

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 58

THURSDAY, 10 NOVEMBER 2005

Contents

1	Meeting of Senate	1387
2	Notices.....	1387
3	Order of Business—Rearrangement.....	1390
4	Foreign Affairs, Defence and Trade References Committee—Reference	1390
5	Science and Technology—Commonwealth Scientific and Industrial Research Organisation—Proposed Order for Production of Documents	1391
6	Legal and Constitutional References Committee—Extension of Time to Report	1391
7	Environment—National Recycling Week.....	1392
8	Multiculturalism—Muslim Communities	1392
9	Publications—Standing Committee—8th Report.....	1393
10	Legal and Constitutional Legislation Committee—Additional Information— Additional Estimates 2004-05 and Budget Estimates 2005-06	1396
11	Rural and Regional Affairs and Transport Legislation Committee— Additional Information—Budget Estimates 2005-06	1396
12	Regulations and Ordinances—Standing Committee—Document	1396
13	Community Affairs References Committee—Additional Information— Services and Treatment Options for Persons with Cancer.....	1396
14	Australian Crime Commission—Joint Statutory Committee—Report— Review of the <i>Australian Crime Commission Act 2002</i>	1397
15	Foreign Affairs, Defence and Trade References Committee—Report— Australia's Relationship with China	1397
16	Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005	1397
17	Days and Hours of Meeting and Routine of Business—Variation.....	1399
18	Law and Justice—Anti-Terrorism Laws—Personal Explanation	1399
19	Trade—Iraq—Australian Wheat Board—Personal Explanation.....	1400
20	Corporations Amendment Bill (No. 1) 2005.....	1400
21	National Health Amendment (Immunisation Program) Bill 2005	1400
22	Higher Education Legislation Amendment (2005 Measures No. 3) Bill 2005 ..	1401
23	Questions.....	1401

24	Questions on Notice—Answers and Explanation	1401
25	Department of Parliamentary Services—Apprenticeship Opportunities— Question to President	1402
26	Industrial Relations—Proposed Changes—Answers to Questions	1402
27	Community Affairs References Committee—Government Response— Nursing	1402
28	Community Affairs References Committee—Government Response— Children in Institutional Care	1402
29	Employment, Workplace Relations and Education References Committee— Government Response—Office of the Chief Scientist	1403
30	ASIO, ASIS and DSD—Joint Statutory Committee—Government Response—Review of Administration and Expenditure for ASIO, ASIS and DSD	1403
31	Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Government Response—Effectiveness of the National Native Title Tribunal	1403
32	Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—Government Response—19th Report	1403
33	Economics Legislation Committee—Report—Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005	1403
34	Economics Legislation Committee—Report—Energy Efficiency Opportunities Bill 2005	1404
35	Economics Legislation Committee—Report—Annual Reports	1404
36	Documents	1404
37	Committees—Changes in Membership	1405
38	Workplace Relations Amendment (Work Choices) Bill 2005	1405
39	Law and Justice—Australia’s Border Security	1406
40	Government Documents—Orders of the Day—Consideration	1406
41	Notices	1408
42	Committee Reports and Government Responses—Orders of the Day— Consideration	1409
43	Auditor-General’s Reports—Orders of the Day—Consideration	1410
44	Adjournment	1410
45	Attendance	1411

1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 NOTICES

Notices of motion:

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

- (a) notes and welcomes:
 - (i) the L28 resolution, ‘Renewed determination towards the total elimination of nuclear weapons’, sponsored by Australia, Bangladesh, Chile, Italy, Japan, Nepal, Nicaragua, Spain, Switzerland and Ukraine and passed by the United Nations (UN) General Assembly First Committee with unprecedented support with only India and the United States of America (US) voting against it, and
 - (ii) the L26 resolution on the Comprehensive Nuclear-Test-Ban Treaty (CTBT) sponsored by Andorra, Australia, the Czech Republic, Finland, Mexico, New Zealand and South Africa and was passed with only the US voting against it;
- (b) notes that resolution L28:
 - (i) calls for the nuclear weapon states to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security,
 - (ii) encourages further steps leading to nuclear disarmament, to which all states party to the Nuclear Non-Proliferation Treaty (NPT) are committed under Article VI, including deeper reductions in all types of nuclear weapons, and emphasises the importance of applying irreversibility and verifiability, as well as increased transparency in a way that promotes international stability and undiminished security for all, in the process of working towards the elimination of nuclear weapons,
 - (iii) encourages the Russian Federation and the US to implement fully the Treaty on Strategic Offensive Reductions and to undertake nuclear arms reductions beyond those provided for by the treaty, while welcoming the progress made by nuclear weapon states, including the Russian Federation and the US on nuclear arms reductions,
 - (iv) urges all states that have not yet done so to sign and ratify the CTBT at the earliest opportunity with a view to its early entry into force, and stresses the importance of maintaining existing moratoriums on nuclear weapon test explosions, pending the entry into force of the CTBT,
 - (v) calls on states not party to the NPT to accede to it as non-nuclear weapon states without delay and without conditions and, pending their accession, to refrain from acts that would defeat the objective and purpose of the NPT, and to take practical steps in support of the treaty,
 - (vi) emphasises the importance of the immediate commencement of negotiations on a fissile material cut-off treaty (FMCT) and its early conclusion, and calls on all nuclear weapon states and states not party to the NPT to declare moratoriums on the production of fissile material for any nuclear weapons, pending the entry into force of the FMCT,

- (vii) calls on all states to redouble their efforts to prevent and curb the proliferation of nuclear and other weapons of mass destruction (WMD) and their means of delivery, and
 - (viii) stresses the importance of further efforts for non-proliferation, including the universalisation of International Atomic Energy Agency comprehensive safeguards and the Additional Protocol on strengthened safeguards, and the full implementation of UN Security Council resolution 1540; and
- (c) reaffirms the importance of:
- (i) the continued development of the CTBT verification regime, including the international monitoring system,
 - (ii) all states party to the NPT complying with their obligations under all the articles of the treaty, and stresses the importance of an effective treaty review process and the universality of the NPT,
 - (iii) the early entry into force of the CTBT and of all efforts made by Australia to further that aim,
 - (iv) the nuclear disarmament and non-proliferation goals and the balanced approach to nuclear disarmament and non-proliferation contained in the final document of the 2000 NPT Review conference and the L28 resolution, and
 - (v) international efforts to prevent the acquisition and the use by terrorists of nuclear or other WMD, and radioactive materials and sources, including strengthened international protection of WMD-usable materials and relevant equipment, facilities and technology. (*general business notice of motion no. 315*)

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

- (a) notes:
- (i) the recent widespread protest and opposition across Latin America to the President of the United States of America (US), George W Bush and his proposed Free Trade Area of the Americas,
 - (ii) the concern of Latin Americans that such an agreement would reinforce economic inequality in the region and political domination by the US, and
 - (iii) the failure of American leaders to agree to further negotiations on the agreement; and
- (b) commends the Argentinean people and Latin American leaders for their campaign to defend their culture and economies from the threat of a Free Trade Area of the Americas. (*general business notice of motion no. 316*)

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

- (a) notes that:
- (i) Senator Calvert, in his capacity as a senator for Tasmania, has written to the Prime Minister (Mr Howard) suggesting that the question of regularising daylight saving and examining time zones be listed for discussion at the next Council of Australian Governments (COAG) meeting, and
 - (ii) Australia's time zones date from the 1880s and that individual approaches by states and territories to daylight saving have a significant, continuing and detrimental economic impact on Australian commerce and communications; and

- (b) supports the call for this important matter to be discussed at COAG as an important step in examining this economic handicap, and urges the Prime Minister to raise this important matter of reform with the Premiers and Chief Ministers of the states and territories. (*general business notice of motion no. 317*)

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

- (a) notes the imminent arrival of the Japanese whaling fleet in the Southern Ocean and its intention to commence whaling under the greatly expanded JARPA II whaling program;
- (b) recognises the leadership the Australian Government has shown to date on this issue;
- (c) notes the changed legal context owing to the radical expansion of the Japanese whaling program;
- (d) supports the submission of JARPA II to an environmental impact assessment under the provisions of the Protocol on Environmental Protection to the Antarctic Treaty;
- (e) supports the monitoring and documentation of the whaling program by Australian inspection vehicles;
- (f) urges that Australia requests:
 - (i) the Commission for the Convention on the Conservation of Antarctic Marine Living Resources to undertake an investigation of JARPA II at the earliest possible opportunity, and
 - (ii) that a diplomatic conference be convened to amend Article VIII of the International Convention for the Regulation of Whaling; and
- (g) urges Australia to:
 - (i) commence a claim against Japan in an Annex VII Arbitral Tribunal under the provisions of the 1982 United Nations Convention on the Law of the Sea challenging the legality of JARPA II, and
 - (ii) seek an order, for provisional measures to halt the conduct of JARPA II, from the International Tribunal for the Law of the Sea, pending the establishment of the Annex VII Arbitral Tribunal. (*general business notice of motion no. 318*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw notices of motion standing in his name as follows:

Business of the Senate notices of motion nos 1, 2 and 3 for the next day of sitting for the disallowance of the following instruments:

Australian Passports Determination 2005, made under section 57 of the *Australian Passports Act 2005* and section 8 of the *Australian Passports (Application Fees) Act 2005*.

Foreign Passports Determination 2005, made under section 24 of the *Passports Act 1938*.

Public Accounts and Audit Committee Regulations 2005, as contained in Select Legislative Instrument 2005 No. 127 and made under the *Public Accounts and Audit Committee Act 1951*.

Business of the Senate notices of motion nos 1 and 2 for 8 sitting days after today for the disallowance of the following instruments:

Health Insurance (Obstetric Item 15999) Determination HS/02/2005, made under subsection 3C(1) of the *Health Insurance Act 1973*.

Variation to Licence Area Plan for Scottsdale Radio – No. 1 of 2005, made under subsection 26(2) of the *Broadcasting Services Act 1992*.

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

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 6 Corporations Amendment Bill (No. 1) 2005.

No. 7 National Health Amendment (Immunisation Program) Bill 2005.

No. 8 Higher Education Legislation Amendment (2005 Measures No. 3) Bill 2005.

Question put and passed.

Senator Ellison moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 312 standing in the name of Senator O'Brien relating to Australia's border security; and

(b) consideration of government documents.

Question put and passed.

Senator Eggleston, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the following business of the Senate orders of the day, relating to the presentation of reports of the Economics Legislation Committee, be postponed till a later hour:

No. 2 provisions of the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005).

No. 3 provisions of the Energy Efficiency Opportunities Bill 2005.

No. 4 annual reports tabled by 30 April 2005.

Question put and passed.

4 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the last sitting day in 2006:

The scope and opportunity for naval shipbuilding in Australia, and, in particular:

(a) the capacity of the Australian industrial base to construct large naval vessels over the long term and on a sustainable basis;

(b) the comparative economic productivity of the Australian shipbuilding industrial base and associated activity with other shipbuilding nations;

- (c) the comparative economic costs of maintaining, repairing and refitting large naval vessels throughout their useful lives when constructed in Australia vice overseas; and
- (d) the broader economic development and associated benefits accrued from undertaking the construction of large naval vessels.

Question put and passed.

5 SCIENCE AND TECHNOLOGY—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 314—That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Monday, 28 November 2005, all correspondence including e-mails, directions and guidelines between the Minister and the board of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and between the Minister and the Chief Executive of the CSIRO, dated between 1 June and 1 November 2005, concerning the research and development work to be undertaken by the CSIRO.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

6 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Legal and Constitutional References Committee (Senator Crossin) amended general business notice of motion no. 305 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 21 December 2005.

Question put and passed.

7 ENVIRONMENT—NATIONAL RECYCLING WEEK

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 307—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, organic waste, used oil and some plastics such as polyethylene terephthalate and high density polyethylene;
- (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) although there have been substantial increases in recycling, many Australians are still not effectively utilising all recycling services, 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:
 - (i) extension of current education programs on waste management initiatives, entailing ‘reducing, reusing, recycling and recovery’,
 - (ii) investigation of nationally consistent legislation for product stewardship, and
 - (iii) introduction of a national waste and recycling audit system to accurately measure the national recycling rate, starting with priority waste streams.

Question put and passed.

8 MULTICULTURALISM—MUSLIM COMMUNITIES

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 313—That the Senate—

- (a) expresses the view that:
 - (i) the recent anti-terror raids in Sydney and Melbourne demonstrate the importance of the Government maintaining open and honest communication with Australia’s Muslim communities at this crucial time,
 - (ii) keeping intermediaries between Government and the Muslim community informed on developments and listening to their views are essential to ensure that the Government is aware of how people in Muslim communities are responding to events, and to prevent further feelings of alienation amongst Muslims, and
 - (iii) a failure to defend and promote the principles at the heart of multiculturalism against attacks on them will lead to a deepening divide between people and communities of different cultures and heritage within Australia; and
- (b) calls on all political parties to promote and protect diversity in Australia by encouraging the benefits of multiculturalism and to facilitate the building of better ties.

Question put and passed.

9 PUBLICATIONS—STANDING COMMITTEE—8TH REPORT

The Chair of the Standing Committee on Publications (Senator Watson) tabled the following report:

PUBLICATIONS COMMITTEE

8TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 12 October 2005, recommends that the following be printed:

Aboriginal Hostels Limited—Report for the period 27 June 2004 to 25 June 2005.

Aboriginals Benefit Account—Report for 2004-05.

Administrative Review Council—Report for 2004-05.

Aged Care Standards and Accreditation Agency Limited—Report for 2004-05.

Airservices Australia—Report for 2004-05.

Albury-Wodonga Development Corporation—Report for 2004-05.

Australian Broadcasting Authority—Report for 2004-05. [Final report]

Australian Broadcasting Corporation (ABC)—Report for 2004-05.

Australian Centre for International Agricultural Research—Report for 2004-05.

Australian Communications Authority—Report for 2004-05. [Final report]

Australian Fisheries Management Authority—Report for 2004-05.

Australian Government Solicitor—Report for 2004-05.

Australian Hearing Service (Australian Hearing)—Report for 2004-05.

Australian Industrial Relations Commission and the Australian Industrial Registry—Reports for 2004-05.

Australian Institute of Criminology and the Criminology Research Council—Reports for 2004-05.

Australian Institute of Family Studies—Report for 2004-05.

Australian Institute of Health and Welfare—Report for 2004-05.

Australian Institute of Marine Science—Report for 2004-05.

Australian Law Reform Commission—Reports—No. 101—Report for 2004-05.

Australian Maritime Safety Authority—Report for 2004-05.

Australian National Maritime Museum—Report for 2004-05.

Australian National Training Authority—

Australian vocational education and training system—Report for 2004.
Report for 2004-05.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05.

Australian Pesticides and Veterinary Medicines Authority—Report for 2004-05.

Australian Prudential Regulation Authority—Report for 2004-05.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05.

Australian Research Council—Report for 2004-05.

Australian Safeguards and Non-Proliferation Office—Report for 2004-05.

Australian Securities and Investments Commission—
Report for 2004-05.
Report for 2004-05—Corrigendum.

Australian Security Intelligence Organisation—Report for 2004-05.

Australian Sports Drug Agency—Report for 2004-05.

Australian Trade Commission (AUSTRADE)—Report for 2004-05.

Australian Wine and Brandy Corporation—Report for 2004-05.

Bankruptcy Act 1966—Inspector-General in Bankruptcy—Report for 2004-05 on the operation of the Act.

Centrelink—Report for 2004-05.

Comcare—Report for 2004-05.

Commissioner for Complaints [Aged care]—Report for 2004-05. (including erratum)

Commissioner for Superannuation (ComSuper)—Report for 2004-05.

Commissioner of Taxation—Report for 2004-05.

Commonwealth Ombudsman—Report for 2004-05.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—
Report for 2004-05.

Cotton Research and Development Corporation—Report for 2004-05.

CrimTrac Agency—Report for 2004-05.

CSS Board—Commonwealth Superannuation Scheme—Report for 2004-05.

Defence Force Retirement and Death Benefits Authority—Report for 2004-05.

Defence Housing Authority—Report for 2004-05.

Department of Agriculture, Fisheries and Forestry—Report for 2004-05.

Department of Communications, Information Technology and the Arts—
Report for 2004-05.

Department of Education, Science and Training —Report for 2004-05.

Department of Employment and Workplace Relations—Report for 2004-05.

Department of Family and Community Services—Report for 2004-05.

Department of Finance and Administration—Report for 2004-05.

Department of Foreign Affairs and Trade—Report for 2004-05—
Volume 1—Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).

Department of Health and Ageing—Report for 2004-05.

Department of Immigration and Multicultural and Indigenous Affairs—Report
for 2004-05.

Department of Parliamentary Services—Report for 2004-05.

Department of the Environment and Heritage—
Legislation reports for 2004-05.
Report for 2004-05.

Department of the Treasury—Report for 2004-05.

Department of Transport and Regional Services—Report for 2004-05.

Director of National Parks—Report for 2004-05.

Director of Public Prosecutions—Report for 2004-05.

Family Court of Australia—Report for 2004-05.

Financial Reporting Council, Australian Accounting Standards Board and
Auditing and Assurance Standards Board—Reports for 2004-05, together with
Financial Reporting Council—Report for 2004-05 on auditor independence.

- Food Standards Australia New Zealand—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.
- Great Barrier Reef Marine Park Authority—Report for 2004-05.
- Health Services Australia (HSA Group)—Report for 2004-05.
- Industrial Relations Court of Australia—Report for 2004-05.
- Inspector-General of Intelligence and Security—Report for 2004-05.
- Inspector-General of Taxation—Report for 2004-05.
- International Air Services Commission—Report for 2004-05.
- Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2004-05.
- Migration Review Tribunal—Report for 2004-05.
- Military Superannuation and Benefits Board of Trustees—Report for 2004-05.
- Murray-Darling Basin Commission—Report for 2004-05.
- National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2004-05.
- National Gallery of Australia—Report for 2004-05.
- National Museum of Australia—Report for 2004-05—Erratum.
- National Residue Survey—Report for 2004-05.
- National Transport Commission—Report for 2004-05.
- Native Title Act—Native title representative bodies—Reports for 2004-05—
Central Queensland Land Council Aboriginal Corporation.
Goldfields Land and Sea Council.
Gurang Land Council Aboriginal Corporation.
Kimberley Land Council.
South West Aboriginal Land and Sea Council.
Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation.
- Office of Parliamentary Counsel—Report for 2004-05.
- Productivity Commission—
Report—No. 36—Private cost effectiveness of improving energy efficiency,
31 August 2005.
Report for 2004-05.
- Professional Services Review [Medical and pharmaceutical services]—Report for 2004-05.
- PSS Board—Public Sector Superannuation Scheme—Report for 2004-05.
- Refugee Review Tribunal—Report for 2004-05.
- Remuneration Tribunal—Report for 2004-05.
- Rural Industries Research and Development Corporation—Report for 2004-05.
- Safety, Rehabilitation and Compensation Commission—Report for 2004-05.
- Screenrights—Report for 2004-05.
- Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2004-05.
- Services Trust Funds—Report for 2004-05.
- Social Security Appeals Tribunal—Report for 2004-05.
- States Grants (Primary and Secondary Education Assistance) Act 2000*—
Report on financial assistance granted to each state in respect of 2004.

Sugar Research and Development Corporation—Report for 2004-05.
 Supervising Scientist—Report for 2004-05 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*.
 Telstra Corporation Limited—Report for 2004-05.
 Tourism Australia—Report for 2004-05.
 Veterans' Review Board—Report for 2004-05.

Senator John Watson
 Chairman
 10 November 2005.

Senator Watson moved—That the report be adopted.

Question put and passed.

10 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2004-05 AND BUDGET ESTIMATES 2005-06

Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled additional information received by the committee—

Additional estimates 2004-05—

Attorney-General's portfolio—vols 1 and 2.

Immigration and Multicultural and Indigenous Affairs portfolio—vols 1 to 3.

Budget estimates 2005-06—Attorney-General's portfolio—vol. 4.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06

Senator Eggleston, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled additional information received by the committee (Budget estimates 2005-06; Budget estimates (Supplementary) 2005-06).

12 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

Senator Eggleston, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, December 2004 to June 2005.

13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—ADDITIONAL INFORMATION—SERVICES AND TREATMENT OPTIONS FOR PERSONS WITH CANCER

Senator Eggleston, at the request of the Chair of the Community Affairs References Committee (Senator Moore), tabled the following document:

Community Affairs References Committee—Report—The cancer journey: Informing choice—The delivery of services and treatment options for persons with cancer—National Health and Medical Research Council response to recommendations, dated 5 October 2005.

**14 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—
REVIEW OF THE AUSTRALIAN CRIME COMMISSION ACT 2002**

Senator Eggleston, at the request of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Santoro), tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Review of the *Australian Crime Commission Act 2002*—Report, dated November 2005, Hansard record of proceedings [4 vols] and submissions [20].

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

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

Debate ensued.

Question put and passed.

**15 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—
AUSTRALIA'S RELATIONSHIP WITH CHINA**

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins) tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Opportunities and challenges: Australia's relationship with China—Report, dated November 2005, Hansard record of proceedings, additional information and submissions [81].

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

Reporting date: Senator Hutchins, by leave, moved—That the second report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into the geo-political and strategic aspects of Australia's relationship with China be presented by 30 March 2006.

Question put and passed.

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

Debate ensued.

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

**16 HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS
REQUIREMENTS) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time—*and on the amendment moved by Senator Siewert:*

Omit all words after “That”, substitute “the Senate rejects this bill and expects the Government to:

- (a) desist from interfering with the independence of universities;
- (b) increase public funding of Australia's higher education sector;
- (c) recognise that university staff should be entitled to collectively bargain with universities, without prescriptive government interference; and
- (d) refrain from insisting on its ideological industrial relations agenda being applied to universities”.

Debate resumed.

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

Main question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 30

Senators—

Allison	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Carol	Hutchins	Moore	Stott Despoja
Campbell, George	Kirk	Murray	Webber (Teller)
Conroy	Ludwig	O'Brien	Wong
Crossin	Lundy	Polley	Wortley
Evans	Marshall	Sherry	
Faulkner	McEwen	Siewert	

Question agreed to.

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 Stott Despoja moved the following amendment:

Schedule 1, item 1, page 3 (after line 14), after paragraph 33-15(1)(c), insert:

; and (d) the Higher Education Workplace Relations Requirements must not require a casual worker employed for a period of 6 months or less to sign an Australian Workplace Agreement.

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 Forshaw) resumed the chair and the Chair of Committees (Senator Hogg) reported accordingly.

On the motion of Senator Abetz the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

Bill read a third time.

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

The Special Minister of State (Senator Abetz), at the request of the Minister for Justice and Customs (Senator Ellison), amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That—

- (1) On Thursday, 1 December and 8 December 2005:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 7.30 pm shall be government business only;
 - (c) divisions may take place after 4.30 pm; and
 - (d) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) The Senate shall sit on Friday, 2 December and 9 December 2005 and that:
 - (a) the hours of meeting shall be 9.30 am to 3.30 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the Senate shall adjourn without any question being put.

Debate ensued.

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

18 LAW AND JUSTICE—ANTI-TERRORISM LAWS—PERSONAL EXPLANATION

The Leader of the Australian Democrats (Senator Allison), by leave, made a personal explanation relating to comments in the media concerning police raids in New South Wales and Victoria and to terrorism.

19 TRADE—IRAQ—AUSTRALIAN WHEAT BOARD—PERSONAL EXPLANATION

Senator O'Brien, by leave, made a personal explanation relating to comments made in the House of Representatives by the Minister for Trade (Mr Vaile) on 9 November 2005 concerning the Australian Wheat Board and Iraq.

20 CORPORATIONS AMENDMENT BILL (NO. 1) 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.

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 Murray moved the following amendments together by leave:

Schedule 1, page 3 (line 14), after “assets”, insert “administered by the corporation as trustee”.

Schedule 1, page 3 (line 19), at the end of subparagraph 197(1)(b)(iii), add “out of the trust assets administered by the corporation as trustee”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary (Trade) (Senator Sandy Macdonald) the report from the committee was adopted and the bill read a third time.

21 NATIONAL HEALTH AMENDMENT (IMMUNISATION PROGRAM) BILL 2005

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary (Trade) (Senator Sandy Macdonald) the bill was read a third time.

22 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 3)

BILL 2005

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

Debate resumed.

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 Stott Despoja moved the following amendment:

Schedule 4, item 1, page 10 (lines 18 and 19), omit paragraph 19-80(2)(b), substitute:

- (b) on a cyclical basis, aligned with Australian Universities Quality Agency audit cycles.

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 Watson) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Parliamentary Secretary (Trade) (Senator Sandy Macdonald) the report from the committee was adopted and the bill read a third time.

At 2 pm—

23 QUESTIONS

Questions without notice were answered.

24 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister representing the Minister for Health and Ageing (Senator Patterson) for an explanation of answers not being provided to the following questions on notice:

- No. 908 (notice given 11 May 2005)
- No. 1031 (notice given 19 July 2005)
- No. 1032 (notice given 19 July 2005)
- No. 1151 (notice given 7 September 2005)
- No. 1152 (notice given 7 September 2005)

No. 1172 (notice given 12 September 2005)

No. 1241 (notice given 22 September 2005)

No. 1287 (notice given 5 October 2005).

Senator Patterson indicated that an explanation would be provided.

Senator Allison moved—That the Senate take note of the minister's response.

Question put and passed.

25 DEPARTMENT OF PARLIAMENTARY SERVICES—APPRENTICESHIP OPPORTUNITIES—QUESTION TO PRESIDENT

Senator Marshall, by leave, asked a question of the President relating to apprenticeship opportunities in the Department of Parliamentary Services.

The President indicated that he would consider the question and provide an answer.

26 INDUSTRIAL RELATIONS—PROPOSED CHANGES—ANSWERS TO QUESTIONS

Senator Ludwig moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked by Senators Wortley, Hutchins and Wong today relating to proposed changes to industrial relations.

Debate ensued.

Question put and passed.

27 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—NURSING

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Community Affairs References Committee—Report—Nursing: The patient profession: Time for action—Government response.

Senator McLucas, by leave, moved—That the Senate take note of the document.

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

28 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—CHILDREN IN INSTITUTIONAL CARE

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Community Affairs References Committee—Reports—First report—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Second report—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government response.

Senator Murray, by leave, moved—That the Senate take note of the document.

Debate ensued.

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

**29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES
COMMITTEE—GOVERNMENT RESPONSE—OFFICE OF THE CHIEF SCIENTIST**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Employment, Workplace Relations and Education References Committee—
Report—Office of the Chief Scientist—Government response, dated November
2005.

**30 ASIO, ASIS AND DSD—JOINT STATUTORY COMMITTEE—GOVERNMENT
RESPONSE—REVIEW OF ADMINISTRATION AND EXPENDITURE FOR ASIO, ASIS
AND DSD**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

ASIO, ASIS and DSD—Joint Statutory Committee—Report—Review of
administration and expenditure for ASIO, ASIS and DSD—Number 3—
Government response.

**31 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—
JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—EFFECTIVENESS OF
THE NATIONAL NATIVE TITLE TRIBUNAL**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint
Statutory Committee—Report—Effectiveness of the National Native Title
Tribunal in fulfilment of the Committee's duties pursuant to subparagraph
206(d)(i) of the *Native Title Act 1993*—Government response.

**32 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—
JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—19TH REPORT**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint
Statutory Committee—19th report—*Native Title Act 1993*—Inquiry under section
206(d)—Second interim report: Indigenous land use agreements—Government
response.

**33 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT
(LOSS RECOUPMENT RULES AND OTHER MEASURES) BILL 2005**

Pursuant to order, Senator McGauran, at the request of the Chair of the Economics
Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Provisions of the Tax Laws Amendment
(Loss Recoupment Rules and Other Measures) Bill 2005—Report, dated
November 2005, Hansard record of proceedings and submissions [5].

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

34 ECONOMICS LEGISLATION COMMITTEE—REPORT—ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

Pursuant to order, Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Provisions of the Energy Efficiency Opportunities Bill 2005—Report, dated November 2005, Hansard record of proceedings, additional information and submissions [9].

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

35 ECONOMICS LEGISLATION COMMITTEE—REPORT—ANNUAL REPORTS

Pursuant to order, Senator McGauran, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report:

Economics Legislation Committee—Annual reports referred to legislation committees—Report no. 2 of 2005, dated November 2005.

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

36 DOCUMENTS

The following documents were tabled by the Clerk:

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

Acts Interpretation Act—Exercise of powers and duties under subsection 33(3)—Repeal of *Grevillea williamsonii* (Williamson's Grevillea) Recovery Plan made under the Environment Protection and Biodiversity Conservation Act, dated 18 August 2005 [F2005L03454]*.

Auslink (National Land Transport—Consequential and Transitional Provisions) Act—Determination under item 2 of Schedule 2, dated 12 October 2005—Approvals of Auslink National Projects [F2005L03437]*.

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union – Quota Year 2006) Order 2005 [F2005L03341]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 404/05—Instructions – use of Global Positioning System (GPS) [F2005L03432]*.

CASA 456/05—Instructions – specifying minimum runway width for an aeroplane [F2005L03462]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/BELL 412/45—Emergency Floatation Reservoir Adapter [F2005L03435]*.

AD/DH 84/4—Streamline Wires [F2005L03459]*.

AD/DH 89/4—Streamline Wires [F2005L03460]*.

Customs Act—Tariff Concession Orders—

0510723 [F2005L03438]*.

0510729 [F2005L03439]*.

0510730 [F2005L03440]*.

0510731 [F2005L03441]*.

0510888 [F2005L03442]*.

0510890 [F2005L03443]*.

0511022 [F2005L03444]*.

0511033 [F2005L03445]*.

Environment Protection and Biodiversity Conservation Act—Adoption of State Plans as Recovery Plans, dated 21 October 2005 [F2005L03453]*.

Financial Management and Accountability Act—

Financial Management and Accountability Net Appropriation Agreement (Department of the Environment and Heritage) Variation (2005) [F2005L03367]*.

Financial Management and Accountability Net Appropriation Agreement Variation (No. 2) 2005 [F2005L03366]*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notice 2005 (No. 6) [F2005L03451]*.

* Explanatory statement tabled with legislative instrument.

37 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Ferguson) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Substitute member: Senator Fifield replace Senator Barnett for the committee's inquiry into the provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and a related bill on 23 November 2005

Employment, Workplace Relations and Education Legislation Committee—

Appointed—

Participating member: Senator Allison

Substitute members: Senators Crossin and McEwen replace Senators Marshall and George Campbell, respectively, for the committee's inquiry into the provisions of the Commonwealth Radioactive Waste Management Bill 2005 and a related bill

Legal and Constitutional Legislation Committee—

Appointed—Participating member: Senator Allison

National Capital and External Territories—Joint Standing Committee—

Discharged—Senator Lundy from 8 December 2005, and Senator Carr from 12 March 2006

Appointed—Senator Carr from 8 December 2005, and Senator Lundy from 12 March 2006.

Question put and passed.

38 WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

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

Message no. 246, dated 10 November 2005—A Bill for an Act to amend the law relating to workplace relations, 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.

General business was called on.

39 LAW AND JUSTICE—AUSTRALIA'S BORDER SECURITY

Senator O'Brien, pursuant to notice, moved general business notice of motion no. 312—That the Senate notes the incompetence of the Howard Government in its failure to protect Australia's border security, quarantine and environmental integrity and its fishery resource in northern Australia and northern Australian waters.

Debate ensued.

At 6 pm: Debate was interrupted.

40 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

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

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

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

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

—Motion of Senator Bartlett to take note of documents called on. On the motion of Senator Webber debate was adjourned till Thursday at general business.

Department of Foreign Affairs and Trade—Report—Weapons of mass destruction: Australia's role in fighting proliferation: Practical responses to new challenges. Motion of Senator Siewert to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Housing Assistance Act 1996—Report for 2003-04 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion of Senator Kirk to take note of document agreed to.

National Water Commission—Report for the period 17 December 2004 to 30 June 2005. Motion of Senator Siewert to take note of document called on. On the motion of Senator Stephens debate was adjourned till Thursday at general business.

NetAlert Limited—Report for 2004-05. Motion of Senator Kirk to take note of document agreed to.

Northern Territory Fisheries Joint Authority—Report for 2002-03. Motion of Senator Siewert to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Employment Advocate—Report for 2004-05. Motion of Senator Siewert to take note of document called on. Debate adjourned till Thursday at general business, Senator Marshall 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 of Senator Kirk to take note of document called on. On the motion of Senator Stephens debate was adjourned till Thursday at general business.

Australian Broadcasting Authority—Online content co-regulatory scheme—Report for the period 1 January to 30 June 2005. Motion of Senator Bartlett to take note of document agreed to.

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2004-05. Motion of Senator Marshall to take note of document debated and agreed to.

Department of Family and Community Services—Report for 2004-05. Motion of Senator McLucas to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2004-05. Motion of Senator Crossin to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Commissioner for Complaints [Aged care]—Report for 2004-05. Motion of Senator McLucas to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05. Motion of Senator Crossin to take note of document called on. On the motion of Senator Stephens debate was adjourned till Thursday at general business.

Department of Health and Ageing—Report for 2004-05. Motion of Senator McLucas to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Supervising Scientist—Report for 2004-05 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion of Senator Crossin to take note of document agreed to.

Aged Care Standards and Accreditation Agency Limited—Report for 2004-05. Motion of Senator McLucas to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05. Motion of Senator Crossin to take note of called on. On the motion of Senator Stephens debate was adjourned till Thursday at general business.

Department of Education, Science and Training—Report for 2004-05. Motion of Senator Crossin to take note of document agreed to.

Industrial Relations Court of Australia—Report for 2004-05. Motion of Senator Marshall to take note of document debated. Debate adjourned till Thursday at general business, Senator Hogg in continuation.

General business concluded.

41 NOTICES

Senators Humphries, McLucas and Murray gave notices of motion as follows: To move 2 sitting days after today—

No. 1—That the Senate requests the Government of the Australian Capital Territory:

- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
- (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 319*)

No. 2—That the Senate requests the Government of the Northern Territory:

- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
- (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 320*)

No. 3—That the Senate requests the Government of New South Wales:

- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
- (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 321*)

No. 4—That the Senate requests the Government of Queensland:

- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
- (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 322*)

No. 5—That the Senate requests the Government of South Australia:

- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:

- (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
 - (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 323*)
- No. 6—That the Senate requests the Government of Tasmania:
- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
 - (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 324*)
- No. 7—That the Senate requests the Government of Victoria:
- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
 - (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 325*)
- No. 8—That the Senate requests the Government of Western Australia:
- (a) to note the response of the Commonwealth Government of 10 November 2005 to the Community Affairs References Committee's reports:
 - (i) *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, and
 - (ii) *Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care*; and
 - (b) in view of the fact that a number of the recommendations affect the states and territories, to advise the Senate of its response to the recommendations in the reports. (*general business notice of motion no. 326*)

42 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's free trade agreements with Singapore, Thailand and the United States: progress to date and lessons for the future. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Corporate insolvency laws: A stocktake—Government response. Motion of Senator Wong to take note of document agreed to.

Economics References Committee—Report—Consenting adults deficits and household debts: Links between Australia's current account deficit, the demand for imported goods and household debt. Motion of the chair of the committee (Senator Stephens) to take note of report called on. Debate adjourned till the next day of sitting, Senator Stephens in continuation.

Rural and Regional Affairs and Transport References Committee—Report—The operation of the wine making industry. Motion of the chair of the committee (Senator Murray) to take note of report agreed to.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence Annual Report 2003-04. Motion of Senator Bishop to take note of report agreed to.

Electoral Matters—Joint Standing Committee—Report—The 2004 federal election—Report of the inquiry into the conduct of the 2004 federal election and matters related thereto. Motion of Senator Mason to take note of report called on. On the motion of Senator Hogg debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Report—Regional Partnership and Sustainable Regions programs. Motion of the chair of the committee (Senator Forshaw) to take note of report called on. On the motion of Senator Stephens debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin's request for political asylum. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Quality and equity in aged care. Motion of the chair of the committee (Senator Marshall) to take note of report agreed to.

Community Affairs References Committee—Report—The cancer journey: Informing choice—Report on the inquiry into services and treatment options for persons with cancer. Motion to take note of report agreed to.

43 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

Orders of the day nos 1 to 5 relating to reports of the Auditor-General were called on but no motion was moved.

44 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.07 pm till Monday, 28 November 2005 at 12.30 pm.

45 ATTENDANCE

Present, all senators except Senators Bob Brown, Ferris*, Hurley, Nettle, Parry, Payne and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate