

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 48

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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 **GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2005-06.

Department of Human Services—Report for the period 26 October 2004 to 30 June 2005.

Federal Police Disciplinary Tribunal—Report for 2004-05.

Productivity Commission—Report—No. 32—Review of Part X of the *Trade Practices Act 1974*: International liner cargo shipping, 23 February 2005.

Torres Strait Protected Zone Joint Authority—Report for 2002-03.

3 **INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Minister for Defence (Senator Hill) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

---

Bill debated.

On the motion of Senator Hill the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 64, page 14 (line 19), omit “Government”.

Schedule 1, page 14 (after line 28), after item 64, insert:

**64A Subclause 17(5) of Schedule 1**

Repeal the subclause, substitute:

(5) If:

(a) the Chair is not present at a meeting of the Committee; and

(b) either:

- (i) the meeting is one at which a question is to be decided by voting, or could reasonably be expected to be so decided; or
- (ii) throughout a continuous period of more than one month immediately preceding the day of the meeting, the Chair was absent from duty or from Australia, or was for any reason unable to perform the duties of his or her office as Chair;

the members present are to appoint a Government member to preside.

(5A) If:

- (a) the Chair is not present at a meeting of the Committee; and
- (b) the members are not required by subclause (5) to appoint a Government member to preside;

then:

- (c) if the Deputy Chair is present at the meeting—the Deputy Chair is to preside; or
- (d) if the Deputy Chair is not present at the meeting—the members present are to appoint a member to preside.

(5B) A member who presides at a meeting of the Committee under subclause (5) or (5A) may exercise, in relation to the meeting and any matter arising out of the meeting, any of the powers of the Chair.

Senator Bishop moved the following amendments together by leave:

Schedule 1, page 5 (after line 21), after item 15, insert:

**15A Section 3**

Insert:

*security* has the same meaning as in the *Australian Security Intelligence Organisation Act 1979*.

Schedule 1, page 7 (after line 21), after item 23, insert:

**23A At the end of section 9**

Add:

- (6) The responsible Minister must notify the Attorney-General within 24 hours of giving an authorisation under this section for an activity, or series of activities, of a kind mentioned in subparagraph 8(1)(a)(i) or (ii).
- (7) The responsible Minister must notify the Attorney-General in writing and must specify the facts and other grounds on which the responsible Minister gave the authorisation.

Schedule 1, page 8 (after line 6), after item 24, insert:

**24A After section 9**

Insert:

**9B Warrants**

The relevant agency head of ASIS, DSD and DIGO must obtain a warrant from the Attorney-General under section 9C before:

- (a) undertaking an activity, or a series of activities, for the specific purpose, or for purposes which include the specific purpose, of producing intelligence on an Australian person who is in Australia; or
- (b) undertaking, in accordance with a direction under paragraph 6(1)(e), an activity, or a series of activities, that will, or is likely to, have an effect on an Australian person who is in Australia.

Schedule 1, page 8 (after line 6), after item 24, insert:

**24B After section 9**

Insert:

**9C Issue of warrants**

- (1) A request by the relevant agency head of ASIS, DSD and DIGO for the issue of a warrant in respect of activities in paragraphs 9B(a) and (b) must specify:
  - (a) the facts and other grounds on which the relevant agency head considers it necessary that the warrant should be issued; and
  - (b) the grounds on which the relevant agency head considers that the issue of the warrant advances Australia's national security interests.
- (2) Where, on receipt by the Attorney-General of a request by the relevant agency head for the issue of a warrant under subsection (1), the Attorney-General is satisfied that:
  - (a) any activities which may be done in reliance on the warrant will be necessary for the proper performance of a function of the agency concerned; and
  - (b) there are satisfactory arrangements in place to ensure that nothing will be done in reliance of the warrant beyond what is necessary for the proper performance of a function of the agency; and
  - (c) there are satisfactory arrangements in place to ensure that the nature and consequences of acts done in reliance on the warrant will be reasonable, having regard to the purposes for which they are carried out;

the Attorney-General may, by warrant under his or her hand, subject to any conditions or restrictions that are specified in the warrant, authorise the relevant agency to undertake the activities of a kind mentioned in paragraphs 9B(a) and (b).

- (3) Before the Attorney-General issues a warrant under this section for an activity, or a series of activities, of a kind mentioned in paragraph 9B(a) or (b), the Attorney-General must also be satisfied that the Australian person mentioned in either of those paragraphs is, or is likely to be, involved in one or more of the following activities:
  - (a) activities that present a significant risk to a person's safety; or
  - (b) acting for, or on behalf of, a foreign power; or
  - (c) activities that are, or are likely to be, a threat to security; or

- (d) activities related to the proliferation of weapons of mass destruction or the movement of goods listed from time to time in the Defence and Strategic Goods List (within the meaning of regulation 13E of the *Customs (Prohibited Exports) Regulations 1958*); or
- (e) committing a serious crime by moving money, goods or people; or
- (f) committing a serious crime by using or transferring intellectual property; or
- (g) committing a serious crime by transmitting data or signals by means of guided and/or unguided electromagnetic energy; or
- (h) an activity or activities that are, or are likely to be, a threat to security (whether or not covered by another paragraph of this subsection in addition to paragraph (c)).

Schedule 1, page 8 (after line 6), after item 24, insert:

**24C After section 9**

Insert:

**9D Content of warrants**

- (1) The Attorney-General may issue a warrant following a request in accordance with section 9C in relation to:
  - (a) an activity, or class of activities, specified in the warrant; or
  - (b) acts of a staff member or agent, or a class of staff members or agents, specified (whether by name or otherwise) in the warrant; or
  - (c) activities done for a particular purpose connected with the agency's functions.
- (2) A warrant is subject to any conditions specified in it.
- (3) A warrant must be in writing and must specify how long it will have effect. The period of effect specified in a warrant for an activity or a series of activities, of a kind mentioned in subparagraph 8(1)(a)(i) or (ii), must not exceed 6 months.
- (4) A warrant issued in accordance with section 9C may be revoked by the Attorney-General at any time before the end of the specified period of effect.
- (5) If the Attorney-General issues a warrant under this section in relation to an agency, the relevant agency head must ensure that a copy of the warrant is kept by the agency and is available for inspection on request by the Inspector-General of Intelligence and Security.

Schedule 1, page 8 (after line 6), after item 24, insert:

**24D After section 9**

Insert:

**9E Issue of subsequent warrants not prevented**

- (1) Subsection 9D(3) does not prevent the issue of any subsequent warrant.
- (2) Before a subsequent warrant can be issued, the relevant agency head must again comply with subsection 9C(1).

Schedule 1, page 10 (after line 6), after item 36, insert:

**36A At the end of section 15**

Add:

- (7) The retention of incidentally obtained intelligence concerning Australians that is not publicly available must be minimised.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Hill the report from the committee was adopted and the bill read a third time.

**4 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 the Leader of the Australian Democrats (Senator Allison) was speaking.

**5 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**6 QUESTIONS**

Questions without notice were answered.

**7 QUESTIONS ON NOTICE—ANSWERS**

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister representing the Minister for Health and Ageing (Senator Patterson) for an explanation of answers not being provided to questions on notice nos 907 and 908 (notice given 11 May 2005).

The minister was not present and an explanation was not provided.

Senator Allison moved—That the Senate take note of the minister's failure to provide either an answer or an explanation.

Question put and passed.

**8 LAW AND JUSTICE—ILLEGAL FISHERS—ANSWERS TO QUESTIONS**

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for Justice and Customs (Senator Ellison) and the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) to questions without notice asked by Senators Sterle and O'Brien today relating to illegal fishers.

Debate ensued.

Question put and passed.

**9 LAW AND JUSTICE—PRIVACY ACT—ANSWER TO QUESTION**

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Stott Despoja today relating to the Privacy Act.

Question put and passed.

**10 PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Hogg, from 80 petitioners, requesting that the Senate take action to ensure that a proposal to establish an immigration detention centre at the Shaftesbury Campus, Queensland, is withdrawn.

Senator Kemp, from 55 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

**11 NOTICES**

*Notices of motion:*

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

(a) notes that:

- (i) the mouth of the Murray River in South Australia is in terminal decline and risks permanent collapse unless more water is provided for the river,
- (ii) scientific studies and surveys of the internationally-protected area show that:
  - (A) the Coorong was Australia's largest permanent breeding colony for pelicans, however pelicans have not bred for almost 4 years,
  - (B) brine shrimp, never before recorded in the Coorong, are now as thick as soup,
  - (C) salinity levels are three times that of sea water,
  - (D) 12 species of fish are locally extinct, and
  - (E) numbers of migratory wader birds have dropped from 150 000 in the 1980s to 50 000 now, while numbers of the curlew sandpiper have dropped from 40 000 to 2 000,
- (iii) Professor Peter Cullen, a member of the Wentworth Group of Concerned Scientists and a commissioner on the National Water Commission, states that it is time for governments to start buying water on the open market to boost water flows, and



- (iv) the diverse interests supporting the purchase of water on the open market, including the newly established National Floodplain Graziers Association, the South Australian Member of The Nationals and the Minister for the River Murray, Ms Karlene Maywald, and the New South Wales Minister for the Environment, Mr Bob Debus;
- (b) recognises that the quickest and most cost-effective way of meeting environmental flow targets is to purchase water on the open market; and
- (c) calls on the Government to:
  - (i) support the purchase of water on the open market, and
  - (ii) address this national emergency. (*general business notice of motion no. 271*)

Senator Carr: To move on the next day of sitting—That the Senate opposes attempts by the Government to restrict the franchise and reduce the transparency of the Australian electoral system. (*general business notice of motion no. 272*)

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

- (a) notes the medical evidence that exposure to radiation from depleted uranium munitions is a health hazard;
- (b) notes that the military of the United States of America (US) still deploys depleted uranium munitions in a wide variety of weapons systems; and
- (c) calls on the Government to seek a written commitment from the US that depleted uranium munitions will not be used on Australian training ranges or in exercises in Australian waters. (*general business notice of motion no. 273*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 25 November 2005:

The matter of overtime and shift allowances, with particular reference to:

- (a) the effectiveness of shift allowances and overtime in achieving their original purpose (i.e. enabling workers to achieve a balance between paid work and family responsibilities and to participate in their communities by discouraging employers from employing them outside or beyond normal hours);
- (b) the cost impact of shift allowances on employers who are unable to afford to operate for as long as they would like because of having to pay shift allowances;
- (c) the extent to which overtime has become a means for employers to compensate workers for low pay;
- (d) whether overtime and shift allowances are sufficiently effective in achieving their original purpose and, if not, what other measures could be adopted to achieve this objective now; and
- (e) if the payment of overtime and shift allowances ceased to be mandatory, what mechanism would be used to compensate those workers who rely on overtime as an essential part of their take home pay.

Senators Eggleston and Webber: To move on the next day of sitting—That the Senate—

- (a) congratulates Professor Barry J Marshall and Dr J Robin Warren on being awarded the 2005 Nobel Prize in Physiology or Medicine in recognition of their joint discovery that gastric inflammation and almost all gastric and duodenal ulcers are caused by *Helicobacter pylori*;

- (b) notes that the two medical scientists persisted with their research in spite of enormous scepticism from the medical profession and that the award of the Nobel Prize is a fitting reward for their scientific curiosity when, having made observations which did not fit in with conventional thinking, they courageously applied the scientific method to prove their results; and
- (c) acknowledges the great benefit their discovery has brought to mankind in demonstrating that most forms of gastric inflammation and ulcers are caused by *Helicobacter pylori* and are treatable with antibiotics at low cost. (*general business notice of motion no. 274*)

The Chair of the Legal and Constitutional References Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 1 December 2005. (*general business notice of motion no. 275*)

Senator Bob Brown: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report:

All matters relating to the arrest and deportation of American citizen Mr Scott Parkin.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That the Health Insurance (Allied Health and Dental Services) Determination 2005, made under subsection 3C(1) of the *Health Insurance Act 1973*, be disallowed.

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

Senator Milne: To move 5 sitting days after today—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the last sitting day in March 2006:

Australia's future oil supply, with particular reference to:

- (a) projections of oil production and demand in Australia and globally and the implications for availability and pricing of transport fuels in Australia;
- (b) the potential of new sources of oil and alternative transport fuels to meet a significant share of Australia's fuel demands, taking into account technological developments and environmental and economic costs;
- (c) flow-on economic and social impacts in Australia from continuing rises in the price of transport fuel and potential reductions in oil supply; and
- (d) options for reducing Australia's transport fuel demands.

*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 notice of motion no. 1 standing in his name for 9 sitting days after today for the disallowance of the Maritime Transport Security Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 115 and made under the *Maritime Transport Security Act 2003*.

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

12 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 11 OF 2005**

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 11 OF 2005

1. The committee met in private session on Tuesday, 4 October 2005 at 4.20 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Energy Efficiency Opportunities Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 November 2005;
  - (b) the *provisions* of the Health Legislation Amendment Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 1 November 2005;
  - (c) the *provisions* of the Law and Justice Legislation Amendment (Video Link Evidence and Other Measures) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 1 November 2005; and
  - (d) the *provisions* of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 1 November 2005.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Customs Tariff Amendment (Commonwealth Games) Bill 2005
  - Migration and Ombudsman Legislation Amendment Bill 2005
  - National Health Amendment (Immunisation Program) Bill 2005
  - Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Bill 2005
  - Therapeutic Goods Amendment Bill (No. 2) 2005.

*The committee recommends accordingly.*
4. The committee *deferred* consideration of the following bills to the next meeting:
  - Bills deferred from meeting of 4 October 2005*
  - Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005
  - Education Services for Overseas Students Amendment Bill 2005
  - Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005.

Jeannie Ferris  
Chair  
5 October 2005.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**13 LEAVE OF ABSENCE**

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Payne for the period 4 October to 6 October 2005 on account of family matters, and to Senator Kemp for the period 4 October to 6 October 2005, on account of government business overseas.

Question put and passed.

**14 POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the disallowance of the Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005, postponed till 6 October 2005.

Business of the Senate notice of motion no. 2 standing in the name of Senator Wong for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 10 October 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 6 October 2005.

General business notice of motion no. 259 standing in the name of Senator Siewert for today, relating to deep sea bottom trawling, postponed till 10 October 2005.

**15 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE**

Senator Scullion, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

(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) recognises the efforts of local communities and work underway between the Federal, Northern Territory, Western Australian and South Australian Governments to work in collaboration to implement a comprehensive strategy to tackle petrol sniffing;
- (c) notes that an additional \$6 million over 2 years has recently been announced by the Government to expand the roll out of Opal petrol in the central desert region and that total expenditure for Opal subsidies is \$19.6 million over 4 years;
- (d) notes that 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; and
- (f) notes that supply of non-sniffable Opal petrol can only be one part of the solution to petrol sniffing.

- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
- (a) the effectiveness of existing laws and policing with respect to petrol sniffing in affected Indigenous communities;
  - (b) the effectiveness of diversionary initiatives and community level activities; and
  - (c) lessons that can be learned from the success some communities have had in reducing petrol sniffing including the impact of non-sniffable Opal petrol.

Senator Bob Brown, by leave, moved the following amendment:

At the end of the motion, add:

“; and (d) 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”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 33

Senators—

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

Question negatived.

Main question put and passed.

#### 16 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 228—That the Senate—

- (a) notes that Gunns Pty Ltd’s proposed pulp mill in the Tamar Valley in Tasmania, by the admission of the proponent, will:
  - (i) consume up to 4 million tonnes of woodchips per annum requiring at least 30 years’ access to native forests,

- (ii) pollute the air shed of the Tamar Valley with hydrogen sulphide emissions and other gaseous emissions generated by burning 500 000 tonnes of green wood waste each year,
  - (iii) potentially affect the habitat of 33 threatened species, including five nationally-listed endangered and five nationally-listed vulnerable species, and
  - (iv) pump approximately 30 billion litres of effluent containing organo-chlorines into Bass Strait each year, thus impacting on Commonwealth waters;
- (b) calls on the Prime Minister (Mr Howard) to withdraw the offer of \$5 million in Commonwealth funding to Gunns Pty Ltd; and
- (c) calls on the Minister for the Environment and Heritage (Senator Ian Campbell) to use his powers under the *Environment Protection and Biodiversity Conservation Act 1999* to reject the new proposal.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 56

Senators—

Abetz	Ellison	Kirk	Polley
Adams	Evans	Lightfoot	Ronaldson
Barnett	Ferguson	Ludwig	Santoro
Bishop	Ferris	Lundy	Scullion
Boswell	Fielding	Marshall	Sherry
Brandis	Fierravanti-Wells	Mason	Stephens
Brown, Carol	Fifield	McEwen	Sterle
Campbell, G (Teller)	Forshaw	McGauran	Troeth
Carr	Hogg	McLucas	Trood
Chapman	Humphries	Moore	Vanstone
Colbeck	Hurley	Nash	Watson
Coonan	Hutchins	O'Brien	Webber
Crossin	Johnston	Parry	Wong
Eggleston	Joyce	Patterson	Wortley

Question negatived.

**17 SCIENCE AND TECHNOLOGY—NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 267—That the Senate congratulates Australian scientists, Professor Barry J Marshall and Dr J Robin Warren on being awarded the 2005 Nobel Prize in Physiology or Medicine for their 1982 discovery of the bacterium *Helicobacter pylori* and its role in gastritis and peptic ulcer disease.

Question put and passed.

**18 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 264—That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on the provisions of the Student Assistance Legislation Amendment Bill 2005 be extended to 13 October 2005.

Question put and passed.

**19 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Economics References Committee (Senator Stephens), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 265—That the time for the presentation of the report of the Economics References Committee on possible links between household debt, demand for imported goods and Australia's current account deficit be extended to 13 October 2005.

Question put and passed.

**20 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 269—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the economic impact of salinity in the Australian environment be extended to the second sitting day in 2006.

Question put and passed.

**21 WOMEN—REPRODUCTIVE HEALTH**

*Motion determined as not formal:* The Leader of the Australian Democrats (Senator Allison) requested that general business notice of motion no. 123 standing in her name for today, relating to reproductive health, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

**22 SUPERANNUATION—COMMONWEALTH SUPERANNUANTS**

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. 270—That the Senate—

- (a) notes that the current Consumer Price Index method used for indexing Australian Government civilian superannuation pensions over the past decade falls well short of the increases enjoyed by members of Parliament, aged pensioners, average weekly ordinary time earnings and male total average weekly earnings; and
- (b) calls on the Government to establish a more appropriate and fair method of indexation for Commonwealth superannuants.

Question put and negatived.

**23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LAW AND JUSTICE—ILLEGAL FISHERS**

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

The failure of the Howard Government to deter or apprehend the many illegal fishers in Australia's northern waters.

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

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*Document:* The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled the following document:

Law and Justice—Illegal fishers—Copy of newspaper articles, *Fishing News International*, vol. 44, No. 9, September 2005.

**24 SCRUTINY OF BILLS—STANDING COMMITTEE—11TH REPORT AND ALERT DIGEST NO. 12 OF 2005**

Senator Troeth, 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—

11th report of 2005, dated 5 October 2005.

Alert Digest No. 12 of 2005, dated 5 October 2005.

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

**25 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06**

Senator Troeth, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled additional information received by the committee (Budget estimates 2005-06—2 vols).

**26 PRIVILEGES—STANDING COMMITTEE—123RD REPORT**

The Chair of the Standing Committee of Privileges (Senator Faulkner) tabled the following report:

Privileges—Standing Committee—123rd report—Possible failure by a senator to comply with the Senate's resolution relating to registration of interests, dated October 2005.

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

Senator Faulkner moved—That the Senate endorse the finding at paragraph 1.25 of the 123rd report of the Committee of Privileges.

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



**27 DEFENCE—AUSTRALIAN DEFENCE FORCE MILITARY JUSTICE SYSTEM—  
MINISTERIAL STATEMENT AND GOVERNMENT RESPONSE—DOCUMENTS**

The Minister for Defence (Senator Hill), by leave, made a statement relating to the Australian Defence Force military justice system and tabled the following documents:

Defence—Australian Defence Force military justice system—

Foreign Affairs, Defence and Trade References Committee—Report—Inquiry into the effectiveness of Australia's military justice system—Government response, dated October 2005.

Statement by the Minister for Defence (Senator Hill), dated 5 October 2005.

Senator Bishop, by leave, moved—That the Senate take note of the statement.

Debate ensued.

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

**28 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2005**

The Acting Deputy President (Senator Murray) tabled the following report received on 20 September 2005:

Procedure—Standing Committee—First report of 2005—Storage of Senate documents; Unauthorised disclosure of committee proceedings, dated September 2005.

Report ordered to be printed on the motion of the Chair of the Procedure Committee (Senator Hogg).

Senator Hogg, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

**29 GOVERNMENT DOCUMENTS**

The Acting Deputy President (Senator Murray) tabled the following documents received on the dates indicated:

Final budget outcome 2004-05—Report by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), September 2005. [*Received 28 September 2005*]

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2005. [*Received 21 September 2005*]

Higher education—Report for 2004-05. [*Received 30 September 2005*]

Medibank Private Limited—

Report for 2004-05. [*Received 26 September 2005*]

Statement of corporate intent 2006-08. [*Received 26 September 2005*]

**30 AUDITOR-GENERAL—AUDIT REPORTS NOS 10 AND 11 OF 2005-06—DOCUMENTS**

The Acting Deputy President (Senator Murray) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2005-06—

No. 10—Performance audit—Upgrade of the Orion maritime patrol aircraft fleet: Department of Defence; Defence Materiel Organisation. [*Received 23 September 2005*]

No. 11—Business support process audit—The Senate order for departmental and agency contracts (calendar year 2004 compliance). [*Received 29 September 2005*]

### 31 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2004-05—DOCUMENT

The Acting Deputy President (Senator Murray) tabled the following document:  
Australian National Audit Office—Report for 2004-05.

### 32 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Passports Act—Australian Passports Amendment Determination 2005 (No. 1) [F2005L02625]\*.

Australian Prudential Regulation Authority Act—Non-Confidentiality Determination No. 9 of 2005—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2005L02706]\*.

Banking Act—Banking (Prudential Standards) Determination No. 2 of 2005—References in APS 112 to AGN 112.1 [F2005L02873]\*.

Building and Construction Industry Improvement Act—Select Legislative Instrument 2005 No. 204—Building and Construction Industry Improvement Regulations 2005 [F2005L02570]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 413/05—Designation – of airspace; and Direction – broadcast requirements and frequency [F2005L02947]\*.

CASA EX45/05—Exemption – supervision by approved agricultural (aeroplane) pilot [F2005L02785]\*.

CASA EX47/05—Exemption – training and checking organisation, flight check system [F2005L02738]\*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—  
105—

AD/A320/130 Amdt 3—Goodrich Carbon Brake Take-off/Landing Performance Reduction [F2005L02826]\*.

AD/A320/184—Inboard Flap Trunnion [F2005L02850]\*.

AD/A330/52—Electronic Instrument System Display Units [F2005L02896]\*.

AD/A330/53—Electronic Instrument System Display Units [F2005L02895]\*.

AD/B727/197—MLG Wheel Well Pressure Floor – 2 [F2005L02825]\*.

AD/B737/57 Amdt 3—MLG Actuator Beam [F2005L02824]\*.

AD/B737/217 Amdt 1—Reinforced Flight Deck Door Decompression Panel [F2005L02823]\*.

AD/B747/241 Amdt 1—Flight Deck Dripshield Fire Blocking Installation [F2005L02822]\*.

AD/B747/333—Door 5 Crew Rest [F2005L02821]\*.

AD/B747/334—Escape Slides, Ramp Slides, and Slides/Rafts of Upper Deck, Off-wing, and Main Doors [F2005L02820]\*.  
AD/B747/335—Station 980 Upper Deck Floor Beam [F2005L02819]\*.  
AD/B767/133 Amdt 1—Flight Deck Dripshield Fire Blocking Installation [F2005L02818]\*.  
AD/BAe 146/73 Amdt 1—MLG Door Lock and MLG Uplock [F2005L02817]\*.  
AD/BELL 206/153 Amdt 3—Tail Rotor Blade Trailing Edge Skin Cracks [F2005L02808]\*.  
AD/BELL 206/160—High Forward and High Aft Crosstubes [F2005L02807]\*.  
AD/BELL 206/161—Power Turbine RPM Steady State Operation [F2005L02846]\*.  
AD/BELL 430/4—Servo Actuator Bolts [F2005L02804]\*.  
AD/BELL 430/5—Never-Exceed Speed – Instrumentation Change [F2005L02845]\*.  
AD/CESSNA 525/5—Engine Fire Extinguisher Bottle Wiring Identification [F2005L02844]\*.  
AD/CIRRUS/4—Crew Seats [F2005L02878]\*.  
AD/DH 60/8—Streamline Wires [F2005L02796]\*.  
AD/DH 82/14—Streamline Wires [F2005L02793]\*.  
AD/DH 83/4—Streamline Wires [F2005L02790]\*.  
AD/DH 85/2—Streamline Wires [F2005L02789]\*.  
AD/DH 87/3—Streamline Wires [F2005L02788]\*.  
AD/DHC-8/46 Amdt 4—Cockpit Door Alternate Release [F2005L02784]\*.  
AD/DHC-8/103—Cockpit Door Hinge Attachment [F2005L02783]\*.  
AD/DO 228/3—Windshield Wash System [F2005L02843]\*.  
AD/DO 228/4—Cockpit and Cabin Auxiliary Heaters [F2005L02842]\*.  
AD/ECUREUIL/113—Engine Controls – Twist Grip Assembly [F2005L02816]\*.  
AD/ECUREUIL/114—Tail Rotor Drive Shaft [F2005L02921]\*.  
AD/EMB-120/39—APU Firewall [F2005L02781]\*.  
AD/F50/92 Amdt 1—Engine Mounting Frame Welds [F2005L02780]\*.  
AD/F100/71—Main Landing Gear Bay Fuel/Hydraulic Lines [F2005L02841]\*.  
AD/F100/72—Landing Gear – Brake Control Levers [F2005L02838]\*.  
AD/GA8/3—Forward Cargo Door Slide [F2005L02897]\*.  
AD/GAZELLE/32—Goodrich Hoist Pyrotechnic Squibs [F2005L02771]\*.  
AD/JETSTREAM/101—Down Lock Assembly [F2005L02835]\*.  
AD/LEARJET 35/32 Amdt 1—Tip Tank Flapper Valves [F2005L02833]\*.  
AD/LEARJET/36 Amdt 1—Tip Tank Flapper Valves [F2005L02832]\*.  
AD/R22/51 Amdt 2—Main Rotor Clutch Shaft [F2005L02830]\*.

106—

AD/ARRIUS/11—Fuel Control Unit “Delta P” Diaphragm [F2005L02847]\*.

AD/BR700/7—Engine Electronic Controller (EEC) [F2005L02879]\*.

AD/PW100/12—Propeller Shaft [F2005L02831]\*.

AD/TAY/12 Amdt 4—Low Pressure Compressor Ice Impact Panels [F2005L02828]\*.

AD/TAY/15 Amdt 1—High Pressure Turbine Stage 1 Discs [F2005L02827]\*.

107—

AD/APU/19—Micorturbo – Overspeed Protection Channel [F2005L02849]\*.

AD/INST/52—SVS I and IA Standby Vacuum System [F2005L02837]\*.

AD/PR/35 Amdt 3—Propeller Hub Wall Cracking [F2005L02881]\*.

AD/RAD/43 Amdt 6—ATC Transponder Systems with Active Mode C [F2005L02829]\*.

Manual of Standards Part 172 Amendment (No. 1) 2005 [F2005L02651]\*.

Civil Aviation Act, Commonwealth Authorities and Companies Act, Customs Administration Act, Family Law Act, Financial Management and Accountability Act, Financial Transaction Reports Act, Freedom of Information Act, Health Insurance Act, Health Insurance Commission Act, *Income Tax Assessment Act 1997*, Lands Acquisition Act, Maternity Leave (Commonwealth Employees) Act, Medical Indemnity Act, National Health Act, Ombudsman Act, Privacy Act, Proceeds of Crime Act, Public Works Committee Act and Superannuation (Productivity Benefit) Act—Select Legislative Instrument 2005 No. 207—Human Services Legislation Amendment Regulations 2005 (No. 1) [F2005L02673]\*.

Class Rulings—

Addendum—CR 2004/96.

CR 2005/73-CR 2005/77.

Commonwealth Authorities and Companies Act—Notices pursuant to paragraphs—

45(1)(a) and (c)—Participation in formation and membership of CRC NPB Ltd.

45(1)(b)—Acquisition of share in HIH Claims Support Limited.

Consular Privileges and Immunities Act—Consular Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 2) [F2005L02626]\*.

Corporations Act—

Accounting Standards—

AASB 7—Financial Instruments: Disclosures [F2005L02855]\*.

AASB 1048—Interpretation and Application of Standards [F2005L02863]\*.

AASB 2005-10—Amendments to Australian Accounting Standards [F2005L02840]\*.

ASIC Class Orders—

[CO 05/0874] [F2005L02665]\*.

[CO 05/903] [F2005L02777]\*.

[CO 05/957] [F2005L02893]\*.

[CO 05/986] [F2005L02890]\*.

Crimes Act—Select Legislative Instrument 2005 No. 202—Crimes Amendment Regulations 2005 (No. 3) [F2005L02591]\*.

Customs Act—

CEO Directions Nos—

1 of 2005 [F2005L02663]\*.

2 of 2005 [F2005L02664]\*.

CEO Instruments of Approval Nos—

49 of 2005 [F2005L02712]\*.

50 of 2005 [F2005L02714]\*.

51 of 2005 [F2005L02721]\*.

52 of 2005 [F2005L02724]\*.

53 of 2005 [F2005L02729]\*.

54 of 2005 [F2005L02736]\*.

55 of 2005 [F2005L02739]\*.

56 of 2005 [F2005L02744]\*.

57 of 2005 [F2005L02745]\*.

58 of 2005 [F2005L02748]\*.

59 of 2005 [F2005L02750]\*.

60 of 2005 [F2005L02752]\*.

61 of 2005 [F2005L02753]\*.

62 of 2005 [F2005L02754]\*.

63 of 2005 [F2005L02755]\*.

64 of 2005 [F2005L02760]\*.

65 of 2005 [F2005L02761]\*.

66 of 2005 [F2005L02762]\*.

67 of 2005 [F2005L02764]\*.

68 of 2005 [F2005L02765]\*.

69 of 2005 [F2005L02766]\*.

70 of 2005 [F2005L02768]\*.

71 of 2005 [F2005L02769]\*.

72 of 2005 [F2005L02770]\*.

73 of 2005 [F2005L02811]\*.

74 of 2005 [F2005L02815]\*.

Tariff Concession Orders—

0504519 [F2005L02791]\*.

0504697 [F2005L02792]\*.

0504709 [F2005L02899]\*.

0504760 [F2005L02794]\*.

0504835 [F2005L02795]\*.

0504881 [F2005L02900]\*.

0505070 [F2005L02902]\*.

0505088 [F2005L02797]\*.

0505158 [F2005L02799]\*.

0505170 [F2005L02800]\*.

0505242 [F2005L02903]\*.

0505337 [F2005L02801]\*.

0505865 [F2005L02904]\*.

0505963 [F2005L02905]\*.

0507317 [F2005L02802]\*.

0507508 [F2005L02689]\*.  
 0507515 [F2005L02853]\*.  
 0507516 [F2005L02854]\*.  
 0507517 [F2005L02857]\*.  
 0507525 [F2005L02667]\*.  
 0507653 [F2005L02691]\*.  
 0507654 [F2005L02692]\*.  
 0507659 [F2005L02803]\*.  
 0508243 [F2005L02672]\*.  
 0508244 [F2005L02693]\*.  
 0508246 [F2005L02694]\*.  
 0508308 [F2005L02695]\*.  
 0508311 [F2005L02674]\*.  
 0508313 [F2005L02676]\*.  
 0508317 [F2005L02696]\*.  
 0508319 [F2005L02858]\*.  
 0508474 [F2005L02697]\*.  
 0508475 [F2005L02677]\*.  
 0508476 [F2005L02678]\*.  
 0508478 [F2005L02698]\*.  
 0508479 [F2005L02679]\*.  
 0508490 [F2005L02699]\*.  
 0508491 [F2005L02859]\*.  
 0508492 [F2005L02860]\*.  
 0508513 [F2005L02861]\*.  
 0508589 [F2005L02805]\*.  
 0508590 [F2005L02864]\*.  
 0508612 [F2005L02865]\*.  
 0508705 [F2005L02866]\*.  
 0508781 [F2005L02867]\*.  
 0508783 [F2005L02868]\*.  
 0508789 [F2005L02869]\*.  
 0508906 [F2005L02806]\*.  
 0508908 [F2005L02906]\*.  
 0508909 [F2005L02907]\*.  
 0508910 [F2005L02908]\*.  
 0508911 [F2005L02909]\*.  
 0508913 [F2005L02870]\*.  
 0509091 [F2005L02910]\*.  
 0509092 [F2005L02912]\*.  
 0509093 [F2005L02913]\*.

Tariff Concession Revocation Instrument 17/2005 [F2005L02688]\*.

Defence Act—

Defence Determination 2002 (Employer Support Payments) Amendment  
 Determination 2005 (No. 1).

Determinations under sections—

58B—Defence Determination 2005/36—2005 Annual review of housing  
 related allowances and charges.

58H—Defence Force Remuneration Tribunal Determinations Nos—  
 9 of 2005—Specialist Salary Structure – Legal Officers.  
 10 of 2005—Specialist Salary Structure – Dental Officers.

- 11 of 2005—Specialist Salary Structure – Medical Officers not in Specialist Career Structure.
- Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities (Indirect Tax Concession Scheme) Amendment Determination 2005 (No. 2) [F2005L02627]\*.
- Environment Protection and Biodiversity Conservation Act—  
Amendments of lists of—  
Specimens taken to be suitable for live import, dated—  
9 September 2005 [F2005L02655]\*.  
12 September 2005 [F2005L02742]\*.  
Threatened species, dated 2 September 2005 [F2005L02657]\*.  
Recovery Plan for the Round Island Petrel, Herald Petrel, Antarctic Tern (New Zealand), Antarctic Tern (Indian Ocean), Blue Petrel, Fairy Prion (southern), Heard Shag, Macquarie Shag, Soft-plumaged Petrel and Australian Lesser Noddy 2005-2010 [F2005L02836]\*.  
Whale Shark Recovery Plan 2005-2010 [F2005L02834]\*.
- Export Control Act—Export Control (Orders) Regulations—  
Export Control (Eggs and Egg Products) Orders 2005 [F2005L02703]\*.  
Export Control (Fish and Fish Products) Orders 2005 [F2005L02705]\*.  
Export Control (Milk and Milk Products) Orders 2005 [F2005L02871]\*.
- Family Law Act—  
Family Law (Superannuation) Regulations—  
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2005 (No. 6) [F2005L02709]\*.  
Family Law (Superannuation) (Provision of Information – Woolworths Group Superannuation Scheme) Determination 2005 [F2005L02710]\*.  
Select Legislative Instrument 2005 No. 212—Family Law Amendment Rules 2005 (No. 2) [F2005L02687]\*.
- Financial Management and Accountability Act—  
Adjustments of Appropriations on Change of Agency Functions—Direction No. 6 of 2005-2006 [F2005L02669]\*.  
Financial Management and Accountability Determinations—  
2005/26 – Administered Payments and Receipts for Other Entities Special Account Variation 2005 [F2005L02964]\*.  
2005/27 – Australia-China Council Account Variation and Abolition 2005 [F2005L02950]\*.  
2005/28 – Australia-China Council Special Account Establishment 2005 [F2005L02960]\*.  
2005/29 – Australia-France Endowment Account Variation and Abolition 2005 [F2005L02961]\*.  
2005/30 – Australia-France Endowment Special Account Establishment 2005 [F2005L02951]\*.  
2005/31 – Australia-India Council Account Variation and Abolition 2005 [F2005L02953]\*.  
2005/32 – Australia-India Council Special Account Establishment 2005 [F2005L02954]\*.  
2005/33 – Australia-Indonesia Institute Account Variation and Abolition 2005 [F2005L02955]\*.

2005/34 – Australia-Indonesia Institute Special Account Establishment 2005 [F2005L02956]\*.

2005/35 – Australia-Korea Foundation Account Variation and Abolition 2005 [F2005L02962]\*.

2005/36 – Australia-Korea Foundation Special Account Establishment 2005 [F2005L02963]\*.

2005/37 – Consular Services Account Variation and Abolition 2005 [F2005L02965]\*.

2005/38 – Consular Services Special Account Establishment 2005 [F2005L02966]\*.

2005/39 – PSS Special Account Variation 2005 [F2005L02967]\*.

2005/40 – CSS Special Account Variation 2005 [F2005L02959]\*.

2005/41 – ComSuper Special Account Variation 2005 [F2005L02958]\*.

Net Appropriation Agreements for—

Attorney-General's Department [F2005L02458]\*.

Australian Taxation Office [F2005L02652]\*.

Department of Health and Ageing [F2005L02776]\*.

Department of the Treasury [F2005L02635]\*.

Federal Court of Australia [F2005L02571]\*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 81 – 2005 [F2005L02787]\*.

Goods and Services Tax Rulings GSTR 2005/4 and GSTR 2005/5.

Hearing Services Administration Act—Hearing Services Rules of Conduct 2005 [F2005L02728]\*.

Higher Education Support Act—

Amendment No. 3 to the Other Grants Guidelines, dated 3 September 2005 [F2005L02773]\*.

Amendment No. 4 to the Commonwealth Grant Scheme Guidelines, dated 13 September 2005 [F2005L02882]\*.

Commonwealth Scholarships Guidelines, dated 5 September 2005 [F2005L02715]\*.

Human Services Legislation Amendment Act—Select Legislative Instrument 2005 No. 208—Human Services Legislation Amendment (Transfer of Staff) Regulations 2005 [F2005L02707]\*.

International Organisations (Privileges and Immunities) Act—Select Legislative Instrument 2005 No. 210—Asian Development Bank (Privileges and Immunities) Amendment Regulations 2005 (No. 1) [F2005L02683]\*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Maritime Transport and Offshore Facilities Security Act—Select Legislative Instrument 2005 No. 209—Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (No. 2) [F2005L02675]\*.

Migration Act—

Migration Agents Regulations—MARA Notice—

MN38-05a of 2005—Migration Agents (Continuing Professional Development – Program of Education) [F2005L02723]\*.



MN38-05b of 2005—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2005L02722]\*.

MN38-05c of 2005—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2005L02711]\*.

MN38-05g of 2005—Migration Agents (Continuing Professional Development – Pro Bono Activities) [F2005L02725]\*.

Migration Regulations—

Specification of a class of persons for the purposes of paragraph 1402(3)(a) and addresses for the purposes of subparagraphs 1402(3)(a)(i) and (ii), dated 9 September 2005 [F2005L02888]\*.

Specification of prescribed bodies for the purposes of regulation 5.43D, dated 8 September 2005 [F2005L02856]\*.

Specification of prescribed international organisations for the purposes of regulation 5.34E, dated 8 September 2005 [F2005L02782]\*.

Military Superannuation and Benefits Act—

Military Superannuation and Benefits Amendment Trust Deed 2005 (No. 2) [F2005L02886]\*.

Military Superannuation Benefits (Eligible Member) Declaration 2005 [F2005L02606]\*.

National Health Act—

Arrangement No. PB 27 of 2005—Chemotherapy Pharmaceuticals Access Program [F2005L02779]\*.

Declaration No. PB 26 of 2005 [F2005L02757]\*.

Determinations Nos—

HIB 15/2005 [F2005L02731]\*.

HIB 16/2005 [F2005L02862]\*.

HIB 17/2005 [F2005L02798]\*.

PB 25 of 2005 [F2005L02775]\*.

PB 28 of 2005 [F2005L02778]\*.

National Security Information (Criminal and Civil Proceedings) Act—Select Legislative Instrument 2005 No. 203—National Security Information (Criminal and Civil Proceedings) Amendment Regulations 2005 (No. 1) [F2005L02648]\*.

Product Rulings—

Addenda—PR 2005/46, PR 2005/51 and PR 2005/52.

PR 2005/108.

Remuneration Tribunal Act—Determination 2005/15: Remuneration and Allowances for Holders of Public Office [F2005L02574]\*.

Research Involving Human Embryos Act—Select Legislative Instrument 2005 No. 206—Research Involving Human Embryos Amendment Regulations 2005 (No. 1) [F2005L02562]\*.

Safety, Rehabilitation and Compensation Act—

Guide to the Assessment of the Degree of Permanent Impairment (Second edition) [F2005L02586]\*.

Revocation of the Guide to the Assessment of the Degree of Permanent Impairment (First edition) [F2005L02587]\*.

## Social Security Act—

Social Security Exempt Lump Sum (Australian Capital Territory Government's Community Inclusion and Household Debt Pilot Project) (DEST) Determination 2005 [F2005L02883]\*.

Social Security Exempt Lump Sum (Australian Capital Territory Government's Community Inclusion and Household Debt Pilot Project) (DEWR) Determination 2005 [F2005L02662]\*.

Social Security Exempt Lump Sum (Australian Capital Territory Government's Community Inclusion and Household Debt Pilot Project) (FaCS) Determination 2005 [F2005L02685]\*.

Social Security Exempt Lump Sum (New South Wales Aboriginal Trust Fund Repayment Scheme) (DEST) Determination 2005 [F2005L02884]\*.

Social Security Exempt Lump Sum (New South Wales Aboriginal Trust Fund Repayment Scheme) (DEWR) Determination 2005 [F2005L02661]\*.

Social Security Exempt Lump Sum (New South Wales Aboriginal Trust Fund Repayment Scheme) (FaCS) Determination 2005 [F2005L02684]\*.

*Superannuation Act 1976*—Select Legislative Instrument 2005 No. 205—Superannuation (CSS) Former Eligible Employees Amendment Regulations 2005 (No. 1) [F2005L02578]\*.

Superannuation Guarantee (Administration) Act—Written guidelines for the reduction of an increase in an employer's individual superannuation guarantee shortfall, dated 16 September 2005 [F2005L02718]\*.

## Taxation Determinations—

Notice of Withdrawal—TD 93/35.

TD 2005/29 and TD 2005/35.

Telecommunications (Consumer Protection and Service Standards) Act—Select Legislative Instrument 2005 No. 213—Telecommunications (Consumer Protection and Service Standards) (Communications Fund) Regulations 2005 [F2005L02749]\*.

Therapeutic Goods Act—Conformity Assessment Standards Order No. 1 of 2005 [F2005L02892]\*.

Trade Marks Act—Select Legislative Instrument 2005 No. 211—Trade Marks Amendment Regulations 2005 (No. 2) [F2005L02660]\*.

## Veterans' Entitlements Act—

## Instruments 2005 Nos—

R21—Veterans' Entitlements (Continuous Full-time Service – Operation Falconer) Determination [F2005L02668]\*.

R22—Veterans' Entitlements (Continuous Full-time Service – Operation Anode) Determination [F2005L02682]\*.

## Repatriation Medical Authority Instruments Nos—

28 of 2005 [F2005L02743]\*.

29 of 2005 [F2005L02758]\*.

30 of 2005 [F2005L02759]\*.

Veterans' Entitlements (Asset-test Exempt Income Stream (Market-linked) – Payment Factors) Principles 2005 [F2005L02875]\*.

Veterans' Entitlements Income (Exempt Lump Sum – Australian Capital Territory Government's Community Inclusion and Household Debt Pilot Project) Determination No. R19 of 2005 [F2005L02701]\*.

Veterans' Entitlements (Partially Asset-test Exempt Income Stream – Exemption) Principles 2005 [F2005L02876]\*.

*Governor-General's Proclamations—Commencement of Provisions of Acts*

*Human Services Legislation Amendment Act 2005*—Schedule 1; and items 1 and 2 of Schedule 2—1 October 2005 [F2005L02671]\*.

*Maritime Transport Security Amendment Act 2005*—Items 3 to 14 of Schedule 1—30 September 2005 [F2005L02681]\*.

*National Health Amendment (Prostheses) Act 2005*—Schedule 1—31 October 2005 [F2005L02548]\*.

\* Explanatory statement tabled with legislative instrument.

### 33 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 Agency for International Development (AusAID).  
Department of Education, Science and Training.

### 34 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Murray) 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 Legislation and References Committees—**

Appointed—Participating member: Senator Joyce

#### **Economics Legislation and References Committees—**

Appointed—Participating member: Senator Joyce

#### **Employment, Workplace Relations and Education Legislation and References Committees—**

Appointed—Participating members: Senators Joyce and Sterle

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

Discharged—Senator Bob Brown

Appointed—

Senator Siewert

Participating member: Senator Bob Brown

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

Appointed—Participating member: Senator Joyce

#### **Finance and Public Administration Legislation and References Committees—**

Appointed—Participating member: Senator Joyce

#### **Foreign Affairs, Defence and Trade Legislation and References Committees—**

Appointed—Participating member: Senator Adams

#### **Legal and Constitutional Legislation Committee—**

Appointed—Participating member: Senator Joyce.

Question put and passed.

**35 DEFENCE LEGISLATION AMENDMENT BILL (NO. 1) 2005**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 225, dated 15 September 2005—Defence Legislation Amendment Bill (No. 1) 2005.

**36 ADMINISTRATOR'S AND GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS**

A message from His Excellency the Administrator of the Commonwealth of Australia was reported, informing the Senate that he had assented to the following law:

15 September 2005—Message No. 35—*Customs Tariff Amendment Act (No. 2) 2005* (Act No. 114, 2005).

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

23 September 2005—Message—

No. 36—

*Appropriation (Regional Telecommunications Services) Act 2005-2006* (Act No. 115, 2005)

*Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Act 2005* (Act No. 116, 2005)

*Telecommunications Legislation Amendment (Future Proofing and Other Measures) Act 2005* (Act No. 117, 2005).

No. 37—

*Telstra (Transition to Full Private Ownership) Act 2005* (Act No. 118, 2005)

*Telecommunications Legislation Amendment (Competition and Consumer Issues) Act 2005* (Act No. 119, 2005).

4 October 2005—Message No. 38—*Protection of the Sea (Shipping Levy) Amendment Act 2005* (Act No. 120, 2005).

**37 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 Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

*At 6.50 pm:* Debate was interrupted while Senator George Campbell was speaking.

**38 GOVERNMENT DOCUMENTS—CONSIDERATION**

The following government document tabled earlier today (*see entries nos 2 and 29*) was considered:

Higher education—Report for 2004-05. Motion to take note of document moved by Senator Stephens. Debate was adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Orders of the day nos 2 to 9 relating to government documents were called on but no motion was moved.

**39 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.40 pm till Thursday, 6 October 2005 at 9.30 am.

**40 ATTENDANCE**

Present, all senators except Senators Kemp\*, Payne\* and Ray\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate