.

0507512 [F2005L02650]*.

0507655 [F2005L02637]*.

0507657 [F2005L02638]*.

0507661 [F2005L02585]*.

0508245 [F2005L02639]*.

0508312 [F2005L02640]*.

Financial Management and Accountability Act—Net Appropriation Agreements for—

AusAID (Administered) [F2005L02567]*.

AusAID (Departmental) [F2005L02568]*.

Department of Agriculture, Fisheries and Forestry [F2005L02630]*.

Higher Education Support Act—

Administration Guidelines, dated 5 September 2005 [F2005L02593]*.

Higher Education Provider Guidelines, dated 5 September 2005 [F2005L02590]*.

Migration Act—Migration Regulations—

Specification of Commonwealth, State or Territory legislation for the purpose of subregulation 3.10A(1), agencies for the purpose of paragraph 3.10A(2)(a), employees for the purpose of paragraph 3.10A(2)(b) and purposes for the purpose of paragraph 3.10A(2)(c), dated 1 September 2005 [F2005L02563]*.

Specification of organisations for the purposes of paragraph 459.214(c), dated 31 August 2005 [F2005L02560]*.

National Environment Protection Council Act—2005 Variation to the National Environment Protection (Used Packaging Materials) Measure [F2005L02437]*.

* Explanatory statement tabled with legislative instrument.

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Department of Transport and Regional Services.

27 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—Agriculture, Fisheries and Forestry portfolio agencies.

28 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—

Discharged—Senator McLucas

Appointed—Senator Carol Brown

Legal and Constitutional Legislation Committee—

Discharged—Substitute member: Senator Evans

Legal and Constitutional References Committee—

Appointed—Participating member: Senator Payne.

Question put and passed.

**29 TELSTRA (TRANSITION TO FULL PRIVATE OWNERSHIP) BILL 2005
TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND
CONSUMER ISSUES) BILL 2005**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 223, dated 15 September 2005—Telstra (Transition to Full Private Ownership) Bill 2005.

Message no. 224, dated 15 September 2005—Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005.

30 TELECOMMUNICATIONS LEGISLATION AMENDMENT (FUTURE PROOFING AND OTHER MEASURES) BILL 2005

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 222, dated 15 September 2005—Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005.

General business was called on.

31 TRUTH IN FOOD LABELLING BILL 2003 [2005]

Order of the day read for the adjourned debate on the motion of Senator Bob Brown—That this bill be now read a second time.

Debate resumed.

Declaration of interest: Senator Watson declared an interest in relation to the bill.

Debate continued.

At 6 pm: Debate was interrupted while the Minister for the Arts and Sport (Senator Kemp) was speaking.

32 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Sydney Harbour Federation Trust—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 agreed to.

Aboriginals Benefit Account—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Cape York Land Council Aboriginal Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

National Environment Protection Measures (Implementation) Act 1998—Independent review by Baker and McKenzie. Motion of Senator Bartlett to take note of document agreed to.

Productivity Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Australian Competition and Consumer Commission—Telecommunications report for 2003-04—Telstra's compliance with price control arrangements. Motion of Senator Bartlett to take note of document agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2004. Motion of Senator Carr to take note of document agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2004. Motion of Senator Carr to take note of document agreed to.

Productivity Commission—Report—No. 33—Review of national competition policy reforms, 28 February 2005. Motion of Senator Bartlett to take note of document agreed to.

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 agreed to.

Natural Heritage Trust—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2005. Motion of Senator Bartlett to take note of document agreed to.

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 Kirk in continuation.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2005. Motion of Senator George Campbell to take note of document agreed to.

Civil Aviation Safety Authority—Corporate plan 2005-06 to 2007-08. Motion of Senator George Campbell to take note of document agreed to.

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

Asia-Pacific Partnership on Clean Development and Climate—Joint ministerial statement by the Minister for Foreign Affairs (Mr Downer) and the Minister for the Environment and Heritage (Senator Ian Campbell). Motion of Senator Milne to take note of document agreed to.

ASC Pty Ltd—Statement of corporate intent 2005-08. Motion of Senator Bishop to take note of document agreed to.

General business orders of the day nos 20 and 21 relating to government documents were called on but no motion was moved.

General business concluded.

**33 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:

ASIO, ASIS and DSD—Joint Statutory Committee—Report—Intelligence Services Legislation Amendment Bill 2005. Motion of Senator Eggleston to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's human rights dialogue process. Motion of Senator Payne to take note of report agreed to.

Environment, Communications, Information Technology and the Arts Legislation Committee—Report—Telstra (Transition to Full Private Ownership) Bill 2005 and related bills. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin's request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

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 agreed to.

Regulations and Ordinances—Standing Committee—112th report—40th Parliament report. Motion to take note of report agreed to.

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

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 called on. Debate adjourned till the next day of sitting, Senator Moore in continuation.

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 agreed to.

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

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

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion of Senator Bartlett to take note of document debated. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Auditor-General—Audit report no. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion of Senator Bartlett to take note of document agreed to.

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

Auditor-General—Audit report no. 49 of 2004-05—Business support process audit—Administration of fringe benefits tax. Motion of Senator Moore to take note of document agreed to.

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

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

Auditor-General—Audit report no. 1 of 2005-06—Performance audit—Management of detention centre contracts—Part B: Department of Immigration and Multicultural and Indigenous Affairs. Motion of Senator Bartlett to take note of document agreed to.

Auditor-General—Audit report no. 3 of 2005-06—Performance audit—Management of the M113 Armoured Personnel Carrier Upgrade Project. Motion of Senator Bishop to take note of document agreed to.

Auditor-General—Audit report no. 4 of 2005-06—Performance audit—Post sale management of privatised rail business contractual rights and obligations. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 8 of 2005-06—Performance audit—Management of the Personnel Management Key Solution (PMKeyS) Implementation Project: Department of Defence. Motion of Senator Bishop to take note of document debated. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Orders of the day nos 10 to 12 relating to reports of the Auditor-General were called on but no motion was moved.

35 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—CHANGES IN MEMBERSHIP

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

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald), by leave, moved—That Senator Fifield replace Senator Barnett on the Employment, Workplace Relations and Education Legislation Committee for the committee's inquiry into the provisions of the Student Assistance Legislation Amendment Bill 2005.

Question put and passed.

36 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.51 pm till Tuesday, 4 October 2005 at 12.30 pm.

37 ATTENDANCE

Present, all senators except Senators Allison*, Ian Campbell, Hill, Ray* and Troeth (* on leave).

HARRY EVANS
Clerk of the Senate