

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 56

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

- Administrative Review Council—Report for 2004-05.
- Airservices Australia—
 - Corporate plan July 2005 to June 2010.
 - Equity and diversity program—Progress report for 2004-05.
- Albury-Wodonga Development Corporation—Report for 2004-05.
- Alcohol Education and Rehabilitation Foundation Ltd—Report for 2004-05.
- ASC Pty Ltd (formerly Australian Submarine Corporation Pty Limited)—Report for 2004-05.
- Audio-Visual Copyright Society Limited (Screenrights)—Report for 2004-05.
- Australia Business Arts Foundation Ltd—Financial statements for 2004-05.
- Australian Centre for International Agricultural Research—Report for 2004-05.
- Australian Competition and Consumer Commission—Competition in the corporate customer segment of the telecommunications industry—Report for 2004.
- Australian Fisheries Management Authority—Report for 2004-05.
- Australian Government Solicitor—Report for 2004-05.
- Australian Institute of Criminology and the Criminology Research Council—Reports for 2004-05.
- Australian Institute of Health and Welfare—Report for 2004-05.
- Australian Landcare Council—Report for 2004-05.
- Australian Pesticides and Veterinary Medicines Authority—Report for 2004-05.
- Australian Securities and Investments Commission—Report for 2004-05—Corrigendum.
- Australian Security Intelligence Organisation—Report for 2004-05.
- Australian Trade Commission (AUSTRADE)—Export Market Development Grants—List of grant recipients for 2004-05.
- Companies Auditors and Liquidators Disciplinary Board—Report for 2004-05.
- Cotton Research and Development Corporation—Report for 2004-05.
- CrimTrac Agency—Report for 2004-05.
- Director of Public Prosecutions—Report for 2004-05.
- Family Court of Australia—Report for 2004-05.
- Forest and Wood Products Research and Development Corporation—Report for 2004-05.
- Grains Research and Development Corporation—Report for 2004-05.
- Grape and Wine Research and Development Corporation—Report for 2004-05.
- Industrial Relations Court of Australia—Report for 2004-05.
- International Air Services Commission—Report for 2004-05.

Murray-Darling Basin Commission—Report for 2004-05.
 National Museum of Australia—Report for 2004-05—Erratum.
 Office of Parliamentary Counsel—Report for 2004-05.
 Professional Services Review [Medical and pharmaceutical services]—Report for 2004-05.
 Rural Industries Research and Development Corporation—Report for 2004-05.
 Snowy Hydro Limited—Report for the period 27 June 2004 to 2 July 2005.
 Sugar Research and Development Corporation—Report for 2004-05.
 Superannuation Complaints Tribunal—Report for 2004-05.
 Sydney Harbour Federation Trust—Report for 2004-05.
 Telstra Corporation Limited—Equal employment opportunity program—Report for 2004-05.

3 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—That—

- (a) the Senate meet from Monday, 5 December to Thursday, 8 December 2005; and
- (b) on each sitting Tuesday until the end of the 2005 sittings:
 - (i) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm,
 - (ii) the routine of business from 7.30 pm shall be government business only, and
 - (iii) the question for the adjournment of the Senate shall be proposed at 11 pm.

Debate ensued.

Question put and passed.

4 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

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

Debate resumed.

Senator Stott Despoja moved the following amendment:

At the end of the motion, add “but the Senate urges the Government to increase university base grants by a minimum of 20 per cent over 2 years to take account of unfunded changes in cost structures since 1996, complemented by future indexation (75 per cent of which would be equal to the Wage Cost Index (Education) and 25 per cent of which would be equal to the Consumer Price Index)”.

Debate ensued.

At 2 pm: Debate was interrupted while the Leader of The Nationals in the Senate (Senator Boswell) was speaking.

5 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to a question without notice asked by Senator Nettle during question time on 7 November 2005.

6 QUESTIONS

Questions without notice were answered.

7 UNPARLIAMENTARY LANGUAGE—STATEMENTS BY LEAVE

The Leader of the Opposition in the Senate (Senator Evans), the Leader of the Government in the Senate (Senator Hill) and Senator Bob Brown, by leave, made statements relating to the statement made by the President earlier today (*see entry no. 5*).

8 MINISTERS—ANSWERS TO QUESTIONS

Senator Ludwig moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

9 FOREIGN AFFAIRS—JAPAN—WHALING PROGRAM—ANSWER TO QUESTION

Senator Bartlett 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 Bartlett today relating to the Japanese whaling program.

Question put and passed.

10 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 2 596 petitioners, requesting that the Senate repeal legislation that forces children seeking refugee status in Australia to be held in detention.

Senator Crossin, from 47 petitioners, requesting that the Senate oppose the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005.

Senator Crossin, from 1 174 petitioners, requesting that the Senate reject proposed changes to higher education workplace relations and support increased funding to higher education.

11 NOTICES

Notices of motion:

The Chair of the Legal and Constitutional References Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 9 February 2006. (*general business notice of motion no. 305*)

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

- (a) notes the death of Mr Rod Donald, the co-leader of the New Zealand Green Party;
- (b) recognises Mr Donald's key role in the campaign for a fairer voting system and in fostering humanitarian and ecological politics in New Zealand and abroad; and
- (c) expresses its condolences to Mr Donald's family, and to the Parliament and people of New Zealand. (*general business notice of motion no. 306*)

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

- (a) notes that the week beginning 7 November 2005 is National Recycling Week;
- (b) commends local, state and federal governments for the increase in recycling and waste management initiatives over the past 10 years, which have resulted in substantial increases in recycling of aluminium cans, newspapers and organic waste;
- (c) notes that:
 - (i) Australians are among the largest waste producers in the world, with an average of 2.25 kg of waste being produced per person per day,
 - (ii) less than 7 per cent of Australian households recycle all of the following items; paper, glass, cans, food waste, garden waste and clothing/rags (Australian Bureau of Statistics survey 2000), and
 - (iii) a recent Roy Morgan survey commissioned by Planet Ark stated that 48 per cent of Australians are still confused about what they are allowed to recycle (despite 99 per cent agreeing that it is important for the environment); and
- (d) recommends the following initiatives:
 - (i) an extension of current education programs on waste management initiatives, entailing 'reducing, reusing, recycling and recovery',
 - (ii) investigation of national legislation for product stewardship, incorporating the principles of extended producer responsibility,
 - (iii) the introduction of a national waste and recycling audit system to accurately measure the national recycling rate, and
 - (iv) the implementation of national container deposit legislation. (*general business notice of motion no. 307*)

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

- (a) recognises:
 - (i) the release of the National Centre for Social and Economic Modelling report, *Options for reducing the adverse impact of the proposed Welfare-to-Work reforms upon people with disabilities and sole parents*, on 3 November 2005, and
 - (ii) that parenting and disability contribute to additional costs to living and employment;
- (b) notes that the report finds that the Government's proposed 'welfare to work' changes will result in substantial cuts to the incomes of sole parents and people with disabilities by forcing them onto the lower Newstart Allowance and that these losses will increase over time; and

- (c) urges the Government to ensure that the welfare to work package does not result in a reduction in people's income levels. (*general business notice of motion no. 308*)

Senator Siewert: To move on 1 December 2005—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 March 2006:

The involvement of the Australian Wheat Board (AWB) in the Iraq Oil-for-Food Program between 1999 and 2003, and consequent revelations that such involvement led to payments that were directed towards the Iraqi Government, with particular reference to:

- (a) the conduct of AWB management and employees throughout this period; and
- (b) the conduct of Commonwealth regulators including the Department of Foreign Affairs and Trade, the Wheat Export Authority and any other relevant agencies.

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

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That the Parliamentary Charter of Rights and Freedoms Bill 2001 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the 39th Parliament. (*general business notice of motion no. 309*)

The Minister for Defence (Senator Hill): To move on the next day of sitting—That, upon their introduction in the House of Representatives, the provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and the Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005 be referred to the Community Affairs Legislation Committee for inquiry and report by 28 November 2005, with particular reference to increasing participation by, and reducing welfare dependence of, parents, people with disabilities, the very long-term unemployed and mature age people through:

- (a) the provision of employment services and other assistance; and
- (b) a responsive compliance system that encourages and rewards active participation.

Senator Milne: To move on 28 November 2005—That the Senate—

- (a) notes the 'call to action' endorsed by the Assembly of Movements of the World Social Forum for an international demonstration on climate change on Saturday, 3 December 2005; and
- (b) endorses the demand that Australia ratify the Kyoto Protocol immediately, and that the entire world community move as rapidly as possible to a stronger emissions reductions treaty that will be both equitable and effective in stabilising greenhouse gases and preventing climate change. (*general business notice of motion no. 310*)

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

- (a) notes with concern that:
 - (i) the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Annual Report for 2004-05 shows a deficit increase of \$9.2 million, up 73 per cent from the deficit in the 2003-04 financial year,
 - (ii) the CSIRO's financial performance has led to a review of 780 research support jobs, of which as many as 200 jobs could be lost,

- (iii) the number of senior executives earning salaries above \$300 000 has doubled in the 2003-04 financial year and senior executive service salaries alone are costing more than \$10 million a year,
 - (iv) revenue from consulting and research services fell by \$18 million since the 2003-04 financial year to \$60 million,
 - (v) highly talented and reputable scientists, such as climate change scientist Dr Graeme Pearman, wildlife ecologist Dr Jeff Short and feral pest control scientist Dr Roger Pech have been dismissed or made 'surplus to requirements',
 - (vi) the CSIRO sought permission to operate at a deficit of \$17 million but negotiated a deficit of \$14.5 million for the 2005-06 financial year,
 - (vii) a government funding increase of 1.5 per cent over the 2004-05 financial year will be less than the increase in the Consumer Price Index,
 - (viii) a leaked CSIRO report has flagged a significant shift in research priorities away from crop and livestock, and renewable energy research, and
 - (ix) up to \$15 million has been spent on a website that is still not running a year after it was promised; and
- (b) urges the Federal Government to:
- (i) not allow Australia's premier research institution to sink further into the red,
 - (ii) investigate the accounts of the CSIRO, and
 - (iii) restore the focus of the CSIRO to research in the national interest. (*general business notice of motion no. 311*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 7 November 2005, withdrew notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 2 for 3 sitting days after today for the disallowance of the Electoral and Referendum Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 125 and made under the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*.

Business of the Senate notice of motion no. 1 for 7 sitting days after today for the disallowance of the Health Insurance (Allied Health and Dental Services) Determination 2005, made under subsection 3C(1) of the *Health Insurance Act 1973*.

12 ECONOMICS LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator McGauran, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the time for the presentation of the reports of the Economics Legislation Committee on the provisions of the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005 and on the provisions of the Energy Efficiency Opportunities Bill 2005 be extended to 10 November 2005.

Question put and passed.

13 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Milne for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 29 November 2005.

14 DEATH OF WARRANT OFFICER DAVID RUSSELL NARY

The Minister for Justice and Customs (Senator Ellison), by leave and at the request of the Leader of the Government in the Senate (Senator Hill), also on behalf of the Leader of the Opposition in the Senate (Senator Evans), the Leader of The Nationals in the Senate (Senator Boswell), the Leader of the Australian Democrats (Senator Allison), Senator Bob Brown for the Australian Greens and the Leader of the Family First Party (Senator Fielding), moved—That the Senate—

- (a) expresses its deep regret at the death of Warrant Officer Class 2, David Russell Nary from the Special Air Service Regiment who died as a result of an accident during a training activity in the Middle East on Sunday, 6 November 2005;
- (b) records that Warrant Officer Nary was a professional and dedicated soldier with a wealth of special forces experience who had served the nation on operations in the Sinai, East Timor and Afghanistan;
- (c) tenders its profound sympathy and condolence to his wife and children, and family and friends in their bereavement; and
- (d) sends a strong message of support to his fellow servicemen and women in their tragic loss of a popular and highly experienced fellow soldier.

Question put and passed.

15 FOREIGN AFFAIRS—MR NGUYEN TUONG VAN

The Minister for Justice and Customs (Senator Ellison), by leave and at the request of the Leader of the Government in the Senate (Senator Hill), also on behalf of the Leader of the Opposition in the Senate (Senator Evans), the Leader of The Nationals in the Senate (Senator Boswell), the Leader of the Australian Democrats (Senator Allison), Senator Bob Brown for the Australian Greens and the Leader of the Family First Party (Senator Fielding), moved—That the Senate—

- (a) acknowledges the shared history and strong relationship between Singapore and Australia;
- (b) strongly supports the representations by the Prime Minister, the Honourable John Howard, MP for clemency on behalf of Mr Nguyen Tuong Van, an Australian citizen who was recently convicted and sentenced to death for drug trafficking in Singapore;
- (c) strongly supports representations by the Leader of the Australian Labor Party, the Leader of the Australian Democrats, the Leader of the Australian Greens, the Leader of the Family First Party and members and senators of the Australian Parliament in relation to their pleas for clemency for Mr Nguyen Tuong Van; and
- (d) urges the Government of Singapore, in particular the Prime Minister of Singapore, HE Mr Lee Hsien Loong, to spare the life of Mr Nguyen Tuong Van.

Question put and passed.

16 FAMILY AND COMMUNITY SERVICES—CHILD CARE

The Leader of the Australian Democrats (Senator Allison) amended general business notice of motion no. 302 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
- (i) that yet another child care centre is closing in the City of Port Phillip leaving 50 children needing to find new child care, and
 - (ii) that two centres will have closed by Christmas, with another scheduled to close in 2006, but no new child care centres have opened in the past 2 years;
- (b) calls on the Minister for Family and Community Services (Senator Patterson) to work with state governments to overcome the serious shortage of places in inner urban areas due to increasing real estate prices and other issues; and
- (c) urges the Government to desist from again blaming other levels of government and to be prepared to contribute to the solution.

Question put and negatived.

17 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—PROPOSED REFERENCE

Motion determined as not formal: Senator Crossin, also on behalf of Senator Milne and the Leader of the Australian Democrats (Senator Allison), requested that business of the Senate notice of motion no. 3 standing in their names for today, proposing the reference of bills to the Employment, Workplace Relations and Education Legislation Committee, be taken as formal.

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

18 ENVIRONMENT—CLIMATE CHANGE

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 299—That the Senate—

- (a) recognises:
- (i) the impacts of climate change are already destroying fresh water supplies in the Pacific region, and
 - (ii) that climate change and increased frequency of extreme weather events are likely to lead to displacement of people;
- (b) notes that people displaced by climate change are not currently regarded as refugees; and
- (c) calls on the Government to incorporate a definition of environmental refugee into the 1951 Convention relating to the Status of Refugees.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison
Bartlett

Brown, Bob
Milne

Murray
Nettle

Siewert (Teller)

NOES, 43

Senators—

Abetz	Eggleston (Teller)	Johnston	Payne
Adams	Ellison	Joyce	Polley
Barnett	Ferguson	Kirk	Ronaldson
Boswell	Fielding	Lightfoot	Scullion
Brandis	Fierravanti-Wells	Ludwig	Sherry
Brown, Carol	Fifield	Lundy	Sterle
Calvert	Forshaw	Mason	Troeth
Campbell, George	Heffernan	McEwen	Trood
Chapman	Hogg	McLucas	Watson
Colbeck	Humphries	Nash	Webber
Crossin	Hutchins	Parry	

Question negatived.

19 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Eggleston, at the request of the Chair of the Legal and Constitutional References Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 300—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 8 November 2005, from 7.30 pm, to take evidence for the committee's inquiry into the administration of the Migration Act.

Question put and passed.

20 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Eggleston, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 301—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 November 2005, from 7 pm, to take evidence for the committee's inquiry into the statutory oversight of the operations of the Australian Securities and Investments Commission.

Question put and passed.

21 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Eggleston, at the request of the Chair of the Community Affairs References Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 303—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 10 November 2005, from 4 pm, to take evidence for the committee's inquiry into workplace exposure to toxic dust.

Question put and passed.

22 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator George Campbell, at the request of the Chair of the Community Affairs References Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 304—That the time for the presentation of reports of the Community Affairs References Committee be extended as follows:

- (a) workplace exposure to toxic dust—to 2 March 2006; and
- (b) petrol sniffing in remote Aboriginal communities—to 30 March 2006.

Question put and passed.

23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CHILDREN—SEXUAL ASSAULT

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

The need for the Senate, and political leaders at all levels of government, to express strong support for the Federal Government to establish a national Royal Commission into the sexual assault of children in Australia.

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

24 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06

Senator McGauran, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled additional information received by the committee (Budget estimates 2005-06—vols 2 to 4).

25 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock (Beef Export to the USA – Quota Year 2006) Order October 2005 [F2005L03425]*.

Civil Aviation Act—

Civil Aviation Order 82.5 Amendment Order (No. 1) 2005 [F2005L03362]*.

Civil Aviation Regulations—Instrument No. CASA 383/05—Instructions – route specifications [F2005L03426]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/A330/53 Amdt 1—Electronic Instrument System Display Units [F2005L03396]*.

AD/BELL 47/101—Scissors Assembly and Weld Assembly Scissors Bracket [F2005L03433]*.

AD/BELL 212/67—Emergency Floatation Reservoir Adapter [F2005L03436]*.

Customs Act—Tariff Concession Orders—

0507063 [F2005L03388]*.
0507309 [F2005L03390]*.
0507312 [F2005L03369]*.
0507313 [F2005L03370]*.
0508791 [F2005L03415]*.
0509435 [F2005L03373]*.
0509807 [F2005L03374]*.
0509808 [F2005L03376]*.
0509824 [F2005L03377]*.
0509832 [F2005L03378]*.
0509993 [F2005L03379]*.
0510006 [F2005L03416]*.
0510033 [F2005L03417]*.
0510407 [F2005L03418]*.
0510515 [F2005L03419]*.
0510520 [F2005L03421]*.
0510522 [F2005L03422]*.
0510589 [F2005L03401]*.
0510590 [F2005L03402]*.
0510591 [F2005L03403]*.
0510608 [F2005L03423]*.
0510612 [F2005L03413]*.
0510721 [F2005L03424]*.
0510725 [F2005L03404]*.
0510726 [F2005L03405]*.
0510727 [F2005L03406]*.
0510728 [F2005L03407]*.
0510889 [F2005L03408]*.
0510891 [F2005L03409]*.
0510892 [F2005L03410]*.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 16 September [2]; and 14 October [2] 2005.

Environment Protection and Biodiversity Conservation Act—Amendment of list of specimens taken to be suitable for live import, dated 24 October 2005 [F2005L03324]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2005/42 — National Portrait Gallery Special Account Establishment 2005 [F2005L03430]*.
2005/43 — Cultural Ministers' Council Special Account Establishment 2005 [F2005L03427]*.
2005/44 — National Collections Special Account Establishment 2005 [F2005L03429]*.
2005/45 — Return of Indigenous Cultural Property Special Account Establishment 2005 [F2005L03431]*.

2005/46 — International Aid Special Account Establishment 2005 [F2005L03428]*.

Industry Research and Development Act—

Industry Cooperative Innovation Program Directions No. 1 of 2005 [F2005L03360]*.

Renewable Energy Development Initiative (REDI) Program Directions No. 1 of 2005 [F2005L03359]*.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice of decision to pay assistance under paragraph 18(a), dated 1 November 2005.

Veterans' Entitlements Act—Determination under section 46L, dated 29 May 2005 [F2005L03357]*.

* Explanatory statement tabled with legislative instrument.

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

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2005—Statement of compliance—Australian Research Council.

27 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

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

The Minister for Family and Community Services (Senator Patterson), by leave, moved—That Senator Santoro replace Senator Barnett on the Employment, Workplace Relations and Education Legislation Committee for the committee's inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005 on 14 November 2005 from 9 am to 5 pm, and on 15 November 2005 from 9 am to 1 pm.

Question put and passed.

28 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

4 November 2005—Message No. 42—*Intelligence Services Legislation Amendment Act 2005* (Act No. 128, 2005).

29 HEALTH LEGISLATION AMENDMENT BILL 2005

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

Message no. 240, dated 7 November 2005—A Bill for an Act to amend legislation relating to health, and for related purposes.

The Minister for Family and Community Services (Senator Patterson) 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 Patterson moved—That this bill be now read a second time.

Explanatory memorandum: Senator Patterson tabled a revised explanatory memorandum relating to the bill.

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

**30 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—PROPOSED VARIATION OF REFERENCE**

Senator George Campbell, pursuant to notice, moved business of the Senate notice of motion no. 2—That the terms of reference for the Employment, Workplace Relations and Education Legislation Committee inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005 be amended as follows:

- (a) omit “22 November 2005”, substitute “28 November 2005”;
- (b) omit “reform of unfair dismissal arrangements”; and
- (c) at the end of the motion, add:
 - (3) That for the purposes of this inquiry the committee must meet and take evidence in at least the capital cities of each state and territory.

Debate ensued.

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

Question—That the question be now put—put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

31 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—PROPOSED REFERENCE

Senator Crossin, also on behalf of Senator Milne and the Leader of the Australian Democrats (Senator Allison), pursuant to notice, moved business of the Senate notice of motion no. 3—That the following bills be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 6 December 2005:

Commonwealth Radioactive Waste Management Bill 2005

Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005.

Debate ensued.

At 6.30 pm: Debate was interrupted while Senator Allison was speaking.

—————
At 7.30 pm—

32 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 BUDGET MEASURES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That this bill be now read a second time—and on the amendment moved by Senator Stott Despoja (*see entry no. 4*).

Debate resumed.

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

Main 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.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled a revised supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Ian Macdonald the following amendments, taken together by leave, were agreed to:

Schedule 1, item 2, page 3 (table item 2, 3rd column), omit “\$1,708,574,000”, substitute “\$1,711,574,000”.

Schedule 1, item 2, page 3 (table item 3, 3rd column), omit “\$1,671,190,000”, substitute “\$1,673,153,000”.

Schedule 1, item 2, page 3 (table item 4, 3rd column), omit “\$1,685,437,000”, substitute “\$1,680,474,000”.

Senator Stephens, also on behalf of Senator Stott Despoja, moved the following amendment:

Page 2 (after line 2), after clause 3, insert:

4 Accountability for advertising expenditure

- (1) Money must not be expended for any public education or advertising project in relation to any programs or matters arising out of this Act, where the cost of the project is estimated or contracted to be \$100,000 or more, unless a statement has been presented to the Senate in accordance with this section.
- (2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.
- (3) The statement must indicate in relation to the proposed project:
 - (a) the purpose and nature of the project; and
 - (b) the intended recipients of the information to be communicated by the project; and
 - (c) who authorised the project; and
 - (d) the manner in which the project is to be carried out; and
 - (e) who is to carry out the project; and
 - (f) whether the project is to be carried out under a contract; and
 - (g) whether such contract was let by tender; and
 - (h) the estimated or contracted cost of the project; and
 - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
 - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.

- (4) In subsection (3), *Audit and JCPAA guidelines* means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 34

Senators—

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

Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Acting Deputy President (Senator Marshall) 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.

**33 AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005
NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL,
CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That these bills be now read a second time.

Debate resumed.

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

Australian Workplace Safety Standards Bill 2005 and National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005—Constitution of the Australian Safety and Compensation Council.

The question for the second reading was divided—

Question—That the Australian Workplace Safety Standards Bill 2005 be now read a second time—put and passed.

Question—That the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be now read a second time—put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

Bills read a second time.

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

In the committee

AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005—

Bill taken as a whole by leave.

Senator Murray, also on behalf of the Leader of the Opposition in the Senate (Senator Evans), moved the following amendment:

Page 5 (after line 3), after clause 8, insert:

8A Accountability for advertising expenditure

- (1) Money must not be expended for any public education or advertising project in relation to any programs or matters arising out of this Act, where the cost of the project is estimated or contracted to be \$100,000 or more, unless a statement has been presented to the Senate in accordance with this section.
- (2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.
- (3) The statement must indicate in relation to the proposed project:
 - (a) the purpose and nature of the project; and
 - (b) the intended recipients of the information to be communicated by the project; and
 - (c) who authorised the project; and
 - (d) the manner in which the project is to be carried out; and
 - (e) who is to carry out the project; and
 - (f) whether the project is to be carried out under a contract; and
 - (g) whether such contract was let by tender; and
 - (h) the estimated or contracted cost of the project; and
 - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
 - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.
- (4) In subsection (3), *Audit and JCPAA guidelines* means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

Debate ensued.

At 11 pm: The President resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

34 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.27 pm till Wednesday, 9 November 2005 at 9.30 am.

35 ATTENDANCE

Present, all senators except Senators Ferris*, Hurley and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate