

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 66

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Communications and Media Authority—Reports for 2004-05—
National Relay Service provider performance.
Telecommunications performance.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2004-05.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05.

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

Freedom of Information Act 1982—Report for 2004-05 on the operation of the Act.

Human Rights and Equal Opportunity Commission—Report—No. 31—Inquiry into a complaint by Mr Zacharias Manongga, Consul for the Northern Territory, Consul of the Republic of Indonesia that the human rights of Indonesian fishers detained on vessels in Darwin Harbour were breached by the Commonwealth of Australia.

3 CENSUS INFORMATION 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. 256, dated 2 December 2005—A Bill for an Act to amend the *Census and Statistics Act 1905*, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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

4 TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 2) 2005

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

Message no. 257, dated 5 December 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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

5 DEFENCE LEGISLATION AMENDMENT BILL (NO. 2) 2005

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

Message no. 255, dated 2 December 2005—Defence Legislation Amendment Bill (No. 2) 2005.

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

A message from the House of Representatives was reported as follows:

Message no. 258, dated 5 December 2005—Higher Education Legislation Amendment (2005 Budget Measures) Bill 2005, disagreeing to amendments nos 1 and 2 made by the Senate and making amendments in place of those amendments, agreeing to amendment no. 3 and making a further amendment.

On the motion of the Minister for Justice and Customs (Senator Ellison) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

**7 FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005
JURISDICTION OF COURTS (FAMILY LAW) BILL 2005
JURISDICTION OF THE FEDERAL MAGISTRATES COURT LEGISLATION AMENDMENT BILL 2005**

The Minister for Justice and Customs (Senator Ellison), also at the request of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) and pursuant to notice, moved government business notices of motion nos 1, 2 and 3—That the following bills be introduced:

A Bill for an Act to amend the *Fisheries Management Act 1991*, and for related purposes.

A Bill for an Act to amend the *Family Law Act 1975*, and for related purposes.

A Bill for an Act to amend the law relating to the jurisdiction of the Federal Magistrates Court, and for related purposes.

Question put and passed.

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

Question put and passed.

Bills read a first time.

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

Explanatory memoranda: Senator Ellison tabled explanatory memoranda [3] relating to the bills.

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

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

Question put and passed.

8 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That government business notice of motion no. 4 standing in the name of the Minister for Defence (Senator Hill) for today, proposing the introduction of the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005, be postponed till a later hour.

Question put and passed.

**9 TAX LAWS AMENDMENT (LOSS RECOUPMENT RULES AND OTHER MEASURES)
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.

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

In the committee

Bill taken as a whole by leave.

Senator Murray, also on behalf of Senator Sherry, moved the following amendment:

Page 2, after line (11), after clause 3, add:

4 Amendment of assessments

Section 170 of the *Income Tax Assessment Act 1936* does not prevent the amendment of an assessment made before the commencement of this section for the purposes of giving effect to Schedule 1 of this Act.

Debate ensued.

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

Bill further debated.

Senator Murray, also on behalf of Senator Sherry, moved the following amendments together by leave:

Schedule 1, item 12, page 8 (lines 1 and 2), omit “(Companies whose total income for the income year is more than \$100 million cannot satisfy the same business test for that year.)”.

Schedule 1, item 14, page 8 (lines 11 to 13), omit note 2.

Schedule 1, item 26, page 10 (after line 4), omit:

Was the total income of the company for the income year over \$100 million?

Schedule 1, item 28, page 11 (lines 11 to 13), omit note 3.

Schedule 1, item 35, page 12 (lines 15 to 17), omit note 3.

Schedule 1, item 36, page 12 (lines 30 and 31), omit “(Companies whose total income for the income year is more than \$100 million cannot satisfy the same business test for that year.)”.

Schedule 1, item 52, page 15 (lines 29 to 31), omit “(Companies whose total income for the income year is more than \$100 million cannot satisfy the same business test for the second continuity period.)”.

Schedule 1, item 76, page 22 (line 1) to page 23 (line 12), omit sections 165-212A, 165-212B and 165-212C.

Schedule 1, item 79, page 28 (lines 25 to 27), omit note 2 to subsection 166-5(5).

Schedule 1, item 79, page 31 (lines 1 to 3), omit note 2 to subsection 166-20(4).

Schedule 1, item 79, page 33 (lines 21 to 23), omit note 2 to subsection 166-40(5).

Schedule 1, item 90, page 61 (lines 29 to 31), omit note 2.

Schedule 1, item 113, page 65 (lines 17 to 19), omit note 2.

Schedule 1, item 119, page 66 (lines 13 to 15), omit the note.

Schedule 1, item 138, page 69 (line 32) to page 70 (line 2), omit the note.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 19 to 21, 24, 25, 33, 40, 43 to 45, 55, 60 to 62, 65, 67, 74, 75, 81, 99, 106 to 108, 110, 115, 120 to 135, 137, 140, 164 and 172.

Schedule 1, items 19 to 21, 24, 25, 33, 40, 43 to 45, 55, 60 to 62, 65, 67, 74, 75, 81, 99, 106 to 108, 110, 115, 120 to 135, 137, 140, 164 and 172 agreed to.

Senator Murray, also on behalf of Senator Sherry, moved the following amendment:

Schedule 1, item 79, page 55 (line 26), omit paragraph 166-272(1)(b), substitute:

(b) a *widely held company mentioned in section 166-240;

Debate ensued.

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

Explanatory memorandum: The Minister for Communications, Information Technology and the Arts (Senator Coonan) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

On the motion of Senator Coonan the following amendment was debated and agreed to:

Schedule 5, item 20, page 105 (lines 29 and 30), omit “the day on which this Schedule commences”, substitute “1 July 2004”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

10 DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES) BILL 2005

The Minister for Communications, Information Technology and the Arts (Senator Coonan), at the request of the Minister for Defence (Senator Hill) and pursuant to notice, moved government business notice of motion no. 4—That the following bill be introduced:

A Bill for an Act to amend the *Defence Act 1903*, and for related purposes.

Question put and passed.

Senator Coonan presented the bill and 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 Coonan moved—That this bill be now read a second time.

Explanatory memorandum: Senator Coonan tabled an explanatory memorandum relating to the bill.

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

**11 COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005
COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENTS)
BILL 2005**

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

Debate resumed.

Senator Stephens moved the following amendment in respect of the Commonwealth Radioactive Waste Management Bill 2005:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) its extreme, arrogant and unnecessary approach to the nuclear waste dump;
- (b) misleading Australians about the necessity for the bill despite believing that the Government already has the power under existing laws to site and establish a nuclear waste dump;
- (c) breaking its promise not to locate a nuclear waste dump in the Northern Territory;
- (d) overriding many federal legal protections including the *Environment Protection and Biodiversity Conservation Act 1999*, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, the *Native Title Act 1993*, and the *Lands Acquisition Act 1989*;
- (e) destroying existing or possible rights of Indigenous people to the proposed nuclear waste dump sites in the Northern Territory;
- (f) trampling over Northern Territorians and other communities by overriding any existing or future state or territory law or regulation that prohibits or interferes with the selection of Commonwealth land as a site, the establishment of a nuclear waste dump, and the transportation of nuclear waste across the highways and by-ways of Australia;
- (g) refusing to hear the concerns of Northern Territorians and imposing nuclear waste on local communities without consultation or building trust and inclusiveness;
- (h) misleading Australians by falsely claiming that unless the nuclear waste dump site is selected urgently, medical isotope production will cease;
- (i) destroying any recourse to procedural fairness provisions for anyone wishing to challenge the Minister’s decision to put a nuclear waste dump in the Northern Territory; and
- (j) disregarding the recommendations of the International Atomic Energy Commission on good social practices like consultation and transparency in relation to nuclear waste”.

Debate ensued.

At 12.45 pm: Debate was interrupted.

12 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

13 QUESTIONS

Questions without notice were answered.

14 SPORT—VOLUNTARY STUDENT UNIONISM—ANSWER TO QUESTION

Senator Lundy moved—That the Senate take note of the answer given by the Minister for the Arts and Sport (Senator Kemp) to a question without notice asked by Senator Lundy today relating to sport and the proposed voluntary student unionism laws.

Debate ensued.

Question put and passed.

15 ANIMAL WELFARE—LIVE SHEEP EXPORTS—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) to a question without notice asked by Senator Bartlett today relating to live sheep exports.

Question put and passed.

16 PETITIONS

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

Senator Bartlett, from 560 petitioners, requesting that the Senate take action to end the export of live animals from Australia to the Middle East.

Senator Heffernan, from 984 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator Hurley, from 135 petitioners, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

17 NOTICES

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 February 2006, from 4.30 pm to 9 pm, to take evidence for the committee's inquiry into the economic impact of salinity in the Australian environment. (*general business notice of motion no. 353*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the economic impact of salinity in the Australian environment be extended to 28 March 2006. (*general business notice of motion no. 354*)

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

- (a) supports the statement by 18 prominent academics and medical professionals calling on the Government and all Australians to secure a healthy future for our children, grandchildren and generations to come by rejecting any role for nuclear power in Australia, opposing any expansion of uranium exports, vigorously pursuing the real, sustainable solutions to climate change, free of nuclear dangers, improving energy efficiency, managing energy demand, and massively investing in benign, renewable energy technologies;
- (b) notes that their primary concerns with an expansion of nuclear power and uranium exports are:
 - (i) the failure of nuclear power to address climate change—nuclear power generation requires substantial fossil fuel inputs and takes many years to scale up and if nuclear power were used to generate all electricity currently consumed globally, we would exhaust all known recoverable supplies of uranium in just 9 years,
 - (ii) the increased risk of proliferation of nuclear weapons—the potential for use of nuclear weapons remains the greatest immediate threat to global health, and this risk is growing,
 - (iii) the potential misuse of Australian uranium—no absolute guarantees can be made that Australian uranium will not find its way into nuclear weapons,
 - (iv) the growing dangers of nuclear terrorism—there is clear evidence that in recent years terrorist groups have tried to acquire radioactive materials and nuclear weapons, constructing a simple nuclear weapon is technically easy if fissile material were obtained from the large existing stockpiles and the use of a radiological, or ‘dirty’, bomb is probably inevitable,
 - (v) the risk of nuclear accidents—as nuclear technology becomes more widespread, the chance of critical contamination of the environment becomes greater as no technology is immune from human or technical error, and serious nuclear accidents continue to occur, and
 - (vi) the unsolved problem of nuclear waste—the problem of nuclear waste is intractable; a burden irresponsibly imposed on countless future generations and no nation has in place a satisfactory plan to deal with the tens of tonnes of high-level radioactive waste produced by each nuclear power plant each year; and
- (c) calls on the Government to:
 - (i) abandon research and plans to establish a nuclear power industry in Australia,
 - (ii) abandon plans to expand uranium mining and export in Australia,
 - (iii) take practical action to drive greater investment in clean renewable energy, energy efficiency and gas, and
 - (iv) increase research into ways to improve energy efficiency and to manage energy demand throughout industry and domestic power use. (*general business notice of motion no. 355*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the days of meeting of the Senate for 2006 be as follows:

Autumn sittings:

Tuesday, 7 February to Thursday, 9 February
 Monday, 27 February to Thursday, 2 March
 Monday, 27 March to Thursday, 30 March

Budget sittings:

Tuesday, 9 May to Thursday, 11 May

Winter sittings:

Tuesday, 13 June to Thursday, 15 June
 Monday, 19 June to Thursday, 22 June

Spring sittings:

Tuesday, 8 August to Thursday, 10 August
 Monday, 14 August to Thursday, 17 August
 Monday, 4 September to Thursday, 7 September
 Monday, 11 September to Thursday, 14 September

Spring sittings (2):

Monday, 9 October to Thursday, 12 October
 Monday, 16 October to Thursday, 19 October
 Monday, 6 November to Thursday, 9 November
 Monday, 27 November to Thursday, 30 November
 Monday, 4 December to Thursday, 7 December.

Senator Nash: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to remove the restrictions on access to RU486, and for related purposes. *Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005*. (*general business notice of motion no. 356*)

Senator Sherry: To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer, no later than 2.30 pm on Thursday, 8 December 2005, all correspondence in relation to the nomination and appointment of Mr Robert Gerard to the Board of the Reserve Bank of Australia, from 1 January 2003 until 1 December 2005, between:

- (a) the Department of the Treasury and the Treasurer (Mr Costello);
- (b) the Department of the Prime Minister and Cabinet and the Prime Minister (Mr Howard); and
- (c) the Attorney-General (Mr Ruddock) and the Treasurer. (*general business notice of motion no. 357*)

18 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Bartlett for today, proposing the disallowance of Schedule 7 of the Migration Amendment Regulations 2005 (No. 8), postponed till 8 December 2005.

Business of the Senate notice of motion no. 3 standing in the name of Senator Ludwig for today, proposing the disallowance of Schedule 7, item 2 of the Migration Amendment Regulations 2005 (No. 9), postponed till 7 February 2006.

Business of the Senate notice of motion no. 4 standing in the name of Senator McLucas for today, proposing the reference of a matter to the Community Affairs References Committee, postponed till 8 December 2005.

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for 8 December 2005, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 7 February 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault on children in Australia, postponed till 8 February 2006.

General business notice of motion no. 349 standing in the name of Senator Stott Despoja for today, relating to Radio Adelaide, postponed till 8 December 2005.

General business notice of motion no. 350 standing in the name of Senator Nettle for today, relating to the death penalty, postponed till 8 December 2005.

19 HEALTH—SEXUAL HEALTH EDUCATION

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 346—That the Senate—

(a) notes:

- (i) the Australian National University study of 795 students over the age of 15 that found that almost 30 per cent had unwanted sex as a result of being affected by alcohol or drugs and fewer than half regularly used condoms,
- (ii) 67 per cent had sexual intercourse and 12 per cent had been with three or more partners in the previous 6 months,
- (iii) more than 10 per cent tested positive for the human papilloma virus, which can cause genital warts or cervical cancer,
- (iv) almost 4 per cent said they had previously been diagnosed with a sexually transmitted disease, approximately 2 per cent tested positive for herpes simplex 2 which causes genital herpes and 1 per cent had chlamydia, and
- (v) the remarks by Professor Frank Bowden, coordinator of the trial, that teenagers were starting to know about sexually transmitted diseases but are remarkably ignorant of contraception; and

(b) urges the Government to:

- (i) work with the states to develop a national curriculum of sex and sexual health education and consider the need for better screening of sexually transmitted diseases, and
- (ii) support the development of the human papilloma virus vaccine with a view to its widespread use.

Statements by leave: The Minister for Defence (Senator Hill) and Senator Allison, by leave, made statements relating to the motion.

Question put and negatived.

**20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES
COMMITTEE—REFERENCE**

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 9—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 17 August 2006:

The viability of a contract labour scheme between Australia and countries in the Pacific region, for the purposes of providing labour for selected rural industries, taking into account the following:

- (a) labour shortages in rural and regional Australia;
- (b) the availability and mobility of domestic contract labour, and the likely effects of such a scheme on the current seasonal workforce;
- (c) social and economic effects of the scheme on local communities;
- (d) likely technical, legal and administrative considerations for such a scheme; and
- (e) the economic effects of the scheme on the economies of Pacific nations.

Question put and passed.

**21 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—REFERENCE**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 7—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 30 November 2006:

The funding and resources available to meet the objectives of Australia's national parks, other conservation reserves and marine protected areas, with particular reference to:

- (a) the values and objectives of Australia's national parks, other conservation reserves and marine protected areas;
- (b) whether governments are providing sufficient resources to meet those objectives and their management requirements, with particular reference to climate change, biodiversity and sustainable tourism;
- (c) any threats to the objectives and management of our national parks, other conservation reserves and marine protected areas;
- (d) the responsibilities of governments with regard to the creation and management of national parks, other conservation reserves and marine protected areas, with particular reference to long-term plans; and
- (e) the record of governments with regard to the creation and management of national parks, other conservation reserves and marine protected areas.

Senator Adams, by leave, moved the following amendment:

Paragraph (b), omit all words after "requirements".

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

Main question, as amended, put and passed.

22 ADMINISTRATION—GOVERNMENT APPOINTMENTS

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 347—The Senate expresses the view that all appointments made by the Government to public boards, authorities and agencies should have regard to specific principles and criteria, including that:

- (a) no minister should be involved in an appointment where he or she has a financial or personal interest;
- (b) all appointments should be on merit;
- (c) except in limited circumstances, political affiliation should not be a criterion for appointment either way;
- (d) the balance of skills on any board should be taken into account; and
- (e) as are relevant to the appointment, explicit declarations be made by appointees with respect to conflicts of interest, ethical matters, and personal or business affairs.

Question put and passed.

23 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senators Stott Despoja, Crossin, Troeth, Stephens, Kirk, Adams, Payne and Nash and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—That petitions tabled in the Senate on 6 December 2005 relating to the management and prevention of gynaecological cancers and sexually transmitted infections be referred to the Community Affairs References Committee for response to the Senate by the last sitting day in March 2006.

Question put and passed.

24 COMMUNICATIONS—COMMUNITY RADIO STATION 4ZZZ-FM

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 329—That the Senate—

- (a) notes that:
 - (i) 8 December 2005 is the 30th anniversary of the first official broadcast of community radio station 4ZZZ-FM from studios at the University of Queensland,
 - (ii) 4ZZZ was the first FM stereo radio station in Queensland, the first community broadcaster in Australia with journalists accredited by the (then) Australian Journalists Association, and the first mass-audience format community broadcaster in Australia, and
 - (iii) 4ZZZ has provided and continues to provide an important means of exposure for many Brisbane musicians, and an important independent local outlet for information and news;
- (b) congratulates all those involved in establishing and maintaining this pioneering community-based radio station, now broadcasting from studios in Fortitude Valley in Brisbane; and
- (c) expresses support for the ongoing development of community broadcasting in Australia as an important component in ensuring the community has access to a diverse and adequate range of information and entertainment.

Question put and passed.

25 FOREIGN AFFAIRS—EAST TIMOR

The Leader of the Australian Greens (Senator Bob Brown), at the request of Senator Nettle, amended general business notice of motion no. 352 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that 7 December 2005 is the 30th anniversary of the invasion of East Timor by the Indonesian military;
- (b) expresses its sincere condolences to the families of the 200 000 victims that have died following this invasion;
- (c) notes:
 - (i) the New South Wales inquest into the deaths of the Australian and New Zealand journalists and camera operators in East Timor, known as the ‘Balibo 5’, will begin in 2006, and
 - (ii) that East Timor is still the poorest country in our region; and
- (d) calls on the Government to:
 - (i) substantially increase Australian aid to East Timor, and
 - (ii) increase its foreign aid outlays to exceed the United Nations recommended target of 0.7 per cent of gross national product.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 49

Senators—

Abetz	Eggleston (Teller)	Ludwig	Santoro
Adams	Ellison	Lundy	Sherry
Barnett	Ferguson	Marshall	Stephens
Bishop	Fielding	Mason	Sterle
Boswell	Fierravanti-Wells	McEwen	Troeth
Brandis	Fifield	McLucas	Trood
Brown, Carol	Forshaw	Moore	Watson
Calvert	Hogg	Nash	Webber
Campbell, George	Humphries	O’Brien	Wong
Carr	Hurley	Parry	Wortley
Chapman	Johnston	Payne	
Colbeck	Joyce	Polley	
Crossin	Lightfoot	Ronaldson	

Question negatived.

26 PARLIAMENTARY LIBRARY—JOINT STANDING COMMITTEE—PROPOSED APPOINTMENT

The President, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 351—

- (1) That:
 - (a) At the commencement of each Parliament, 6 Senators and 7 Members of the House of Representatives shall be appointed to meet together as a Joint Committee on the Parliamentary Library. The Senators and Members shall be appointed in accordance with the practice of their

respective Houses and shall comprise: 3 Senators nominated by the Leader of the Government in the Senate, 2 Senators nominated by the Leader of the Opposition in the Senate, 1 Senator nominated by minority groups or independent Senators, 4 Members nominated by the Government whip or whips, and 3 Members nominated by the Opposition whip or whips or by any independent Member.

- (b) The nomination by the minority groups and independent Senators shall be determined by agreement between them, and, in the absence of agreement duly notified to the President, any question of the representation on the committee shall be determined by the Senate.
- (c) The members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
- (d) The committee shall:
 - (i) consider and report to the Presiding Officers on any matters relating to the Parliamentary Library referred to it by the President or the Speaker;
 - (ii) provide advice to the President and the Speaker on matters relating to the Parliamentary Library;
 - (iii) provide advice to the President and the Speaker on an annual resource agreement between the Parliamentary Librarian and the Secretary of the Department of Parliamentary Services; and
 - (iv) receive advice and reports, including an annual report, directly from the Parliamentary Librarian on matters relating to the Parliamentary Library.
- (e) The committee shall elect 2 of its members to be joint chairs, 1 being a Senator or Member, on an alternating basis each Parliament, who is a member of the government parties and 1 being a Senator or Member, on an alternating basis each Parliament, who is a member of the non-government parties, provided that the joint chairs may not be members of the same House. The joint chair nominated by the government parties shall chair meetings of the committee, and the joint chair nominated by the non-government parties shall take the chair whenever the other joint chair is not present.
- (f) Each of the joint chairs shall have a deliberative vote only, regardless of who is chairing the meeting.
- (g) When votes on a question before the committee are equally divided, the question shall be resolved in the negative.
- (h) Three members of the committee shall constitute a quorum of the committee, but in a deliberative meeting a quorum shall include 1 member of each House of the government parties and 1 member of either House of the non-government parties.
- (i) The committee may appoint subcommittees, consisting of 3 or more of its members, and refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (j) The quorum of a subcommittee shall be 2 members.
- (k) The committee shall appoint the chair of each subcommittee, who shall have a deliberative vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

- (l) Members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee, but shall not vote, move any motion or be counted for the purpose of a quorum.
 - (m) The committee and any subcommittee shall have power to meet in private or public session and to report from time to time.
 - (n) The President and the Speaker may attend any meeting of the committee as they see fit, but shall not be members of the committee and may not vote, move any motion or be counted for the purpose of a quorum.
- (2) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

Question put and passed.

27 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 15 OF 2005

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

Scrutiny of Bills—Standing Committee—Alert Digest No. 15 of 2005, dated 7 December 2005.

28 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05

Senator Eggleston, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following additional information received by the committee:

Budget estimates 2004-05—Industry, Tourism and Resources portfolio—vol. 1.

Budget estimates (Supplementary) 2004-05—

Industry, Tourism and Resources portfolio—vol. 1.

Treasury portfolio—vol. 1.

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

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—Environment and Heritage portfolio—vol. 1 and attachment).

30 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ANTI-TERRORISM BILL (NO. 2) 2005

Senator Eggleston, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following document:

Legal and Constitutional Legislation Committee—Report—Anti-Terrorism Bill (No. 2) 2005—Additional information.

31 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENT

The Chair of the Standing Committee of Senators' Interests (Senator Webber) tabled the following document:

Senators' Interests—Standing Committee—Register of senators' interests incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 13 September and 5 December 2005, dated December 2005.

32 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—22ND REPORT OF 2005

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

Public Works—Joint Statutory Committee—22nd report of 2005—Proposed fit-out of new leased premises for the Australian Customs Service at 1010 Latrobe Street, Melbourne Docklands, dated December 2005.

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

Question put and passed.

33 TREATIES—JOINT STATUTORY COMMITTEE—69TH AND 70TH REPORTS

Senator Wortley, on behalf of the Joint Standing Committee on Treaties, tabled the following reports:

Treaties—Joint Statutory Committee—

69th report—Treaties tabled on 13 September and 11 October 2005, dated November 2005.

70th report—Treaty tabled on 9 November 2005, dated December 2005.

Senator Wortley moved—That the Senate take note of the reports.

Question put and passed.

34 DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS' INTERESTS—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Register of senior executive officers' interests incorporating statements of registrable interests of Senate senior executive officers lodged between 7 September and 5 December 2005, dated December 2005.

35 DEATH OF WARRANT OFFICER DAVID RUSSELL NARY—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Death of Warrant Officer David Russell Nary—Letter to the President of the Senate from the Chief of the Defence Force (Air Chief Marshal AG Houston, AO, AFC) responding to the resolution of the Senate of 8 November 2005, dated 30 November 2005.

**36 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—
PRESIDENT'S REPORT ON GOVERNMENT RESPONSES**

The Minister for Justice and Customs (Senator Ellison) tabled the following document:

Government responses to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 23 June 2005, dated 7 December 2005.

37 DOCUMENTS

The following documents were tabled by the Clerk:

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

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Determinations—

2006 SESSF D3—Overcatch and Undercatch – 2006 Season [F2005L03904]*.

2006 SESSF TAC D1—Total Allowable Catch Determination – 2006 Season [F2005L03894]*.

2006 SESSF TAC D2—Total Allowable Catch Determination for Non-Quota Species – 2006 Season [F2005L03903]*.

Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Act—Select Legislative Instrument 2005 No. 293—Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Transitional Regulations 2005 [F2005L03950]*.

Services Trust Funds Act—Royal Australian Navy Relief Trust Fund Regulations 1951—Royal Australian Navy Relief Trust Fund Rules [F2005L03672]*.

Supported Accommodation Assistance Act—Supported Accommodation Assistance (Form of Agreement) Determination 2005 [F2005L03886]*.

Governor-General's Proclamation—Commencement of Provisions of an Act

Australian Workplace Safety Standards Act 2005—Sections 3 to 9—1 January 2006 [F2005L03859].*

* Explanatory statement tabled with legislative instrument.

38 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended on 18 September 2002:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 July 2004 to 30 June 2005.

39 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—CHANGE IN MEMBERSHIP

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

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That Senator Hurley replace Senator Crossin on the Legal and Constitutional Legislation Committee for the committee's inquiry into the provisions of the Australian Citizenship Bill 2005 and a related bill.

Question put and passed.

40 WORKPLACE RELATIONS AMENDMENT (WORK CHOICES) BILL 2005

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 259, dated 7 December 2005—Workplace Relations Amendment (Work Choices) Bill 2005.

41 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK AND OTHER MEASURES) BILL 2005

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 261, dated 7 December 2005—Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005.

The Minister for Justice and Customs (Senator Ellison) moved—That this bill be now read a third time.

Time expired: Pursuant to the order of the Senate of 5 December 2005 (*see entry no. 9, 5 December 2005*) the time for the consideration of the remaining stages of the bill had expired.

Statements by leave: Senators Wong, Siewert and Bartlett, by leave, made statements relating to the bill.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

Bill read a third time.

42 HIGHER EDUCATION SUPPORT AMENDMENT (ABOLITION OF COMPULSORY UP-FRONT STUDENT UNION FEES) BILL 2005

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

Message no. 260, dated 7 December 2005—A Bill for an Act to amend the *Higher Education Support Act 2003*, 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.

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

43 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Siewert amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice, moved—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 in the Iraq Oil-for-Food Programme between 1999 and 2003, and consequent revelations that such involvement led to payments that were directed towards the Iraqi Government, with particular reference to the conduct of Commonwealth regulators including the Department of Foreign Affairs and Trade, the Wheat Export Authority and any other relevant agencies.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 33

Senators—

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

Question negatived.

44 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—PROPOSED REFERENCE

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall), pursuant to notice, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 20 June 2006:

The role and performance of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in the light of current Government policy, and the organisation's attempts at refocusing its research endeavours, taking into account the following:

- (a) the evolving role of the CSIRO as a public research institution, and the ability of the CSIRO to initiate and manage change;
- (b) the challenge of commercialisation, enhancement of the CSIRO 'brand', and the dilemma of choosing a national or global approach to research development;
- (c) intellectual property concerns, including the rewarding of researchers;
- (d) managing competition in the research sector, including competition between public research bodies, between the CSIRO and the private research sector, and the obligation of the CSIRO to cover the research spectrum; and
- (e) management culture within the CSIRO, including its corporate profile, communication performance and community engagement, and its capacity to instil a modern research culture and to recruit and retain research personnel.

Debate ensued.

At 6.50 pm: Debate was interrupted while Senator Stephens was speaking.

45 GOVERNMENT DOCUMENTS

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

Human Rights and Equal Opportunity Commission—Report—No. 31—Inquiry into a complaint by Mr Zacharias Manongga, Consul for the Northern Territory, Consul of the Republic of Indonesia that the human rights of Indonesian fishers detained on vessels in Darwin Harbour were breached by the Commonwealth of Australia. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05. Motion to take note of document moved by Senator Webber. Debate adjourned till Thursday at general business, Senator Webber in continuation.

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

Australian Customs Service—Report for 2004-05. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

Aboriginal Land Commissioner—Report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal Legal Rights Movement Inc—Report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

North Queensland Land Council Aboriginal Corporation—Report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Office of the Renewable Energy Regulator—Financial report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—001/2005, 12 October 2005. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—002/2005, 12 October 2005. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Covering statement by the Commonwealth Ombudsman. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 40 to 42, 44, 45, 47, 48 and 53 relating government documents were called on but no motion was moved.

46 NOTICE

Senator Troeth gave a notice of motion as follows: To move on the next day of sitting—That when a bill for an Act to repeal ministerial responsibility for approval of RU486 is introduced into the Senate, the bill be referred immediately to the Community Affairs Legislation Committee for inquiry and report by the second sitting day in 2006.

47 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.48 pm till Thursday, 8 December 2005 at 9.30 am.

48 ATTENDANCE

Present, all senators except Senators Ian Campbell, Ferris*, Hutchins, Milne* and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate