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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 10 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australia Council—Report for 2004-05.

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the period 1 January to 30 June 2005.

Australian Federal Police—Report for 2004-05.

Australian Postal Corporation (Australia Post)—Report for 2004-05.

Australian Statistics Advisory Council—Report for 2004-05—Corrigendum.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Crime Commission—Reports for—

2003-04.

2004-05.

Department of Industry, Tourism and Resources—Report for 2004-05.

Film Australia Limited—Report for 2004-05.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited and IIF Neo Pty Limited—Reports for 2003-04—Corrigendum.

National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2004-05 on the operation of the *Industrial Chemicals (Notification and Assessment) Act 1989*.

National Library of Australia—Report for 2004-05.

National Museum of Australia—Report for 2004-05.

National Occupational Health and Safety Commission—Report for 2004-05.

Special Broadcasting Service Corporation (SBS)—Report for 2004-05.

Stevedoring Industry Finance Committee—Report for 2004-05.

3 DEFENCE LEGISLATION AMENDMENT BILL (NO. 2) 2005**ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005**

The Minister for Family and Community Services (Senator Patterson), at the request of the Minister for Defence (Senator Hill) and the Minister for the Environment and Heritage (Senator Ian Campbell) and pursuant to notice, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

A Bill for an Act to amend legislation relating to defence, and for related purposes.

A Bill for an Act to amend legislation relating to Aboriginal and Torres Strait Islander heritage protection, and for related purposes.

Question put and passed.

Senator Patterson presented the bills and moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Patterson moved—That these bills be now read a second time.

Explanatory memoranda: Senator Patterson tabled explanatory memoranda [2] relating to the bills.

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

4 **LAW AND JUSTICE LEGISLATION AMENDMENT (SERIOUS DRUG OFFENCES AND OTHER MEASURES) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled a correction to the explanatory memorandum relating to the bill.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Ludwig moved the following amendment:

Page 3 (after line 5), after clause 3, insert:

4 Review of operation of policies and procedures relating to police services and police support services provided to overseas jurisdictions

- (1) Not later than 31 October 2006, the Minister must cause to be conducted a review of the operation of policies and procedures relating to the provision of police services and police support services to overseas jurisdictions, for the purposes of:
 - (a) making recommendations about whether the policies and procedures are effective; and

- (b) ensuring appropriate ministerial supervision of police services and police support services provided to overseas jurisdictions by Australian law enforcement, intelligence, security or government regulatory agencies, where that assistance may expose Australians overseas to cruel, harsh or inhumane treatment or punishment, including the death penalty.
- (2) A review in accordance with subsection (1) must be conducted by the Attorney-General in conjunction with the Australian Federal Police and any other relevant Australian law enforcement, intelligence, security or government regulatory agency.
- (3) A review conducted in accordance with subsection (1) must call for submissions from the public and may conduct public hearings.
- (4) A review conducted in accordance with subsection (1) must be completed and a written report provided to the Minister not later than 1 December 2006.
- (5) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days after receiving it.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

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

NOES, 33

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

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

5 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) moved—That the Defence Legislation Amendment Bill (No. 2) 2005 and the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

6 MIGRATION LITIGATION REFORM BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

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

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION—STATEMENT BY LEAVE

The Minister for Defence (Senator Hill), by leave, gave an explanation of answers not being provided to questions on notice nos 167, 554, 557, 1065, 1088, 1095, 1096 and 1097 (*see entry no. 10, 11 October 2005*).

10 STANDING ORDER 205—STATEMENT BY LEAVE

Leave refused: Senator Conroy sought leave to make a statement relating to standing order 205.

An objection was raised and leave was not granted.

Point of order: Senator Conroy raised a point of order concerning standing order 205.

The President required that Senator Conroy refer the matter to him in writing and stated that he would investigate it and report to the Senate.

11 INDUSTRIAL RELATIONS—PROPOSED CHANGES—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to proposed changes to industrial relations.

Debate ensued.

Question put and passed.

12 WOMEN—HEALTH

Senator Moore, also on behalf of the Leader of the Australian Democrats (Senator Allison), by leave, moved—That the Senate—

- (a) recognises:
 - (i) that the report of the United Nations Population Fund (UNFPA), *State of world population 2005—The promise of equality: Gender equality, reproductive health and the Millennium Development Goals*, will be released on 12 October 2005, and that the theme of the report is that gender equality reduces poverty, saves and improves lives,
 - (ii) that a major platform for achieving sustainable development is gender equality and the empowerment of women, and
 - (iii) that gender inequalities in all countries limit the economic and social participation of women in the building of healthy and dynamic nations;
- (b) encourages the UNFPA to continue to work towards achieving gender equality;
- (c) urges the Government to continue to support the Millennium Development Goals because they have led to significant improvements in women's health, safety and economic participation and increased their share in the benefits of strengthened economic growth; and
- (d) recognises that these improvements have been achieved through culturally and religiously appropriate activities and has resulted in a reduction in the incidence of fistula, maternal and child mortality.

Question put and passed.

13 NOTICES

Notices of motion:

The Chair of the Community Affairs Legislation Committee (Senator Humphries): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 October 2005, from 4 pm, to take evidence for the committee's inquiries into the provisions of the Therapeutic Goods Amendment Bill 2005, the provisions of the Health Legislation Amendment Bill 2005 and the provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005. (*general business notice of motion no. 290*)

The Chair of the Community Affairs Legislation Committee (Senator Humphries): To move on the next day of sitting—That the time for the presentation of the following reports of the Community Affairs Legislation Committee be extended to 7 November 2005:

- (a) provisions of the Therapeutic Goods Amendment Bill 2005;
- (b) provisions of the Health Legislation Amendment Bill 2005; and
- (c) provisions of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005. (*general business notice of motion no. 291*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) there are 45 million blind people and a further 135 million people with serious visual impairment in the world today,

- (ii) if urgent action is not taken these numbers will double over the next 20 years,
 - (iii) cost-effective interventions are available for all major blinding conditions,
 - (iv) the resources available are insufficient to tackle the problem, particularly in developing countries where nine out of 10 of the world's blind live, and
 - (v) there is a lack of trained eye personnel, medicines, ophthalmic equipment, eye care facilities and patient referral systems; and
- (b) urges the Government to assist the Vision 2020 international partnership of organisations and individuals in its aim to prevent an additional 100 million people from being blind by 2020. (*general business notice of motion no. 292*)

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

- (a) notes:
- (i) that on 24 October 2005 Daw Aung San Suu Kyi will have spent a total of 10 years in detention,
 - (ii) the Joint Action Committee for a Democratic Burma will conduct a candlelight vigil to pray for the release of Daw Aung San Suu Kyi and all remaining political prisoners, and
 - (iii) the continued suffering of the Burmese people at the hands of the Burmese military regime; and
- (b) urges the Government to increase pressure on the regime. (*general business notice of motion no. 293*)

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

- (a) notes that the second week in October is National Weedbuster Week; and
- (b) calls on the Government to:
- (i) list the infestation of introduced gamba grass (*Andropogon gayanus*) across the top end of the Northern Territory as a key threatening process under the *Environment Protection and Biodiversity Conservation Act 1999*,
 - (ii) list the infestation of introduced buffel grass (*Cenchrus ciliaris*) in central Australia as a key threatening process under the Act, and
 - (iii) include gamba grass and buffel grass on the list of Weeds of National Significance due to their severe adverse impacts on ecosystems. (*general business notice of motion no. 294*)

Senator Bob Brown: To move on the next day of sitting—That the Senate offers its great sympathy and condolences to the people of Pakistan following the catastrophic earthquake. (*general business notice of motion no. 295*)

Senator Bob Brown: To move on the next day of sitting—That the Senate offers its great sympathy and condolences to the people of India following the catastrophic earthquake. (*general business notice of motion no. 296*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall): To move on the next day of sitting—That, because of the Government's failure to provide a short and reasonable extension of time of only 7 sitting days to the Employment, Workplace Relations and Education References Committee to complete its current inquiry on industrial agreements, the following matter be referred to the Employment, Workplace Relations and Education References Committee for further inquiry and report by 1 December 2005:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed Federal Government changes, meet the social and economic needs of all Australians, with particular reference to:

- (a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
- (b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
- (c) the parties' ability to genuinely bargain, focussing on groups such as women, youth and casual employees;
- (d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
- (e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
- (f) Australia's international obligations.

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

- (a) notes that 24 October is United Nations Day, which marks the 60th birthday of the United Nations (UN);
- (b) commends the principles and ideals of the UN, including continued support for the principles of multilateralism;
- (c) recognises that the UN is only as good as its member nations' efforts and commitment; and
- (d) calls on the Government to work with other UN members to:
 - (i) further international cooperation to reduce hunger and poverty as agreed by world leaders in the 2000 UN Millennium Declaration and the 2005 World Summit,
 - (ii) act on all Millennium Development Goals,
 - (iii) strengthen efforts to quickly and efficiently define terrorism,
 - (iv) make renewed efforts towards preventing nuclear proliferation,
 - (v) secure further agreements on preventing climate change,
 - (vi) incorporate a definition of environmental refugee into the 1951 Convention relating to the Status of Refugees, and
 - (vii) reform the UN Security Council. (*general business notice of motion no. 297*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 11 October 2005, withdrew notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for today for the disallowance of the Income Tax Assessment Amendment Regulations 2005 (No. 2), as contained in Select Legislative Instrument 2005 No. 75 and made under the *Income Tax Assessment Act 1997*.

Business of the Senate notices of motion nos 1 to 4 for 4 sitting days after today for the disallowance of the following instruments:

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

Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [FACS], dated 26 April 2005, made under subsection 1207P(4) of the *Social Security Act 1991*.

Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [DEWR], dated 29 April 2005, made under subsection 1207P(4) of the *Social Security Act 1991*.

Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) Declaration 2005 [DEST], dated 17 May 2005, made under subsection 1207P(4) of the *Social Security Act 1991*.

Business of the Senate notice of motion no. 5 for 7 sitting days after today for the disallowance of the Student Assistance Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 123 and made under the *Student Assistance Act 1973*.

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 12 OF 2005

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

SELECTION OF BILLS COMMITTEE REPORT NO. 12 OF 2005

1. The committee met in private session on Tuesday, 11 October 2005 at 4.21 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Higher Education Legislation Amendment (2005 Measures No. 4) Bill 2005 and the Education Services for Overseas Students Amendment Bill 2005 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 7 November 2005; and
 - (b) the *provisions* of the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 8 November 2005.

Alan Eggleston
Acting Chair
12 October 2005.

Senator Eggleston moved—That the report be adopted.

Question put and passed.

15 IMMIGRATION—XUE-JUN WANG

Senator Bob Brown, by leave, amended general business notice of motion no. 283 to read as follows:

That the Senate—

- (a) notes:
 - (i) the recent deportation of long-standing performer with the Sydney Dance Company and Australian citizen Xue-Jun Wang from China, where he was due to perform in the week beginning 16 October 2005, and
 - (ii) that China is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and that Article 18 of the covenant protects the right to religious freedom and freedom of expression;

- (b) calls on the Chinese Government to ratify the ICCPR and to uphold human rights, including freedom of speech; and
- (c) calls on the Australian Government to make representations to the Chinese Government on behalf of Xue-Jun Wang so that he can visit China in the future.

Postponement: Senator Bob Brown, by leave, moved—That general business notice of motion no. 283 be postponed till the next day of sitting.

Question put and passed.

16 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notices of motion nos 2, 3 and 4 standing in the name of the Leader of the Opposition in the Senate (Senator Evans) for today, proposing the disallowance of certain social security declarations, postponed till 8 November 2005.

General business notice of motion no. 286 standing in the name of the Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall) for today, relating to an extension of time for the committee to report, postponed till 13 October 2005.

17 FAMILY AND COMMUNITY SERVICES—CHILD CARE

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Siewert, and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 289—That the Senate—

- (a) notes that:
 - (i) child care waiting lists for infants under 2 years of age have grown alarmingly,
 - (ii) 1 935 families cannot access child care in the City of Port Phillip, Victoria, an increase of 20 per cent since 2004,
 - (iii) more than 13 000 children across Victoria and over 174 000 Australia-wide also need a child care place and cannot get one, and
 - (iv) these shortages translate to approximately 160 000 women who want to work but cannot because they are unable to access child care;
- (b) urges the Government to recognise through its child care funding that the marketplace is not meeting the needs of these families because of the higher cost of caring for children under 2 years of age; and
- (c) requests the Government to:
 - (i) further reduce the fee gap,
 - (ii) increase capital support for community-based centres so parents can choose the centre in their local area and to meet the unmet needs that create long waiting lists,
 - (iii) increase subsidies for 0-2 year olds and children with special needs,
 - (iv) support wage increases to child care workers, and

- (v) work with state and local governments to:
- (A) put in place planning mechanisms to ensure centres and services are equitably distributed,
 - (B) enforce national child care standards, and
 - (C) better integrate pre-school and child care.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 34

Senators—

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

Question negatived.

18 HEALTH—MENTAL ILLNESS

Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 287—That the Senate—

- (a) notes, during Mental Health Week 2005, that:
- (i) a recent report, commissioned by Carers Australia and undertaken by Access Economics, found that 9 per cent of those receiving informal care in the community are suffering from a psychological illness, and that this equates to approximately 350 000 people,
 - (ii) the cost of informal care provided to people with mental illness is estimated at \$2 745 000 000 per year, and
 - (iii) the Access Economics report states that carers of people with a psychological disability were among the most likely to need additional support in their caring activities; and
- (b) calls on the Government to:
- (i) acknowledge the significant cost savings made to the economy by those who provide informal care to people with a mental illness, and

- (ii) increase community understanding of the contribution made by carers of people with mental illness and the nature of the caring role.

Question put and negatived.

Statement by leave: Senator McLucas, by leave, made a statement relating to the motion.

19 SOCIAL ISSUES—POVERTY IN AUSTRALIA

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 281—That the Senate—

(a) notes that:

- (i) the Luxembourg Income Study database claims that Australia has the fourth worst level of poverty of 24 major developed economies,
- (ii) in the Organisation for Economic Co-operation and Development (OECD) report, *Income distribution and poverty in OECD countries in the second half of the 1990s*, released in 2005, Australia had the 11th highest level of poverty of 27 major developed economies,
- (iii) Professor Peter Saunders, of the Social Policy Research Centre at the University of New South Wales, estimates that federal government spending equal to 2.4 per cent of Australia's gross domestic product would eliminate poverty in Australia,
- (iv) there has been no official government inquiry into national poverty since the inquiry conducted by Professor Henderson in the 1970s,
- (v) the governments of France, New Zealand, Ireland and Britain currently have official government poverty reduction strategies but Australia has none,
- (vi) the Community Affairs References Committee report, *A hand up not a hand out: Renewing the fight against poverty—Report on poverty and financial hardship*, tabled on 11 March 2004, recommended 'that a comprehensive anti-poverty strategy be developed at the national level', and
- (vii) Anti-Poverty Week will be held from 16 October to 22 October 2005; and

(b) calls on the Government to:

- (i) increase the current payment level of Newstart and Austudy allowances to the level of aged pensions (which is just above the half-median income poverty line), and
- (ii) develop a national poverty strategy that includes better job opportunities for poor people and better government research into national poverty.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett

Brown, Bob
Milne

Murray
Nettle

Siewert (Teller)
Stott Despoja

NOES, 36

Senators—

| | | | |
|-------------------|-----------|-------------------|-----------|
| Adams | Heffernan | Lundy | Ronaldson |
| Barnett | Hogg | Marshall | Scullion |
| Bishop | Humphries | McEwen | Stephens |
| Brown, Carol | Hurley | McGauran (Teller) | Sterle |
| Campbell, George | Hutchins | McLucas | Trood |
| Colbeck | Johnston | Moore | Watson |
| Evans | Joyce | Nash | Webber |
| Faulkner | Kirk | Patterson | Wong |
| Fierravanti-Wells | Lightfoot | Polley | Wortley |

Question negatived.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—MENTAL ILLNESS

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

The need for the Howard Government to treat mental illness as a national health priority.

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

21 SCRUTINY OF BILLS—STANDING COMMITTEE—12TH REPORT OF 2005

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

Scrutiny of Bills—Standing Committee—12th report of 2005, dated 12 October 2005.

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

22 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—17TH REPORT OF 2005

Senator Heffernan, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—17th report of 2005—Proposed refurbishment of the Royal Australian Mint, Canberra, ACT, dated September 2005.

Senator Heffernan moved—That the Senate take note of the report.

Question put and passed.

23 DEPARTMENT OF THE SENATE—REPORT FOR 2004-05—DOCUMENT

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

Department of the Senate—Report for 2004-05.

Document ordered to be printed on the motion of Senator Heffernan.

24 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Postal Corporation Act, Bankruptcy Act, Financial Management and Accountability Act, National Health and Medical Research Council Act, Primary Industries (Customs) Charges Act, Primary Industries (Excise) Levies Act, Primary Industries Levies and Charges Collection Act, Retirement Savings Accounts Act, *Superannuation Act 1976*, Superannuation (Government Co-contribution for Low Income Earners) Act, Superannuation Industry (Supervision) Act and Weapons of Mass Destruction (Prevention of Proliferation) Act—Select Legislative Instrument 2005 No. 218—Financial Framework Legislation Amendment Regulations 2005 (No. 1) [F2005L02918]*.

Aviation Transport Security Act—Select Legislative Instruments 2005 Nos—

222—Aviation Transport Security Amendment Regulations 2005 (No. 2) [F2005L02901]*.

223—Aviation Transport Security Amendment Regulations 2005 (No. 3) [F2005L02969]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 407/05—Permission and direction – helicopter special operations [F2005L03069]*.

CASA 415/05—Direction – Carriage of cabin attendant in hot air balloon [F2005L02995]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 106—AD/ARRIEL/21—Free Turbine Containment Shield [F2005L03046]*.

Commonwealth Places (Mirror Taxes) Act—Select Legislative Instrument 2005 No. 227—Commonwealth Places (Mirror Taxes) Amendment Regulations 2005 (No. 1) [F2005L02730]*.

Crimes Act—Determination of an incident under Division 11A, dated 2 October 2005 [F2005L02994]*.

Corporations Act—ASIC Class Orders—

[CO 05/770] [F2005L03044]*.

[CO 05/850] [F2005L03059]*.

Customs Act—

CEO Instruments of Approval Nos—

105 of 2005 [F2005L03070]*.

106 of 2005 [F2005L03071]*.

107 of 2005 [F2005L03072]*.

108 of 2005 [F2005L03073]*.

Select Legislative Instrument 2005 No. 230—Customs Amendment Regulations 2005 (No. 6) [F2005L03042]*.

Tariff Concession Orders—

0508784 [F2005L03058]*.

0508786 [F2005L03060]*.

0509096 [F2005L03061]*.

0509430 [F2005L03062]*.

0509578 [F2005L03063]*.
 0509611 [F2005L03064]*.
 0509806 [F2005L03066]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of specimens taken to be suitable for live import, dated 21 September 2005 [F2005L03045]*.

Financial Management and Accountability Act—

Financial Management and Accountability Net Appropriation Agreement (Office of Film and Literature Classification) Variation [F2005L03025]*.

Net Appropriation Agreements for—

Department of Human Services [F2005L03030]*.

Office of Film and Literature Classification [F2005L03024]*.

National Health Act—Determinations—

HIB 14/2005 [F2005L03055]*.

PSO 9/2005 [F2005L03032]*.

Norfolk Island Act—Select Legislative Instrument 2005 No. 226—Norfolk Island (Supreme Court Sittings) Amendment Regulations 2005 (No. 1) [F2005L03041]*.

Social Security Act—Social Security (Victorian Transport Accident Commission ‘Attendant Care Service’ and ‘Post Acute Support’ Exemption) (DEST) Determination 2005 [F2005L03027]*.

Trade Practices Act—Select Legislative Instruments 2005 Nos—

228—Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005 [F2005L02920]*.

229—Trade Practices (Consumer Product Information Standards) (Tobacco) Amendment Regulations 2005 (No. 1) [F2005L02919]*.

* Explanatory statement tabled with legislative instrument.

25 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

NATIONAL HEALTH AMENDMENT (IMMUNISATION PROGRAM) BILL 2005

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 229, dated 11 October 2005—A Bill for an Act to amend the *Higher Education Support Act 2003* in relation to workplace relations, and for related purposes.

Message no. 230, dated 12 October 2005—A Bill for an Act to amend the *National Health Act 1953*, and for other purposes.

The Special Minister of State (Senator Abetz) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Senator Abetz moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**26 TAX LAWS AMENDMENT (LOSS RECOUPMENT RULES AND OTHER MEASURES)
BILL 2005**

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

Message no. 231, dated 12 October 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Special Minister of State (Senator Abetz) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Abetz moved—That this bill be now read a second time.

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

27 INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005

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

Message no. 228, dated 11 October 2005—Intelligence Services Legislation Amendment Bill 2005.

28 MIGRATION—JOINT STANDING COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Migration, as follows:

Message no. 227, dated 11 October 2005—Mrs Irwin in place of Mr TS Burke.

**29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—REFERENCE**

Senator Wong, also on behalf of Senator Murray, pursuant to notice, moved business of the Senate notice of motion no. 5—That the following matters be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by the first sitting day of 2006:

- (a) the likely impact of the package of industrial relations changes, ‘WorkChoices – A New Workplace Relations System’, announced by the Government on 9 October 2005;
- (b) the likely impact of any bills introduced by the Government to implement the package of industrial relations changes, ‘WorkChoices – A New Workplace Relations System’; and
- (c) any other matters related to the implementation of the package of industrial relations changes, ‘WorkChoices – A New Workplace Relations System’.

The Special Minister of State (Senator Abetz) moved the following amendment:

Omit all words after “That”, substitute:

- (1) Upon the introduction of the Workplace Relations Amendment (Work Choices) Bill 2005 in the House of Representatives, the provisions of the bill be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 22 November 2005.

- (2) The inquiry not consider those elements of the bill which reflect government bills previously referred to, examined and reported on by the committee, namely those elements which relate to: secret ballots; suspension/termination of a bargaining period; pattern bargaining; cooling off periods; remedies for unprotected industrial action; removal of section 166A of the *Workplace Relations Act 1996* (the WR Act); strike pay; reform of unfair dismissal arrangements; right of entry; award simplification; freedom of association; amendments to section 299 of the WR Act; and civil penalties for officers of organisations regarding breaches.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

—————
After 6.50 pm—

30 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the period 1 January to 30 June 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia's role in fighting proliferation: Practical responses to new challenges. Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

Australian Electoral Commission—Report for 2004-05. Motion to take note of document moved by Senator Faulkner and agreed to.

Australian Electoral Commission—Election 2004—Funding and disclosure report. Motion to take note of document moved by Senator Bartlett and agreed to.

Housing Assistance Act 1996—Report for 2003-04 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

National Water Commission—Report for the period 17 December 2004 to 30 June 2005. Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

NetAlert Limited—Report for 2004-05. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Northern Territory Fisheries Joint Authority—Report for 2002-03. Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

Employment Advocate—Report for 2004-05. Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

Treaty—*Multilateral*—Text, together with national interest analysis and annexures—Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, done at New York on 25 May 2000. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

31 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.50 pm till Thursday, 13 October 2005 at 9.30 am.

32 ATTENDANCE

Present, all senators except Senators Ellison, Ferris*, Forshaw*, Ray* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate