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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 PETITIONS**

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

Senator Allison, from 248 petitioners, requesting that the Senate take action to ensure that funding is available for Indigenous Australians who suffer with incontinence.

Senator Bartlett, from 1 976 petitioners, requesting that the Senate take action to ensure that an inquiry into all aspects of live animal exports from Australia, with particular reference to animal welfare, will be established.

**3 NOTICES**

*Notices of motion:*

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

- (a) the decision of the United States of America (US) to commence military commission proceedings against Mr David Hicks;
- (b) that Mr Hicks will be the first Guantanamo Bay detainee to be tried by these military commissions;
- (c) the comments by the United Kingdom's Attorney General, the Right Honourable Lord Goldsmith, that 'the United Kingdom has been unable to accept that the US military tribunals ... offer sufficient guarantees of a fair trial in accordance with international standards';
- (d) the Government's refusal to advocate for Mr Hicks to appear before a properly constituted court; and
- (e) the decision of Mr Hicks to apply for British citizenship. (*general business notice of motion no. 276*)

Senator Bob Brown: To move on 11 October 2005—That the Senate considers that any changes to the tax deductibility status for non-government organisations should be applied consistently across the board, specifically so that organisations representing the business community are treated in the same manner as community-based organisations. (*general business notice of motion no. 277*)

*Notice of motion withdrawn:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 5 October 2005, withdrew business of the Senate notice of motion no. 1 standing in his name for 8 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*.

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That government business order of the day no. 5 (Acts Interpretation Amendment (Legislative Instruments) 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 notice of motion no. 272 standing in the name of Senator Carr relating to the Australian electoral system; and
- (b) consideration of government documents.

Question put and passed.

#### 5 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 271 standing in the name of Senator Siewert for today, relating to the Murray River, postponed till 11 October 2005.

#### 6 TRANSPORT—ETHANOL IN PETROL

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. 238—That the Senate—

- (a) notes that:
  - (i) the Coalition Government, in 2001, enacted a mandatory maximum limit on inclusion of ethanol in all grades of petrol of 10 per cent, and
  - (ii) as a result of this mandatory limit, Australia is unable to cater for flexible fuel vehicles now on the market which are designed to run on up to 85 per cent ethanol; and
- (b) calls on the Government to remove the existing mandate limiting the amount of ethanol in petrol to 10 per cent.

Question put.

The Senate divided—

#### AYES, 8

Senators—

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

#### NOES, 50

Senators—

Adams	Evans	Kirk	Polley
Barnett	Ferguson	Lightfoot	Santoro
Bishop	Ferris	Ludwig	Scullion
Boswell	Fielding	Lundy	Stephens
Brandis	Fierravanti-Wells	Macdonald, Sandy	Sterle
Brown, Carol	Fifield	Marshall	Troeth
Calvert	Forshaw	Mason	Trood
Campbell, G (Teller)	Hill	McEwen	Watson
Carr	Hogg	McGauran	Webber
Chapman	Humphries	McLucas	Wong
Colbeck	Hurley	Moore	Wortley
Eggleston	Hutchins	Nash	
Ellison	Johnston	Parry	

Question negatived.

## 7 ENVIRONMENT—CLIMATE CHANGE

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 266—That the Senate—

- (a) notes the release on 22 September 2005 of the report, entitled *Climate change health impacts in Australia: Effects of dramatic CO<sub>2</sub> emission reductions*, by the Australian Conservation Foundation (ACF) and the Australian Medical Association (AMA);
- (b) expresses its concern about the findings of the report that if emissions continue unabated:
  - (i) by 2100, 8 000 to 15 000 Australians could die each year from heat-related illnesses,
  - (ii) the dengue transmission zone could reach as far south as Sydney, and
  - (iii) climate change is likely to exacerbate poverty and may lead to large scale population displacement throughout the Asia Pacific region; and
- (c) calls on the Government to implement the actions recommended by the ACF and the AMA to:
  - (i) reduce Australia's greenhouse emissions by between 60 and 90 per cent by 2050 to avoid dangerous levels of climate change,
  - (ii) ensure an additional 10 per cent of Australia's electricity comes from renewable energy sources by 2010, with further measures to ensure this figure grows,
  - (iii) take a leadership role internationally to ensure a global approach that aims at preventing global temperatures increasing more than 2°C above pre-industrial levels, and
  - (iv) make building resilience to climate change in developing countries an Australian aid priority.

Question put.

The Senate divided—

## AYES, 8

Senators—

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

## NOES, 52

Senators—

Adams	Ellison	Johnston	Nash
Barnett	Evans	Joyce	Parry
Bishop	Ferguson	Kirk	Polley
Boswell	Ferris (Teller)	Lightfoot	Santoro
Brandis	Fielding	Ludwig	Scullion
Brown, Carol	Fierravanti-Wells	Lundy	Stephens
Calvert	Fifield	Macdonald, Sandy	Sterle
Campbell, George	Forshaw	Marshall	Troeth
Carr	Hill	Mason	Trood
Chapman	Hogg	McEwen	Watson
Colbeck	Humphries	McGauran	Webber
Crossin	Hurley	McLucas	Wong
Eggleston	Hutchins	Moore	Wortley

Question negatived.

## 8 HEALTH—DEPLETED URANIUM MUNITIONS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 273—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.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 50

Senators—

Adams	Ellison	Hutchins	Nash
Barnett	Evans	Johnston	Parry
Bishop	Faulkner	Joyce	Polley
Boswell	Ferguson	Kirk	Santoro
Brandis	Ferris	Lightfoot	Scullion
Brown, Carol	Fielding	Ludwig	Sterle
Calvert	Fierravanti-Wells	Lundy	Troeth
Campbell, G (Teller)	Fifield	Macdonald, Sandy	Trood
Carr	Forshaw	Marshall	Watson
Chapman	Hill	Mason	Webber
Colbeck	Hogg	McEwen	Wortley
Crossin	Humphries	McLucas	
Eggleston	Hurley	Moore	

Question negatived.

## 9 SCIENCE AND TECHNOLOGY—NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

Senator Eggleston, also on behalf of Senator Webber and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 274—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.

Question put and passed.

**10 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Legal and Constitutional References Committee (Senator Crossin), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 275—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.

Question put and passed.

**11 IMMIGRATION—VIVIAN ALVAREZ AND CORNELIA RAU—DOCUMENTS**

The Minister for Finance and Administration (Senator Minchin) tabled the following documents:

Immigration—Vivian Alvarez and Cornelia Rau—

*Ombudsman Act 1976*—Inquiry into the circumstances of the Vivian Alvarez matter—Report by the Commonwealth Ombudsman of an inquiry undertaken by Mr Neil Comrie, AO, APM (Report no. 3 of 2005).

Reports to the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) from the Secretary, Department of Immigration and Multicultural and Indigenous Affairs—

Implementation of the recommendations of the Palmer report of the inquiry into the circumstances of the immigration detention of Cornelia Rau, dated September 2005.

Response to the recommendations of the report of the Commonwealth Ombudsman of the inquiry into the circumstances of the Vivian Alvarez matter, dated October 2005.

Senator Bartlett, by leave, moved—That the Senate take note of the documents.

Debate ensued.

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

**12 AUSTRALIAN MEAT AND LIVE-STOCK INDUSTRY (EXPORT OF LIVE-STOCK TO SAUDI ARABIA) ORDER 2005—PROPOSED DISALLOWANCE**

Senator Bartlett, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2005 [F2005L01580], made under section 17 of the *Australian Meat and Live-stock Industry Act 1997*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison  
Bartlett (Teller)

Brown, Bob  
Milne

Murray  
Siewert

Stott Despoja

## NOES, 42

## Senators—

Adams	Eggleston (Teller)	Kirk	Santoro
Barnett	Faulkner	Lightfoot	Scullion
Bishop	Ferris	Ludwig	Stephens
Boswell	Fielding	Lundy	Sterle
Brown, Carol	Fierravanti-Wells	Marshall	Troeth
Campbell, Ian	Forshaw	McEwen	Watson
Carr	Hogg	McLucas	Webber
Chapman	Hurley	Moore	Wong
Colbeck	Hutchins	Nash	Wortley
Conroy	Johnston	O'Brien	
Crossin	Joyce	Polley	

Question negatived.

### 13 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—PROPOSED REFERENCE

The Leader of the Family First Party (Senator Fielding), pursuant to notice, moved business of the Senate notice of motion no. 2—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.

Debate ensued.

Senator Siewert moved the following amendment:

Omit paragraph (b), substitute:

- (b) the impact on employees and their families of low wages and the need to work long hours of overtime.

Debate ensued.

Senator Siewert, by leave, amended the amendment to read as follows:

At the end of the motion, add:

- ; and (f) the impact on employees and their families of low wages and the need to work long hours of overtime.

Debate continued.



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

Main question, as amended, put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 32

Senators—

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

The ayes and noes were equal and so the question was negatived.

**14 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Bob Brown, pursuant to notice, moved business of the Senate notice of motion no. 3—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.

Debate ensued.

Question put.

The Senate divided—

AYES, 8

Senators—

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

## NOES, 55

## Senators—

Abetz	Eggleston	Joyce	O'Brien
Adams	Ellison	Kirk	Parry
Barnett	Evans	Lightfoot	Patterson
Bishop	Faulkner	Ludwig	Polley
Brown, Carol	Ferguson	Lundy	Santoro
Calvert	Fielding	Macdonald, Ian	Scullion
Campbell, George	Fierravanti-Wells	Marshall	Stephens
Campbell, Ian	Fifield	Mason	Sterle
Carr	Hill	McEwen	Vanstone
Chapman	Hogg	McGauran (Teller)	Watson
Colbeck	Humphries	McLucas	Webber
Conroy	Hurley	Minchin	Wong
Coonan	Hutchins	Moore	Wortley
Crossin	Johnston	Nash	

Question negatived.

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*After 2 pm—*

## 15 QUESTIONS

Questions without notice were answered.

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*Document:* Senator Carr, by leave, tabled the following document:

Regional Australia—Regional Partnerships program—Copy of email from Mr Graeme Hallett to Councillor Greg Best, 'Re: NSW election funding issues', dated 12 November 2004.

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Further questions without notice were answered.

## 16 REGIONAL AUSTRALIA—REGIONAL PARTNERSHIPS PROGRAM—ANSWERS TO QUESTIONS

Senator O'Brien moved—That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Ian Campbell) to questions without notice asked by Senators O'Brien and Carr today relating to the Regional Partnerships program.

Debate ensued.

Question put and passed.

## 17 ENVIRONMENT—CLIMATE CHANGE—ANSWER TO QUESTION

Senator Milne moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Milne today relating to climate change.

Question put and passed.

**18 ROUTINE OF BUSINESS—VARIATION**

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald), by leave, moved—  
That the routine of business for the remainder of the day shall be as follows:

- (a) government business order of the day no. 5 (Acts Interpretation Amendment (Legislative Instruments) Bill 2005);
- (b) business of the Senate orders of the day no. 1 (presentation of the report of the Finance and Public Administration References Committee on the Regional Partnerships program) and no. 2 (consideration of the Procedure Committee's first report of 2005);
- (c) consideration of a proposal pursuant to standing order 75;
- (d) tabling of documents;
- (e) committee memberships;
- (f) general business notice of motion no. 272;
- (g) not later than 6 pm, consideration of government documents under general business; and
- (h) not later than 7 pm, consideration of committee reports, government responses and Auditor-General's reports.

Question put and passed.

**19 ACTS INTERPRETATION AMENDMENT (LEGISLATIVE INSTRUMENTS) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Family and Community Services (Senator Patterson)—That this bill be now read a second time.

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 Parliamentary Secretary (Trade) (Senator Sandy Macdonald) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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On the motion of Senator Sandy Macdonald the following amendment was agreed to:  
Schedule 1, page 4 (after line 20), at the end of the Schedule, add:

**6 Subsection 46B(11)**

Omit "39 and 40", insert "39, 40 and 44".

**7 Before paragraph 46B(11)(a)**

Insert:

- (aa) the reference in section 37 of the *Legislative Instruments Act 2003* to registered were omitted, and the note to that section were repealed; and

**8 After paragraph 46B(11)(c)**

Insert:

- (ca) references to registered were references to made; and  
 (cb) references to subsection 38(1) of the *Legislative Instruments Act 2003* were references to subsection (9) of this section; and  
 (cc) references to subsection 38(3) of the *Legislative Instruments Act 2003* were references to subsection (10) of this section; and

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

**20 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—REGIONAL PARTNERSHIPS AND SUSTAINABLE REGIONS PROGRAMS**

Pursuant to order, the Chair of the Finance and Public Administration References Committee (Senator Forshaw) tabled the following report and documents:

Finance and Public Administration References Committee—Regional Partnerships and Sustainable Regions programs—Report, dated October 2005, Hansard record of proceedings, documents presented to the committee, answers to questions on notice, additional information and submissions [60].

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

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

Debate ensued.

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

**21 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2005—CONSIDERATION**

Order of the day read for the consideration of the Procedure Committee's first report of 2005.

The Parliamentary Secretary (Trade) (Senator Sandy Macdonald) moved—That the recommendations of the Procedure Committee in its first report of 2005 be adopted, as follows:

- (1) That the Senate authorises the storage outside Parliament House by the National Archives of Australia of documents laid before the Senate, provided that the storage of those documents is under the control of the Department of the Senate and microfilm copies of them are available within Parliament House.

- (2) That the following resolution operate as a sessional order:
- (1) The Senate confirms that any disclosure of evidence or documents submitted to a committee, of documents prepared by a committee, or of deliberations of a committee, without the approval of the committee or of the Senate, may be treated by the Senate as a contempt.
  - (2) The Senate reaffirms its resolution of 20 June 1996, relating to procedures to be followed by committees in cases of unauthorised disclosure of committee proceedings.
  - (3) The Senate provides the following guidelines to be observed by committees in applying that resolution, and declares that the Senate will observe the guidelines in determining whether to refer a matter to the Committee of Privileges:
    1. Unless there are particular circumstances involving actual or potential substantial interference with the work of a committee or of the Senate, the following kinds of unauthorised disclosure should not be raised as matters of privilege:
      - (a) disclosure of a committee report in the time between the substantial conclusion of the committee's deliberations on the report and its presentation to the Senate;
      - (b) disclosure of other documents prepared by a committee and not published by the committee, where the committee would have published them, or could appropriately have published them, in any event, or where they contain only research or publicly-available material, or where their disclosure is otherwise inconsequential;
      - (c) disclosure of documents and evidence submitted to a committee and not published by the committee, where the committee would have published them, or could appropriately have published them, in any event;
      - (d) disclosure of private deliberations of a committee where the freedom of the committee to deliberate is unlikely to be significantly affected.
    2. The following kinds of unauthorised disclosure are those for which the contempt jurisdiction of the Senate should primarily be reserved, and which should therefore be raised as matters of privilege:
      - (a) disclosure of documents or evidence submitted to a committee where the committee has deliberately decided to treat the documents or evidence as in camera material, for the protection of witnesses or others, or because disclosure would otherwise be harmful to the public interest;
      - (b) disclosure of documents prepared by a committee where that involves disclosure of material of the kind specified in paragraph (a);
      - (c) disclosure of private deliberations of a committee where that involves disclosure of that kind of material, or significantly impedes the committee's freedom to deliberate.
    3. An unauthorised disclosure not falling into the categories in guidelines 1 and 2 should not be raised as a matter of privilege unless it involves actual or potential substantial interference with the work of a committee or of the Senate.

4. When considering any unauthorised disclosure of material in the possession of a committee, the committee should consider whether there was any substantive reason for not publishing that material.
- (4) Before deciding to raise a matter of privilege involving possible unauthorised disclosure of committee proceedings, any committee may seek the guidance of the Committee of Privileges as to whether a matter should be pursued. If the committee decides that such a matter should be raised, it must consult with the Committee of Privileges before taking the matter further.
- (5) When applying this resolution a committee shall have regard to the matters set out in paragraphs 3.43 to 3.59 of the 122nd Report of the Committee of Privileges, June 2005.

Question put and passed.

## 22 URGENCY MOTION—AUSTRALIAN ELECTORAL SYSTEM

The Acting Deputy President (Senator Chapman) informed the Senate that, at 8.30 am today, the Leader of the Australian Democrats (Senator Allison) and Senator Carr each submitted letters in accordance with standing order 75 proposing motions to debate a matter of urgency. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the Acting Deputy President (Senator Chapman) informed the Senate that Senator Carr had proposed that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Senate to support the maintenance of compulsory voting for elections to the Senate and the House of Representatives.

The proposal was supported by 4 senators.

Senator Carr moved the motion.

Debate ensued.

Question put and passed.

## 23 DOCUMENTS

The following documents were tabled by the Clerk:

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

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/BEECH 1900/47—Elevators [F2005L02957]\*.

Customs Act—

CEO Instruments of Approval Nos—

- 75 of 2005 [F2005L02996]\*.
- 76 of 2005 [F2005L02997]\*.
- 77 of 2005 [F2005L02998]\*.
- 78 of 2005 [F2005L02999]\*.
- 79 of 2005 [F2005L03000]\*.
- 80 of 2005 [F2005L03001]\*.
- 81 of 2005 [F2005L03002]\*.
- 82 of 2005 [F2005L03003]\*.
- 83 of 2005 [F2005L03004]\*.

84 of 2005 [F2005L03005]\*.  
 86 of 2005 [F2005L02993]\*.  
 87 of 2005 [F2005L02992]\*.  
 88 of 2005 [F2005L02977]\*.  
 89 of 2005 [F2005L02991]\*.  
 90 of 2005 [F2005L02990]\*.  
 91 of 2005 [F2005L02989]\*.  
 92 of 2005 [F2005L02988]\*.  
 93 of 2005 [F2005L02987]\*.  
 94 of 2005 [F2005L02986]\*.  
 95 of 2005 [F2005L02985]\*.  
 96 of 2005 [F2005L02983]\*.  
 97 of 2005 [F2005L02982]\*.  
 99 of 2005 [F2005L02980]\*.  
 100 of 2005 [F2005L02979]\*.  
 101 of 2005 [F2005L02978]\*.  
 102 of 2005 [F2005L03007]\*.  
 103 of 2005 [F2005L03008]\*.

Tariff Concession Orders—

0505906 [F2005L02932]\*.  
 0505964 [F2005L02933]\*.  
 0505967 [F2005L02934]\*.  
 0505968 [F2005L02936]\*.  
 0505971 [F2005L02931]\*.  
 0507514 [F2005L02937]\*.  
 0508309 [F2005L02938]\*.  
 0509094 [F2005L02939]\*.  
 0509095 [F2005L02940]\*.  
 0509136 [F2005L02922]\*.  
 0509428 [F2005L02923]\*.  
 0509429 [F2005L02924]\*.  
 0509431 [F2005L02925]\*.  
 0509436 [F2005L02926]\*.  
 0509437 [F2005L02927]\*.  
 0509440 [F2005L02928]\*.  
 0509607 [F2005L02929]\*.  
 0509683 [F2005L02930]\*.

Defence Act—Determinations under section 58B—Defence Determinations—

2005/37—Compassionate and carer's leave.

2005/38—Overseas conditions of service – post indexes.

Medicare Australia Act—Medicare Australia (Functions of Chief Executive Officer) Direction 2005 [F2005L02968]\*.

Telecommunications Act 1997—

Telecommunications (Minor Variation to Numbering Plan) Declaration 2005 [F2005L02943]\*.

Telecommunications Numbering Plan Variation 2005 (No. 3) [F2005L02942]\*.

\* Explanatory statement tabled with legislative instrument.

**24 COMMITTEES—CHANGES IN MEMBERSHIP**

The Acting Deputy President (Senator Hutchins) 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:

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

Appointed—Participating member: Senator Conroy

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

Appointed—Senator Bishop

**Legal and Constitutional References Committee—**

Discharged—Substitute member: Senator Parry

**Rural and Regional Affairs and Transport Legislation and References Committees—**

Appointed—Participating member: Senator Joyce.

Question put and passed.

*General business was called on.*

**25 AUSTRALIAN ELECTORAL SYSTEM**

Senator Lundy, at the request of Senator Carr and pursuant to notice, moved general business notice of motion no. 272—That the Senate opposes attempts by the Government to restrict the franchise and reduce the transparency of the Australian electoral system.

Debate ensued.

*At 6 pm:* Debate was interrupted while the Special Minister of State (Senator Abetz) was speaking.

**26 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

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

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 agreed to.

Higher education—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

*General business concluded.*

**27 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:

Privileges—Standing Committee—123rd report—Possible failure by a senator to comply with the Senate's resolution relating to registration of interests. Motion of the chair of the committee (Senator Faulkner)—That the Senate endorse the finding at paragraph 1.25 of the 123rd report of the Committee of Privileges—agreed to.



National Capital and External Territories—Joint Standing Committee—Report—Difficult choices: Inquiry into the role of the National Capital Authority in determining the extent of redevelopment of the Pierces Creek Settlement in the ACT—Government response. Motion of Senator Lundy to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Interim report—The removal, search for and discovery of Ms Vivian Solon. Motion of the chair of the committee (Senator Hutchins) to take note of report debated. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

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

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 debated. 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.

## 28 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 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 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 agreed to.

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 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 of Senator Moore to take note of document agreed to.

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 agreed to.

Auditor-General—Audit report no. 9 of 2005-06—Performance audit—Provision of export assistance to rural and regional Australia through the TradeStart Program: Australian Trade Commission (Austrade). Motion to take note of document moved by Senator Stephens and agreed to.

Auditor-General—Audit report no. 10 of 2005-06—Performance audit—Upgrade of the Orion maritime patrol aircraft fleet: Department of Defence; Defence Materiel Organisation. Motion to take note of document moved by Senator Bishop and agreed to.

#### 29 ADJOURNMENT

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

Debate ensued.

*Time expired:* The debate reached the limit of 40 minutes.

The Senate adjourned at 7.43 pm till Monday, 10 October 2005 at 12.30 pm.

#### 30 ATTENDANCE

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

**HARRY EVANS**  
Clerk of the Senate