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Contents

1	Meeting of Senate	1300
2	Hours of Meeting and Routine of Business—Variation	1300
3	Anti-Terrorism Bill 2005	1301
4	Legal and Constitutional Legislation Committee—Reference	1302
5	Documents.....	1302
6	Notice	1309
7	Adjournment	1309
8	Attendance.....	1309

1 MEETING OF SENATE

The Senate met at 12.30 pm, at the request of an absolute majority of the whole number of senators, pursuant to standing order 55. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

Documents: The President tabled the following documents:

Meeting of Senate—Request to the President to fix a time for the Senate to meet—
Letters from—

Leader of the Government in the Senate (Senator Hill), dated 2 November 2005.

Leader of The Nationals in the Senate (Senator Boswell).

Leave refused: Senator Bob Brown sought leave to move a motion to take note of the documents.

An objection was raised and leave was not granted.

2 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

Leave refused: The Minister for Justice and Customs (Senator Ellison) sought leave to move a motion relating to the hours of meeting and routine of business for today.

An objection was raised and leave was not granted.

Suspension of standing orders: Senator Ellison, at the request of the Leader of the Government in the Senate (Senator Hill) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Hill moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today.

Debate ensued.

Question put and passed.

Senator Ellison, at the request of Senator Hill, moved—That a motion to vary the hours of meeting and routine of business for today may be moved immediately and have precedence over all other business today till determined.

Closure: Senator Ellison moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That a motion to vary the hours of meeting and routine of business for today may be moved immediately and have precedence over all other business today till determined—put and passed.

Senator Ellison moved—That—

(a) the hours of meeting for today shall be 12.30 pm to adjournment;

(b) the routine of business shall be:

(i) consideration of a message from the House of Representatives relating to the Anti-Terrorism Bill 2005, and

(ii) deferred votes on a motion for the reference of a bill to the Legal and Constitutional Legislation Committee;

- (c) legislation committees considering estimates may meet during the sitting of the Senate today;
- (d) divisions may take place after 4.30 pm; and
- (e) immediately after the completion of business listed in paragraph (b), the Senate shall adjourn without any question being put.

Debate ensued.

Question put and passed.

3 ANTI-TERRORISM BILL 2005

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

Message no. 239, dated 2 November 2005—A Bill for an Act to amend the law relating to terrorist acts, and for other purposes.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Debate ensued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Nettle moved the following amendment:

Clause 4, page 2 (after line 19), at the end of the clause, add:

- (3) The review required by section 4 of the *Security Legislation Amendment (Terrorism) Act 2002* must review the operation of the amendments made by Schedule 1 of this Act.
- (4) The Attorney-General must cause a copy of the report of the review required by subsection (3) to be laid before each House of Parliament within 15 sitting days after the Attorney-General receives the copy of the report.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

4 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REFERENCE

Pursuant to the order of the Senate of 13 October 2005, the questions were put on the motion of the Minister for Defence (Senator Hill)—That, upon its introduction in the House of Representatives, the provisions of the Anti-Terrorism Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 8 November 2005.

—*And on the amendment moved by Senator Bartlett, at the request of Senator Stott Despoja:*

Omit “8 November 2005”, substitute “28 November 2005”.

The Acting Deputy President (Senator Lightfoot) indicated that he had been advised that it may no longer be necessary for the Senate to divide on the amendment.

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

The Minister for Justice and Customs (Senator Ellison) moved the following amendment:

Omit “Anti-Terrorism Bill 2005”, substitute “Anti-Terrorism Bill (No. 2) 2005”.

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

Main question, as amended, put and passed.

5 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Commonwealth-State Financial Arrangements) Act—Determinations of the—

Final Per Capita Relativities for 2004-05 [F2005L03287]*.

Guaranteed Minimum Amount for 2004-05 [F2005L03286]*.

A New Tax System (Family Assistance) (Administration) Act—Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2005 (No. 1) [F2005L03086]*.

ACIS Administration Act—Select Legislative Instrument 2005 No. 241—ACIS Administration Amendment Regulations 2005 (No. 1) [F2005L03210]*.

Acts Interpretation Act—Statements pursuant to subsection 34C(6) relating to the extension of specified period for presentation of reports—

Bureau of Meteorology—Report for 2004-05.

Department of Defence—Report for 2004-05.

Aged Care Act—Residential Care Subsidy Amendment Principles 2005 (No. 4) Amendment Instrument 2005 [F2005L03159]*.

Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act—Select Legislative Instrument 2005 No. 232—Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Regulations 2005 [F2005L03189]*.

AusLink (National Land Transport) Act—

AusLink (National Land Transport) Act National Land Transport Network Determination 2005 (No. 1) [F2005L03285]*.

Variation to the AusLink Roads to Recovery List, dated 30 September 2005 [F2005L02972]*.

Australian Communications and Media Authority Act—Radiocommunications (Charges) Amendment Determination 2005 (No. 2) [F2005L03126]*.

Australian Communications and Media Authority Act and Radiocommunications Act—Radiocommunications (Interpretation) Amendment Determination 2005 (No. 2) [F2005L03125]*.

Australian National University Act—University House Statute—University House Rules (No. 2) 2005 [F2005L03253]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 379/05—Approval and directions – operations without an approved digital flight data recorder [F2005L03150]*.

CASA 380/05—Approval – operations without an approved digital flight data recorder [F2005L03152]*.

CASA EX49/05—Exemption – flight check system [F2005L03088]*.

CASA EX50/05—Exemption – flight check system [F2005L03089]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105—

AD/A320/177—Left and Right Wing Fuel Tank Bonding [F2005L03165]*.

AD/A330/30 Amdt 4—Argo-Tech/Intertechnique Vent Float Valves [F2005L03146]*.

AD/A330/54—Elevator Servocontrols [F2005L03084]*.

AD/AS 355/62 Amdt 1—BREEZE Electric Hoist [F2005L03174]*.

AD/B737/161 Amdt 2—Main Wheel Well Electrical Connectors [F2005L03169]*.

AD/B737/247—MLG Beam Support Fitting Lugs [F2005L03176]*.

AD/B737/248—Wing Centre Section Rear Spar Stiffeners [F2005L03178]*.

AD/B737/249—Forward Lower Lobe Fuselage Skin [F2005L03170]*.

AD/B737/250—Forward Entry Door Forward and Aft Side Intercostals [F2005L03179]*.

AD/B737/251—Smiths Industries Aerospace Flight Management Computers [F2005L03166]*.

AD/B747/139—Ageing Aircraft Structural Inspection Programme [F2005L03180]*.

AD/B747/336—Nacelle Strut Attach Pin/Bolt, Dual Side Brace, and Underwing Midspar Fitting [F2005L03177]*.

AD/B767/39 Amdt 1—Hydraulic System Component/Electrical Wiring Chafing Engine Struts [F2005L03168]*.

AD/B767/214—Pegasus Flight Management Computer System [F2005L03149]*.

AD/B767/215—Centre Overhead Stowage Bin Module Support Structure [F2005L03181]*.

AD/BEECH 55/59 Amdt 1—Control Surface Trim Tab Systems [F2005L03171]*.

AD/BEECH 200/67 Amdt 4—Fuselage Rear Pressure Bulkhead [F2005L03183]*.

AD/DAUPHIN/70 Amdt 1—Sliding Doors [F2005L03182]*.

AD/DAUPHIN/81 Amdt 1—Tail Rotor Blade Sleeve [F2005L03175]*.
 AD/DAUPHIN/82—Main Rotor Rotating Star [F2005L03194]*.
 AD/ECUREUIL/72 Amdt 1—BREEZE Electric Hoist [F2005L03172]*.
 AD/EMB-120/36 Amdt 1—Rotating Beacon Electrical Bonding
 [F2005L03167]*.
 AD/GA8/3 Amdt 1—Forward Cargo Door Slide [F2005L03184]*.

106—

AD/ARRIUS/12—Check-Valve Piston O-Ring [F2005L03140]*.
 AD/BR700/6—Independent Overspeed Protection [F2005L03147]*.
 AD/CF6/59—HP Compressor Rotor Stage 11-4 Spool Shaft
 [F2005L03141]*.
 AD/CON/71 Amdt 2—GTSIO-520 Starter Adaptor Shafts
 [F2005L03308]*.
 AD/CON/84—Starter Adapter Assembly [F2005L03083]*.
 AD/CON/84 Amdt 1—Starter Adapter Assembly [F2005L03307]*.
 AD/JT8D/41—Compressor Hubs and Disks [F2005L03142]*.

Select Legislative Instruments 2005 Nos—

242—Civil Aviation Amendment Regulations 2005 (No. 2)
 [F2005L03219]*.

243—Civil Aviation Amendment Regulations 2005 (No. 3)
 [F2005L03249]*.

Class Rulings—

CR 2005/81-CR 2005/90.

Notice of Withdrawal—CR 2005/10.

Corporations Act—Corporations (Foreign Exchange Markets) Exemption
 Amendment Notice 2005 (No. 2) [F2005L03191]*.

Customs Act—

Determination No. 1 of 2005—Specified Percentage of Total Factory Costs
 [F2005L03229]*.

Tariff Concession Orders—

0504568 [F2005L03284]*.
 0505231 [F2005L03111]*.
 0505243 [F2005L03112]*.
 0505972 [F2005L03113]*.
 0506108 [F2005L03115]*.
 0506109 [F2005L03117]*.
 0506113 [F2005L03230]*.
 0506114 [F2005L03119]*.
 0506243 [F2005L03120]*.
 0506244 [F2005L03122]*.
 0506245 [F2005L03123]*.
 0506270 [F2005L03129]*.
 0506271 [F2005L03102]*.
 0506273 [F2005L03130]*.
 0506576 [F2005L03131]*.
 0506579 [F2005L03132]*.
 0506582 [F2005L03133]*.
 0506648 [F2005L03134]*.
 0506655 [F2005L03135]*.
 0506682 [F2005L03136]*.

0506687 [F2005L03137]*.
0506768 [F2005L03260]*.
0506772 [F2005L03293]*.
0506773 [F2005L03139]*.
0506778 [F2005L03262]*.
0506934 [F2005L03263]*.
0507061 [F2005L03294]*.
0507511 [F2005L03154]*.
0508477 [F2005L03155]*.
0508493 [F2005L03156]*.
0508494 [F2005L03157]*.
0508690 [F2005L03158]*.
0508782 [F2005L03160]*.
0508907 [F2005L03161]*.
0509137 [F2005L03162]*.
0509427 [F2005L03163]*.
0509432 [F2005L03164]*.
0509433 [F2005L03197]*.
0509576 [F2005L03198]*.
0509577 [F2005L03199]*.
0509579 [F2005L03259]*.
0509606 [F2005L03201]*.
0509674 [F2005L03202]*.
0509750 [F2005L03204]*.
0509751 [F2005L03205]*.
0509752 [F2005L03206]*.
0509753 [F2005L03065]*.
0509809 [F2005L03264]*.
0509812 [F2005L03265]*.
0509820 [F2005L03207]*.
0509823 [F2005L03266]*.
0509825 [F2005L03273]*.
0509830 [F2005L03275]*.
0509833 [F2005L03208]*.
0509994 [F2005L03231]*.
0509995 [F2005L03232]*.
0509997 [F2005L03233]*.
0509998 [F2005L03234]*.
0510000 [F2005L03236]*.
0510002 [F2005L03292]*.
0510007 [F2005L03276]*.
0510008 [F2005L03237]*.
0510009 [F2005L03277]*.
0510011 [F2005L03238]*.
0510012 [F2005L03239]*.
0510199 [F2005L03278]*.
0510201 [F2005L03241]*.
0510202 [F2005L03279]*.
0510204 [F2005L03280]*.
0510206 [F2005L03281]*.
0510288 [F2005L03291]*.

0510332 [F2005L03296]*.
 0510333 [F2005L03298]*.
 0510437 [F2005L03300]*.
 0510476 [F2005L03302]*.
 0510512 [F2005L03304]*.
 0510523 [F2005L03305]*.
 0510588 [F2005L03306]*.

Customs Tariff Act—Customs Tariff (Safeguard Goods) Notice (No. 1) 2005 [F2005L03203]*.

Dairy Produce Act—Select Legislative Instrument 2005 No. 231—Dairy Produce Amendment Regulations 2005 (No. 2) [F2005L03090]*.

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of—

Exempt native specimens, dated 11 October 2005 [F2005L03312]*.

Specimens taken to be suitable for live import, dated 13 October 2005 [F2005L03228]*.

Notices of proposed accreditation of the—

Eastern Tuna and Billfish Fishery Management Plan 2005, dated 28 July 2005.

Southern and Eastern Scalefish and Shark Fishery Plan of Management Amendment 2005 (No. 1), dated 25 October 2005.

Western Tuna and Billfish Fishery Management Plan 2005, dated 21 October 2005.

Recovery Plan for the following species of handfish: Spotted handfish, Red handfish, Ziebell's handfish and Waterfall Bay handfish [F2005L03256]*.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—Directions Nos—

7 of 2005-2006 [F2005L03251]*.

8 of 2005-2006 [F2005L03252]*.

9 of 2005-2006 [F2005L03270]*.

Financial Management and Accountability Net Appropriation Agreement (Office of National Assessments) Variation 2005 [F2005L03108]*.

Financial Management and Accountability Net Appropriation Agreement (Professional Services Review) Variation 2005 [F2005L03109]*.

Net Appropriation Agreements for—

Australian Communications and Media Authority [F2005L03103]*.

Department of Finance and Administration [F2005L03105]*.

Department of the Prime Minister and Cabinet [F2005L03107]*.

Medicare Australia [F2005L03114]*.

Fisheries Management Act—

Eastern Tuna and Billfish Fishery Management Plan 2005 [F2005L03186]*.

Southern and Eastern Scalefish and Shark Fishery Plan of Management Amendment 2005 (No. 1) [F2005L03250]*.

Western Tuna and Billfish Fishery Management Plan 2005 [F2005L03187]*.

Health Insurance Act—

Declaration of quality assurance activity—QAA No. 2/2005 [F2005L03185]*.

Health Insurance (Amendment) Determination HS/04/2005 [F2005L03309]*.

Health Insurance (Pathologist-determinable Services) Determination 2005 (No. 2) [F2005L03151]*.

Health Insurance (Vertebroplasty) Determination HS/05/2005 [F2005L03269]*.

Select Legislative Instruments 2005 Nos—

236—Health Insurance Amendment Regulations 2005 (No. 4) [F2005L03104]*.

237—Health Insurance Amendment Regulations 2005 (No. 5) [F2005L03124]*.

238—Health Insurance (General Medical Services Table) Regulations 2005 [F2005L03110]*.

244—Health Insurance (Diagnostic Imaging Services Table) Regulations 2005 [F2005L03128]*.

Medicare Australia Act—

Medicare Australia (Functions of Chief Executive Officer) Amendment Direction 2005 (No. 1) [F2005L03254]*.

Select Legislative Instrument 2005 No. 220—Medicare Australia Amendment Regulations 2005 (No. 1) [F2005L03040]*.

Migration Act—

Migration Agents Regulations—MARA Notices—

MN43-05c of 2005—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2005L03193]*.

MN43-05f of 2005—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2005L03195]*.

Migration (Liberia — United Nations Security Council Resolutions) Regulations—Specification of persons for the purposes of regulation 4A, dated 10 October 2005 [F2005L03144]*.

Migration Regulations—

Specification of assessment levels for kinds of eligible passports in relation to subclasses of student visa for the purposes of regulation 1.41, dated 12 October 2005 [F2005L03212]*.

Specification of post office box address and address for courier delivery under various provisions of Schedule 1, dated 10 October 2005 [F2005L03224]*.

Transit passengers who are eligible for a special purpose visa (Regulation 2.40(1)(n)), dated 13 October 2005 [F2005L03268]*.

Select Legislative Instrument 2005 No. 240—Migration Amendment Regulations 2005 (No. 9) [F2005L03190]*.

National Health Act—Determination HIB 18/2005 [F2005L03200]*.

Parliamentary Entitlements Act—

Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 14 October 2005.

Select Legislative Instrument 2005 No. 235—Parliamentary Entitlements Amendment Regulations 2005 (No. 2) [F2005L03257]*.

Privacy Act—Determination 2005 No. 1—Indigenous Business Australia [F2005L03258]*.

Product Rulings—

Addenda—

PR 2003/5, PR 2003/32, PR 2003/33, PR 2003/42 and PR 2003/50.
 PR 2004/40, PR 2004/54, PR 2004/71, PR 2004/97 and PR 2004/98.
 PR 2005/28 and PR 2005/29.

Notice of Withdrawal—PR 2004/105.
 PR 2005/109 and PR 2005/110.

Public Service Act—Prime Minister's Public Service Amendment Directions 2005 (No. 1) [F2005L03093]*.

Radiocommunications Act—

Radiocommunications (Accreditation — Prescribed Certificates) Amendment Principles 2005 (No. 1) [F2005L03100]*.

Radiocommunications (Communication with AUSSAT C 156E GOV Satellite Network) Class Licence 2005 [F2005L03097]*.

Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2005 (No. 1) [F2005L03106]*.

Radiocommunications (Qualified Operators) Determination 2005 [F2005L03116]*.

Radiocommunications (section 145(3) Certificates) Amendment Determination 2005 (No. 1) [F2005L03101]*.

Remuneration Tribunal Act—Determination 2005/16: Remuneration and Allowances for Holders of Public Office and Members of Parliament [F2005L03213]*.

Safety, Rehabilitation and Compensation Act—Select Legislative Instrument 2005 No. 233—Safety, Rehabilitation and Compensation Amendment Regulations 2005 (No. 1) [F2005L03091]*.

Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Act—Select Legislative Instrument 2005 No. 234—Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2005 (No. 2) [F2005L03211]*.

Superannuation Contributions Determination SCD 2005/6.

Sydney Airport Curfew Act—Notice specifying jet aircraft permitted to take-off or land during a curfew period, dated 4 October 2005 [F2005L03079]*.

Taxation Determinations—

Errata—TD 2005/D40 (Draft) and TD 2005/D41 (Draft).
 TD 2005/37-TD 2005/46.

Taxation Rulings—

Addendum—TR 98/22.

Old Series—

Addendum—IT 2498.

Notice of Withdrawal—IT 2623.

* Explanatory statement tabled with legislative instrument.

6 NOTICE

The Minister for Defence (Senator Hill): To move on the next day of sitting—That the Senate—

- (a) records its deep regret at the death on 17 October 2005 of Mr William (Evan) Allan, the last Australian World War I veteran to have seen active service in that conflict;
- (b) tenders its sympathy to his family in their bereavement; and
- (c) expresses its heartfelt thanks on behalf of a grateful nation to all the men and women who answered the call to serve Australia in World War I.

7 ADJOURNMENT

Pursuant to order, the Senate adjourned at 5.01 pm till Monday, 7 November 2005 at 12.30 pm.

8 ATTENDANCE

Present, all senators except Senators Ian Campbell, Crossin, Ferris*, Hogg, Hutchins, McLucas, Minchin, Payne, Ray*, Stephens, Stott Despoja, Vanstone and Wong (* on leave).

HARRY EVANS
Clerk of the Senate