

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 71

THURSDAY, 9 FEBRUARY 2006

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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 PETITIONS

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

Senator Allison, from 1 042 petitioners, requesting that the Senate take action to reverse the legislative barriers that stop women from having a choice between surgical and non-surgical abortion.

Senator Mason, from 12 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator Stephens, from 413 petitioners, requesting that the Senate reject the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005.

3 NOTICES

Notices of motion:

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following operate as a temporary order until 30 June 2006:

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

Senator O'Brien: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 16 October 2006:

The adequacy of Australia's aviation safety regime, with particular reference to the performance by the Civil Aviation Safety Authority of its functions under the *Civil Aviation Act 1988*.

The Leader of the Australian Greens (Senator Bob Brown): To move on 28 February 2006—That the Senate opposes whaling and calls on the Australian Government to request Japan to withdraw its whaling fleet from Australia's southern oceans. (*general business notice of motion no. 372*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate directs that the use of the bollards in the slipway on the Senate side of Parliament Drive be restricted to periods of heightened security risk. (*general business notice of motion no. 373*)

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That Instrument No. CASA 383/05, made under regulation 179A of the Civil Aviation Regulations 1988, be disallowed.

Senator Ferris, by leave, made a statement relating to the notice of motion.

Intention to withdraw:

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) and pursuant to standing order 78, gave notice of Senator Watson's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in the name of Senator Watson for 11 sitting days after today for the disallowance of the Aviation Transport Security Amendment Regulations 2005 (No. 2), as contained in Select Legislative Instrument 2005 No. 222 and made under the *Aviation Transport Security Act 2004*.

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

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) and pursuant to standing order 78, gave notice of Senator Watson's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in the name of Senator Watson for 11 sitting days after today for the disallowance of the Civil Aviation (Fees) Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 224 and made under the *Civil Aviation Act 1988*.

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

4 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Chair of the Economics References Committee (Senator Stephens) for today, proposing the reference of a matter to the Economics References Committee, postponed till 27 February 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault of children in Australia, postponed till 27 February 2006.

General business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Discrimination against Women, postponed till 27 February 2006.

5 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

- (1) That the 2005-06 additional estimates hearings by legislation committees be scheduled as follows:

Monday, 13 February and Tuesday, 14 February and, if required, Friday, 17 February (*Group A*)

Wednesday, 15 February and Thursday, 16 February and, if required, Friday, 17 February (*Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications, Information Technology and the Arts
Finance and Public Administration

Legal and Constitutional
Rural and Regional Affairs and Transport

Group B:

Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on 28 March 2006 in respect of the 2005-06 additional estimates.

Question put and passed.

6 STANDING COMMITTEES—ALLOCATION OF DEPARTMENTS

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

Community Affairs

Families, Community Services and Indigenous Affairs
Health and Ageing

Economics

Treasury
Industry, Tourism and Resources

Employment, Workplace Relations and Education

Employment and Workplace Relations
Education, Science and Training

Environment, Communications, Information Technology and the Arts

Environment and Heritage
Communications, Information Technology and the Arts

Finance and Public Administration

Parliament
Prime Minister and Cabinet
Finance and Administration
Human Services

Foreign Affairs, Defence and Trade

Foreign Affairs and Trade
Defence (including Veterans' Affairs)

Legal and Constitutional

Attorney-General
Immigration and Multicultural Affairs

Rural and Regional Affairs and Transport

Transport and Regional Services

Agriculture, Fisheries and Forestry.

Question put and passed.

7 ENVIRONMENT—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION—RENEWABLE ENERGY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 366—That the Senate—

(a) notes:

- (i) the announcement by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) that it will redirect its energy research work away from renewable energy towards ‘cleaning up’ coal, a priority of the Australian Government,
- (ii) a breakthrough in solar energy technology, developed by the CSIRO and a private company, with a turbine that has the potential to replace coal-fired power stations in 20 years, and
- (iii) that the CSIRO has had to look offshore for investment funding to advance its work on the solar turbine technology; and

(b) calls on the Australian Government to re-prioritise its policy and funding objectives to provide more support for renewable energy so that Australian breakthrough research is not forced offshore for further development and commercialisation.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 54

Senators—

| | | | |
|------------------|-------------------|------------------|-----------|
| Adams | Ferris (Teller) | Macdonald, Sandy | Ronaldson |
| Barnett | Fierravanti-Wells | Marshall | Santoro |
| Boswell | Fifield | Mason | Scullion |
| Brown, Carol | Forshaw | McEwen | Sherry |
| Calvert | Hogg | McGauran | Stephens |
| Campbell, George | Humphries | McLucas | Sterle |
| Carr | Hurley | Minchin | Troeth |
| Chapman | Hutchins | Moore | Trood |
| Colbeck | Johnston | Nash | Watson |
| Conroy | Joyce | Parry | Webber |
| Crossin | Kirk | Patterson | Wong |
| Eggleston | Lightfoot | Payne | Wortley |
| Ellison | Ludwig | Polley | |
| Ferguson | Lundy | Ray | |

Question negatived.

8 FOREIGN AFFAIRS—EAST TIMOR

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 371—That the Senate—

- (a) notes the final report of the Commission for Reception, Truth and Reconciliation in East Timor, which:
 - (i) provides a comprehensive analysis of Indonesia's occupation of East Timor and the effect of this occupation on the Timorese people,
 - (ii) reinforces the right of the people of Timor-Leste to self-determination and challenges the role of the Australian Government in delaying the recognition of that right,
 - (iii) records the unlawful killings, enforced disappearances, forced displacement, detention, starvation and torture of the Timorese by Indonesian forces,
 - (iv) calls for reparations from Indonesia and other members of the international community such as Australia, 'who looked the other way' and thus 'bear a portion of responsibility' for the atrocities committed, and
 - (v) was delivered to the United Nations by Xanana Gusmao, the President of Timor-Leste on 20 January 2006; and
- (b) calls on the Australian Government to:
 - (i) acknowledge its role in denying the people of Timor-Leste their right to self-determination and prolonging their suffering at the hands of Indonesian forces,
 - (ii) offer reparations to the Government of Timor-Leste in accordance with the recommendations made in the report,
 - (iii) encourage the Indonesian Government to ensure the delivery of reparations to the people of Timor-Leste, and
 - (iv) recognise the importance of reparations in assisting Timor-Leste to heal the wounds of occupation and rebuild a stable, democratic and well-functioning civil society.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett (Teller)

Brown, Bob
Milne

Murray
Nettle

Siewert
Stott Despoja

NOES, 48

Senators—

| | | | |
|----------------------|-------------------|------------------|-----------|
| Adams | Fielding | Ludwig | Patterson |
| Brown, Carol | Fierravanti-Wells | Lundy | Payne |
| Calvert | Fifield | Macdonald, Sandy | Polley |
| Campbell, G (Teller) | Forshaw | Marshall | Ray |
| Carr | Heffernan | Mason | Ronaldson |
| Chapman | Hogg | McEwen | Santoro |
| Colbeck | Humphries | McGauran | Scullion |
| Conroy | Hurley | McLucas | Sterle |
| Crossin | Hutchins | Moore | Troeth |
| Ellison | Johnston | Nash | Webber |
| Ferguson | Joyce | O'Brien | Wong |
| Ferris | Kirk | Parry | Wortley |

Question negatived.

9 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), amended general business notice of motion no. 370 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 Economics Legislation Committee on the provisions of the Future Fund Bill 2005 be extended to 27 February 2006.

Question put and passed.

10 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of Senator Humphries and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 369—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2006, from 10.30 am to 12.30 pm, to take evidence for the committee's review of Auditor-General's reports.

Question put and passed.

11 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries), tabled the following documents:

Community Affairs Legislation Committee—Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—Hansard record of proceedings [3 vols], additional information, submissions [2 496] and correspondence [2 292].

**12 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—
ADDITIONAL ESTIMATES 2003-04, BUDGET ESTIMATES 2004-05 AND 2005-06**

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

- Economics Legislation Committee—
 - Additional estimates 2003-04—
 - Industry, Tourism and Resources portfolio—volume 1.
 - Treasury portfolio—volume 1.
 - Budget estimates 2004-05—Treasury portfolio—volume 1.
 - Budget estimates 2005-06—Treasury portfolio—volume 2.
 - Budget estimates 2005-06 (Supplementary)—
 - Volumes 1 to 3—Industry, Tourism and Resources portfolio.
 - Volume 4—Treasury portfolio.

13 FUTURE FUND BILL 2005

- AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY BILL 2005**
- AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**
- AGED CARE (BOND SECURITY) BILL 2005**
- AGED CARE (BOND SECURITY) LEVY BILL 2005**
- AGED CARE AMENDMENT (2005 MEASURES NO. 1) BILL 2005**

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

- Message no. 273, dated 8 February 2006—A Bill for an Act about the Future Fund, and for related purposes.
- Message no. 274, dated 8 February 2006—A Bill for an Act to establish the Australian Sports Anti-Doping Authority, and for other purposes.
- Message no. 275, dated 8 February 2006—A Bill for an Act to amend laws, and to deal with transitional matters, in connection with the *Australian Sports Anti-Doping Authority Act 2005*, and for other purposes.
- Message no. 276, dated 8 February 2006—A Bill for an Act to guarantee the refund of certain bond balances, and for related purposes.
- Message no. 277, dated 8 February 2006—A Bill for an Act relating to the imposition of levies in respect of certain obligations to refund bond balances, and for related purposes.
- Message no. 278, dated 8 February 2006—A Bill for an Act to amend the law relating to aged care, and for related purposes.

The Minister for Justice and Customs (Senator Ellison) 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.

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

Consideration of legislation: Senator Ellison moved—That the bills be listed on the *Notice Paper* as 3 orders of the day, as follows:

- (a) Future Fund Bill 2005;
- (b) Australian Sports Anti-Doping Authority Bill 2005 and Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005; and
- (c) Aged Care (Bond Security) Bill 2005, Aged Care (Bond Security) Levy Bill 2005 and Aged Care Amendment (2005 Measures No. 1) Bill 2005.

Question put and passed.

14 THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005 [2006]

Order of the day read for the adjourned debate on the motion of Senators Nash and Troeth, the Leader of the Australian Democrats (Senator Allison) and Senator Moore—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 45

Senators—

| | | | |
|------------------|-----------------|-----------|---------------|
| Adams | Ferris (Teller) | Milne | Sterle |
| Allison | Fifield | Moore | Stott Despoja |
| Bartlett | Hill | Murray | Troeth |
| Brown, Bob | Hurley | Nash | Trood |
| Brown, Carol | Johnston | Nettle | Vanstone |
| Campbell, George | Kirk | O'Brien | Watson |
| Carr | Ludwig | Patterson | Webber |
| Colbeck | Lundy | Payne | Wong |
| Coonan | Macdonald, Ian | Ray | Wortley |
| Crossin | Marshall | Scullion | |
| Evans | McEwen | Sherry | |
| Faulkner | McLucas | Siewert | |

NOES, 26

Senators—

| | | | |
|---------|-------------------|-------------------|-----------|
| Abetz | Eggleston | Humphries | Parry |
| Barnett | Ellison | Hutchins | Polley |
| Boswell | Ferguson | Joyce | Ronaldson |
| Brandis | Fielding | Lightfoot | Santoro |
| Calvert | Fierravanti-Wells | Mason | Stephens |
| Chapman | Heffernan | McGauran (Teller) | |
| Conroy | Hogg | Minchin | |

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, debated.
—————

At 1 pm: The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported progress.

15 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REFERENCE

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), by leave, moved—That the exposure draft of the Anti-Money Laundering and Counter-Terrorism Financing Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 13 April 2006.

Question put and passed.

16 THERAPEUTIC GOODS AMENDMENT BILL (NO. 2) 2005

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

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted and the bill read a third time.

17 DEFENCE (ROAD TRANSPORT LEGISLATION EXEMPTION) BILL 2005 [2006]

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—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 Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

18 STATUTE LAW REVISION BILL (NO. 2) 2005 [2006]

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

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 Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

19 FISHERIES LEGISLATION AMENDMENT (COOPERATIVE FISHERIES ARRANGEMENTS AND OTHER MATTERS) BILL 2005 [2006]

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—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 Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

20 ANGLO-AUSTRALIAN TELESCOPE AGREEMENT AMENDMENT BILL 2005

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—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 Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

At 2 pm—

21 QUESTIONS

Questions without notice were answered.

22 IMMIGRATION—DETENTION—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Minister for Immigration and Multicultural Affairs (Senator Vanstone), by leave, made a statement clarifying the answer she gave to a question without notice asked by Senator Kirk today and providing further information relating to immigration and wrongful detention.

Senator Ludwig, by leave, moved—That the Senate take note of the statement.

Document: Senator Ludwig, by leave, tabled the following document:

Immigration—Detention—Commonwealth Ombudsman reports—Copy of Immigration Bulletin 6, 14 December 2005.

Question put and passed.

23 **MINISTERS—ANSWERS TO QUESTIONS**

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

Debate ensued.

Question put and passed.

24 **ENVIRONMENT—TASMANIA—RECHERCHE BAY—ANSWERS TO QUESTIONS**

Senator Milne moved—That the Senate take note of the answers given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and the Minister for the Environment and Heritage (Senator Ian Campbell) to questions without notice asked by Senators Barnett and Milne today relating to Recherche Bay in Tasmania.

Question put and passed.

25 **AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—CYBERCRIME**

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

Australian Crime Commission—Joint Statutory Committee—Report—Cybercrime—Government response.

26 **DOCUMENTS**

The following documents were tabled by the Clerk:

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

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

105—

AD/B737/278—Elevator Input Torque Tube Assembly [F2006L00371]*.

AD/BELL 412/48—Overhead Circuit Breaker Panels [F2006L00367]*.

AD/BELL 427/1—In-line Electrical Terminal Junctions [F2006L00366]*.

AD/CL-600/66 Amdt 1—Rudder Balance Spring Assembly [F2006L00361]*.

AD/EMB-120/43—Fuel Tank Ignition Sources [F2006L00357]*.

AD/F100/74—Fire Protection – Engine Fire Extinguishing Line Shuttle Valve [F2006L00356]*.

106—

AD/ARRIEL/17 Amdt 1—Engine – Gas Generator Second Stage Turbine [F2006L00379]*.

AD/CON/85—Improper Maintenance [F2006L00360]*.

AD/JT8D/38 Amdt 2—Critical Life-Limited Rotating Engine Components [F2006L00353]*.

AD/LYC/114—Improper Maintenance [F2006L00352]*.

Federal Magistrates Act—Select Legislative Instrument 2006 No. 2—Federal Magistrates Court Amendment Rules 2006 (No. 1) [F2006L00314]*.

Health Insurance Act—Declaration of quality assurance activity—QAA No. 3a/2005 [F2006L00323]*.

Higher Education Support Act—Higher Education Provider Approval (No. 1 of 2006)—Tabor College Tasmania Inc [F2006L00330]*.

Social Security Act—

Social Security (Activity Agreement Requirements) (DEST) Determination 2006 [F2006L00390]*.

Social Security (Activity Agreement Requirements) (DEWR) Determination 2006 [F2006L00338]*.

Social Security (Activity Agreement Requirements) (FaCSIA) Determination 2006 [F2006L00348]*.

Social Security (Prospective Determinations for Parenting Payment Recipients) (DEWR) Guidelines 2006 [F2006L00336]*.

Social Security (Reasonable Excuse) (DEST) Determination 2006 [F2006L00397]*.

Social Security (Reasonable Excuse) (DEWR) Determination 2006 [F2006L00340]*.

Social Security (Reasonable Excuse) (FaCSIA) Determination 2006 [F2006L00350]*.

Social Security (Special Circumstances relating to a Person's Family) (DEWR) Determination 2006 [F2006L00339]*.

Social Security (Special Circumstances relating to a Person's Family) (FaCSIA) Determination 2006 [F2006L00349]*.

Social Security (Unsuitable Work) (DEWR) Determination 2006 [F2006L00341]*.

Social Security (Unsuitable Work) (FaCSIA) Determination 2006 [F2006L00347]*.

* Explanatory statement tabled with legislative instrument.

27 COMMITTEES—CHANGES IN MEMBERSHIP

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

The Minister for Immigration and Multicultural Affairs (Senator Vanstone), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Substitute member: Senator Watson to replace Senator Barnett for the consideration of the 2005-06 additional estimates for the period 15 February to 17 February 2006

Economics Legislation and References Committees—

Appointed—Participating member: Senator Ian Macdonald

Employment, Workplace Relations and Education Legislation Committee—

Appointed—

Substitute member: Senator Ian Macdonald to replace Senator Barnett for the consideration of the 2005-06 additional estimates for the period 15 February to 17 February 2006

Participating member: Senator Ian Macdonald

Employment, Workplace Relations and Education References Committee—

Appointed—Participating member: Senator Ian Macdonald

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Appointed—Participating member: Senator Ian Macdonald

Finance and Public Administration Legislation and References Committees—

Appointed—Participating member: Senator Ian Macdonald

Foreign Affairs, Defence and Trade Legislation and References Committees—

Appointed—Participating member: Senator Ian Macdonald

Legal and Constitutional Legislation and References Committees—

Appointed—Participating member: Senator Ian Macdonald

Regulations and Ordinances—Standing Committee—

Discharged—Senator Santoro

Appointed—Senator Fierravanti-Wells

Rural and Regional Affairs and Transport Legislation Committee—

Discharged—Senator McGauran

Appointed—

Senator Nash

Participating members: Senators Ian Macdonald and McGauran

Rural and Regional Affairs and Transport References Committee—

Appointed—Participating member: Senator Ian Macdonald

Treaties—Joint Standing Committee—

Discharged—Senator Santoro

Appointed—Senator McGauran.

Question put and passed.

28 THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005 [2006]

Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill.

Senator Barnett, also on behalf of Senator Humphries, moved the following amendments together by leave:

Clause 1, page 1 (line 6), omit “*Repeal of Ministerial responsibility for approval of RU486*”, substitute “*Ministerial responsibility*”.

Schedule 1, page 3 (after line 13), at the end of the bill, add:

6 After subsection 6AA(2)

Insert:

- (2A) Before giving written approval in accordance with subsection (2), the Minister must:
- (a) seek written advice from the Australian Health Ethics Committee; and
 - (b) consider that advice; and
 - (c) prepare a written statement of reasons for the approval or refusal to approve the importation.

Schedule 1, page 3 (after line 13), at the end of the bill, add:

7 After subsection 6AA(2)

Insert:

- (2B) The Minister must give written notice to a person seeking approval in accordance with this section of the approval of, or of the refusal to approve, the importation.

Schedule 1, page 3 (after line 13), at the end of the bill, add:

8 Subsection 6AA(4)

After “approval”, insert “together with the written advice received by the Minister from the Australian Health Ethics Committee and the written statement of reasons by the Minister for the approval of, or of the refusal to approve, the application”.

Schedule 1, page 3 (after line 13), at the end of the bill, add:

9 At the end of section 6AA

- (6) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (7) Where the Minister issues a written refusal to approve an importation and that instrument is disallowed pursuant to subsection (6), the importation of the restricted good to which the instrument referred is taken to be approved by the Minister.

Schedule 1, page 3 (after line 13), at the end of the bill, add:

10 Subsection 23AA(2)

Repeal the subsection, substitute:

- (2) Before giving written approval in accordance with subsection (1), the Minister must:
 - (a) seek written advice from the Australian Health Ethics Committee; and
 - (b) consider that advice; and
 - (c) prepare a written statement of reasons for the approval or refusal to approve.
- (3) The Minister must give written notice together with the statement of reasons for the approval of, or for the refusal to approve, the evaluation, registration or listing of restricted goods in accordance with this section.
- (4) A written approval, or refusal to approve, the evaluation, registration or listing of restricted goods shall be laid before each House of the Parliament by the Minister within 5 sitting days of being given.

- (5) A written approval or refusal to approve in accordance with this section is a disallowable legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (6) Where the Minister issues a written refusal to approve the evaluation, registration or listing and that instrument is disallowed pursuant to subsection (5), the evaluation, registration or listing of the restricted good to which the instrument referred is taken to be approved by the Minister.

Title, page 1 (lines 1 and 2), omit “*repeal Ministerial responsibility for approval of RU486*”, substitute “*provide conditions for the exercise of Ministerial responsibility in relation to certain therapeutic goods*”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 28

Senators—

| | | | |
|---------|-------------------|-------------------|-----------|
| Abetz | Conroy | Hogg | Minchin |
| Barnett | Ellison | Humphries | Parry |
| Bishop | Ferguson | Hutchins | Polley |
| Boswell | Fielding | Joyce | Ronaldson |
| Brandis | Fierravanti-Wells | Macdonald, Sandy | Santoro |
| Calvert | Forshaw | Mason | Stephens |
| Chapman | Heffernan | McGauran (Teller) | Watson |

NOES, 44

Senators—

| | | | |
|------------------|-----------------|-----------|---------------|
| Adams | Faulkner | McEwen | Scullion |
| Allison | Ferris (Teller) | McLucas | Sherry |
| Bartlett | Fifield | Milne | Siewert |
| Brown, Bob | Hill | Moore | Sterle |
| Brown, Carol | Hurley | Murray | Stott Despoja |
| Campbell, George | Johnston | Nash | Troeth |
| Carr | Kirk | Nettle | Trood |
| Colbeck | Ludwig | O'Brien | Vanstone |
| Coonan | Lundy | Patterson | Webber |
| Crossin | Macdonald, Ian | Payne | Wong |
| Evans | Marshall | Ray | Wortley |

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 1 to 5.

Schedule 1, items 1 to 5 agreed to.

Senator Colbeck, also on behalf of Senator Scullion, moved the following amendment:

Schedule 1, item 4, page 3 (lines 10 and 11), omit the item, substitute:

4 Section 23AA

Repeal the section, substitute:

23AA Evaluation, registration and listing of restricted goods

- (1) Subject to subsections (2) and (3), restricted goods may be evaluated, registered and listed in accordance with the provisions of this Division as they apply to therapeutic goods.

- (2) A certificate of:
- (a) registration of restricted goods under section 25; and
 - (b) listing of restricted goods under section 26;
- is a disallowable legislative instrument of the purposes of the *Legislative Instruments Act 2003*.
- (3) A certificate mentioned in subsection (2) does not take effect before the expiration of the time within which a House of Parliament may disallow the certificate.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

| | | | |
|---------|-------------------|-------------------|-----------|
| Abetz | Coonan | Humphries | Polley |
| Barnett | Eggleston | Hutchins | Ronaldson |
| Bishop | Ellison | Joyce | Santoro |
| Boswell | Ferguson | Lightfoot | Scullion |
| Brandis | Fielding | Macdonald, Sandy | Stephens |
| Calvert | Fierravanti-Wells | Mason | Watson |
| Chapman | Forshaw | McGauran (Teller) | |
| Colbeck | Heffernan | Minchin | |
| Conroy | Hogg | Parry | |

NOES, 41

Senators—

| | | | |
|------------------|----------------|-----------|-----------------|
| Adams | Fifield | Milne | Sterle |
| Allison | Hill | Moore | Stott Despoja |
| Bartlett | Hurley | Murray | Troeth |
| Brown, Bob | Johnston | Nash | Trood |
| Brown, Carol | Kirk | Nettle | Vanstone |
| Campbell, George | Ludwig | O'Brien | Webber (Teller) |
| Carr | Lundy | Patterson | Wong |
| Crossin | Macdonald, Ian | Payne | Wortley |
| Evans | Marshall | Ray | |
| Faulkner | McEwen | Sherry | |
| Ferris | McLucas | Siewert | |

Question negatived.

Limitation of debate: The time allotted for the consideration of the bill in committee of the whole expired.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 1 and 3.

Schedule 1, items 1 and 3 agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

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

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

Debate ensued.

Limitation of debate: The time allotted for the third reading of the bill expired.

Question—That this bill be now read a third time—put.

The Senate divided—

AYES, 45

Senators—

| | | | |
|------------------|-----------------|-----------|---------------|
| Adams | Ferris (Teller) | Milne | Sterle |
| Allison | Fifield | Moore | Stott Despoja |
| Bartlett | Hill | Murray | Troeth |
| Brown, Bob | Hurley | Nash | Trood |
| Brown, Carol | Johnston | Nettle | Vanstone |
| Campbell, George | Kirk | O'Brien | Watson |
| Carr | Ludwig | Patterson | Webber |
| Colbeck | Lundy | Payne | Wong |
| Coonan | Macdonald, Ian | Ray | Wortley |
| Crossin | Marshall | Scullion | |
| Evans | McEwen | Sherry | |
| Faulkner | McLucas | Siewert | |

NOES, 28

Senators—

| | | | |
|---------|-------------------|------------------|-------------------|
| Abetz | Conroy | Heffernan | McGauran (Teller) |
| Barnett | Eggleston | Hogg | Minchin |
| Bishop | Ellison | Humphries | Parry |
| Boswell | Ferguson | Hutchins | Polley |
| Brandis | Fielding | Joyce | Ronaldson |
| Calvert | Fierravanti-Wells | Macdonald, Sandy | Santoro |
| Chapman | Forshaw | Mason | Stephens |

Question agreed to.

Bill read a third time.

29 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. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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 Bartlett debate was adjourned till Thursday at general business.

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 Bartlett debate was adjourned till Thursday at general business.

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 Bartlett 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. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Multilateral treaty—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 agreed to.

Department of Family and Community Services—Report for 2004-05. Motion of Senator McLucas to take note of document agreed to.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2004-05. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Commissioner for Complaints [Aged care]—Report for 2004-05. Motion of Senator McLucas to take note of document agreed to.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05. Motion of Senator Crossin to take note of document agreed to.

Department of Health and Ageing—Report for 2004-05. Motion of Senator McLucas 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 agreed to.

Australian Radiation Protection and Nuclear Safety Agency—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 agreed to.

Department of Defence—Report for 2004-05. Motion of Senator Stephens to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Indigenous Business Australia—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

Equal Opportunity for Women in the Workplace Agency—Report for 2004-05. Motion of Senator Marshall to take note of document agreed to.

Wet Tropics Management Authority—Report for 2004-05. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Agents Registration 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.

Australia-China Council—Report for 2004-05. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

Bilateral treaty—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Turkey for the Promotion and Protection of Investments, done at Canberra on 16 June 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Human Rights and Equal Opportunity Commission—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Customs Service—Report for 2004-05. Motion of Senator Ludwig to take note of document agreed to.

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

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

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

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

Office of the Renewable Energy Regulator—Financial report for 2004-05. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Covering statement by the Commonwealth Ombudsman. Motion of Senator Bartlett to take note of document debated and agreed to.

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 of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05. Motion of Senator Webber to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Multilateral treaty—Text, together with national interest analysis and annexures—Amendments, done at Nairobi, Kenya on 25 November 2005, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Prohibition of Human Cloning Act 2002 and Research Involving Human Embryos Act 2002—Legislation Review Committee—Report on the review of the Acts, December 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Natural Heritage Trust—Report for 2004-05. Motion of Senator Milne to take note of document called on. On the motion of Senator Siewert debate was adjourned till Thursday at general business.

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Native Title Tribunal—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2001-02, including a report on the Rural Adjustment Scheme. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2002-03. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Private Health Insurance Administration Council—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

General business orders of the day nos 18 to 23, 25, 28 to 31, 33 to 35, 46 to 50 and 60 to 64 relating to government documents were called on but no motion was moved.

30 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 References Committee—Final report—The removal, search for and discovery of Ms Vivian Solon. Motion of Senator Ludwig to take note of report agreed to.

Migration—Joint Standing Committee—Report—Review of Audit Report no. 1, 2005-06, Management of the detention centre contracts—Part B. Motion of Senator Kirk to take note of report agreed to.

Finance and Public Administration References Committee—Report—Government advertising and accountability. Motion of the chair of the committee (Senator Forshaw) to take note of report agreed to.

ASIO, ASIS and DSD—Joint Statutory Committee—Report—ASIO's questioning and detention powers: Review of the operation, effectiveness and implications of Division 3 of Part III in the *Australian Security Intelligence Organisation Act 1979*. Motion of Senator Ferguson to take note of report agreed to.

Employment, Workplace Relations and Education Legislation Committee—Report—Commonwealth Radioactive Waste Management Bill 2005 and Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005. Motion of the chair of the committee (Senator Troeth) to take note of report agreed to.

Community Affairs References Committee—Reports—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government responses. Motion of Senator Murray to take note of document called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Nursing: The patient profession: Time for action—Government response. Motion of Senator McLucas to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Opportunities and challenges: Australia's relationship with China. Motion of the chair of the committee (Senator Hutchins) to take note of report 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 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 agreed to.

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 agreed to.

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 Bartlett debate was adjourned till the next day of sitting.

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

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 18 of 2005-06—Performance audit—Customs Compliance Assurance Strategy for international cargo: Australian Customs Service. Motion of Senator Ludwig to take note of document agreed to.

Auditor-General—Audit report no. 22 of 2005-06—Performance audit—Cross portfolio audit of green office procurement. Motion to take note of document moved by Senator Siewert. Debate adjourned till the next day of sitting, Senator Siewert in continuation.

Auditor-General—Audit report no. 26 of 2005-06—Performance audit—Forms for individual service delivery: Australian Bureau of Statistics; Centrelink; Child Support Agency; Medicare Australia. Motion to take note of document moved by Senator Bartlett and agreed to.

Orders of the day nos 1, 2, 4 to 6, 8 to 10 and 12 to 14 relating to reports of the Auditor-General were called on but no motion was moved.

32 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received a letter requesting changes in the membership of committees.

The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Environment, Communications, Information Technology and the Arts
Legislation Committee—**

Appointed—Participating member: Senator Marshall

**Environment, Communications, Information Technology and the Arts
References Committee—**

Discharged—Senator Conroy

Appointed—

Senator Marshall

Participating member: Senator Conroy.

Question put and passed.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 5.57 pm till Monday, 27 February 2006 at 12.30 pm.

34 ATTENDANCE

Present, all senators except Senator Kemp (on leave).

HARRY EVANS
Clerk of the Senate