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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:

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 049/06 to 055/06—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Sydney Airport Demand Management Act 1997—Quarterly reports on the maximum movement limit for Sydney Airport for the periods—

1 April to 30 June and 1 July to 30 September 2005.

1 October to 31 December 2005.

Treaties—

Bilateral—Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of the United States of America on Cooperation in Science and Technology for Homeland/Domestic Security Matters (Washington, 21 December 2005).

Agreement between the Government of the Republic of Namibia and the Governments of Australia, Canada, India, New Zealand, South Africa and the United Kingdom of Great Britain and Northern Ireland concerning the Treatment of War Graves of Members of the Armed Forces of the Commonwealth in the Territory of the Republic of Namibia (Windhoek, 27 June 2005).

Agreement on Social Security between the Government of Australia and the Government of the Kingdom of Norway (Canberra, 2 December 2005).

Treaty between the Government of Australia and the Government of Malaysia on Extradition (Putrajaya, 15 November 2005) and Exchange of Notes (Kuala Lumpur, 7 December 2005).

Treaty between the Government of Australia and the Government of Malaysia on Mutual Assistance in Criminal Matters (Putrajaya, 15 November 2005) and Exchange of Notes (Kuala Lumpur, 7 December 2005).

Multilateral—Text, together with national interest analysis and annexures—

Amendments to the International Organization for Migration (IOM) Constitution, done at Geneva on 24 November 1998.

The International Institute for Democracy and Electoral Assistance Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006).

3 AUSTRALIAN BROADCASTING CORPORATION AMENDMENT BILL 2006

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Murray moved the following amendments together by leave:

Schedule 1, page 3 (after line 8), after item 2, insert:

2A After subsection 12(3)

Insert:

- (3A) In making an appointment in accordance with subsection (2) or (3), the Governor-General is to have regard to the merit selection processes described in section 12A.

Schedule 1, page 3 (after line 12), after item 4, insert:

4A After section 12

Insert:

12A Procedures for merit selection of Board

- (1) The Minister must, within 9 months of the commencement of this section, determine a code of practice for selecting and appointing directors of the Board that must include the following general principles:
 - (a) merit, including but not limited to appropriate broadcasting industry knowledge; and
 - (b) independent scrutiny of appointments; and
 - (c) probity; and
 - (d) openness and transparency.
- (2) The Minister must cause to be tabled in both Houses of the Parliament a copy of the code of practice within 15 sitting days after determining the code in accordance with subsection (1).
- (3) The Minister must cause to be tabled in both Houses of the Parliament any amendment to the code of practice within 15 sitting days after the amendment is made.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 53

Senators—

Abetz	Ferguson	Lundy	Ronaldson
Adams	Fierravanti-Wells	Macdonald, Ian	Santoro
Barnett	Fifield	Macdonald, Sandy	Scullion
Bernardi	Forshaw	Mason	Stephens
Bishop	Hogg	McEwen	Sterle
Boswell	Humphries	McGauran	Troeth
Brandis	Hurley	McLucas	Trood
Brown, Carol	Hutchins	Moore	Watson
Campbell, George	Johnston	Nash	Webber
Carr	Joyce	O'Brien	Wong
Colbeck	Kemp	Parry	Wortley
Coonan	Kirk	Patterson	
Crossin	Lightfoot	Payne	
Eggleston (Teller)	Ludwig	Polley	

Question negatived.

Bill 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.

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

Question put.

The Senate divided—

AYES, 37

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Bill read a third time.

4 NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL AMENDMENT BILL 2006

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

Debate resumed.

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.

The Leader of the Australian Democrats (Senator Allison) moved the following amendments together by leave:

Schedule 1, item 52, page 20 (line 21) after “following”, insert “, so that all of the following are represented on the Council”.

Schedule 1, item 52, page 20 (after line 29), after subparagraph 20(2)(g)(vii), insert:

- (viiia) a background in, and knowledge of, the trade union movement;
- (viiib) the needs of users of social welfare services;
- (viiic) environmental issues;

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, item 52, page 21 (after line 4), before paragraph 21(1)(a), insert:

- (aa) to provide advice and to make recommendations to the Minister resulting from its deliberations; and

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, item 69, page 25 (line 13), omit “after consulting appropriately”, substitute “subject to subsection (2A)”.

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, item 69, page 25 (after line 25), after subsection 41(2), insert:

- (2A) The Minister must by writing determine a code of practice for selecting a person to be appointed in accordance with this section, that sets out general principles on which the selections are to be made, including but not limited to:
- (a) merit; and
 - (b) independent scrutiny of appointments; and
 - (c) probity; and
 - (d) openness and transparency.
- (2B) After determining a code of practice under subsection (2A), the Minister must publish the code in the *Gazette*.
- (2C) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (2D) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (2E) A code of practice determined under subsection (2A) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 34

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Ageing (Senator Santoro) the report from the committee was adopted and the bill read a third time.

5 STUDENT ASSISTANCE LEGISLATION AMENDMENT BILL 2005

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

Debate resumed.

At 12.45 pm: Debate was interrupted.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the sitting of the Senate was suspended at 1.57 pm till 2 pm.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 BUDGET 2006-07—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Evans) moved—That the Senate take note of the answers given by the Minister for the Arts and Sport (Senator Kemp) to questions without notice asked by Senators Evans, Moore and Lundy today relating to the 2006-07 Budget.

Debate ensued.

Question put and passed.

9 TRANSPORT—ROAD FUNDING—ANSWER TO QUESTION

The Leader of the Australian Greens (Senator Bob Brown) moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Joyce today relating to road funding.

Question put and passed.

10 TRANSPORT—ROAD FUNDING—PERSONAL EXPLANATION

Senator O'Brien, by leave, made a personal explanation relating to comments made in the House of Representatives by the Minister for Transport and Regional Services (Mr Truss) today concerning road funding.

11 PETITIONS

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

The President, from 13 petitioners, requesting that the Senate take action to expedite the entry of Christian refugees into Australia.

Senator Bartlett, from 147 petitioners, requesting that the Senate take action to retain the position of Staff Elected Director of the Australian Broadcasting Corporation Board, and to appoint other board members based upon merit.

Senator Boswell, from 50 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

12 NOTICES

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on its inquiry into Australia's future oil supply be extended to 19 October 2006. (*general business notice of motion no. 429*)

The Chair of the Community Affairs References Committee (Senator Moore), the Leader of the Australian Democrats (Senator Allison) and Senator Ferris: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 19 October 2006:

Gynaecological cancer in Australia, and in particular the:

- (a) level of Commonwealth and other funding for research addressing gynaecological cancers;
- (b) extent, adequacy and funding for screening programs, treatment services, and for wider health support programs for women with gynaecological cancer;
- (c) capability of existing health and medical services to meet the needs of Indigenous populations and other cultural backgrounds, and those living in remote regions;
- (d) extent to which the medical community needs to be educated on the risk factors, symptoms and treatment of gynaecological cancers;
- (e) extent to which women and the broader community require education of the risk factors, symptoms and treatment of gynaecological cancers; and
- (f) extent to which experience and expertise in gynaecological cancer is appropriately represented on national health agencies, especially the recently established Cancer Australia.

Senators Barnett and Polley and the Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) acknowledges the amazing courage and tenacity of Mr Todd Russell and Mr Brant Webb since the underground accident at the Beaconsfield Gold Mine on Anzac Day, 25 April 2006;

- (b) applauds the actions and resilience of the rescue team during the 14 day ordeal when these men were entombed 925 metres underground, and specifically acknowledges the work of the emergency services, mine management, the Mayor Barry Easter and his council, the Australian Workers' Union, Tasmanian Minerals Council Limited, the Beaconsfield churches, and numerous community groups and volunteers, and the spirit of the Beaconsfield community in conducting and assisting the delicate exercise resulting in their successful rescue;
- (c) notes that the elation felt from this rescue feat is tempered by the death of Mr Larry Knight in the same accident, and pays tribute to his wife Jackie and family for deferring the funeral to afford priority for the rescue mission, and extends sincere condolences to Jackie and her family; and
- (d) records that Australia, and the world, will long remember this tragic accident and amazing, successful rescue with admiration. (*general business notice of motion no. 430*)

Senator Lundy: To move on the next day of sitting—That the Senate condemns the Howard Government for ignoring in the Budget the urgent needs of parents struggling with the cost, availability and quality of child care, noting:

- (a) the incompetence of the Howard Government in allocating \$60 million for child care places that will never be delivered given that there are already 100 000 unallocated places due mainly to the shortage of child care professionals;
- (b) the failure to bring forward the 30 per cent rebate on out-of-pocket child care expenses despite criticism of the rebate from the Government's own backbench and the fact that child care fees are rising far in excess of other goods and services; and
- (c) that parents who cannot find child care, cannot work, adding to the skills shortage. (*general business notice of motion no. 431*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—

- (1) That the 2006-07 Budget estimates hearings by legislation committees be scheduled as follows:

Monday, 22 May to Thursday, 25 May (*Group A*)

Monday, 29 May to Thursday, 1 June (*Group B*).

- (2) 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.

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

- (a) notes that:
 - (i) the United Nations (UN) sponsored Act of Free Choice which sanctioned the Indonesian occupation of West Papua consisted of 1 022 West Papuans hand-picked by Indonesia and pressured to support integration, and
 - (ii) a recent Newspoll found that 77 per cent of Australians were in favour of the people of West Papua having ‘the right to self determination, that is, the right to determine their own political future, including the option of independence’; and
- (b) calls on the Government to make representations to the UN Secretary-General regarding the Act of Free Choice requesting that he establish an inquiry into the validity of the process. (*general business notice of motion no. 432*)

Senator McLucas: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the last sitting week of 2006:

An examination of the funding and operation of the Commonwealth-State/Territory Disability Agreement (CSTDA), including:

- (a) an examination of the intent and effect of the three CSTDAs to date;
- (b) the appropriateness or otherwise of current Commonwealth/state/territory joint funding arrangements, including an analysis of levels of unmet needs and, in particular, the unmet need for accommodation services and support;
- (c) an examination of the ageing/disability interface with respect to health, aged care and other services, including the problems of jurisdictional overlap and inefficiency; and
- (d) an examination of alternative funding, jurisdiction and administrative arrangements, including relevant examples from overseas.

13 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the reference of matters to the Legal and Constitutional References Committee, postponed till 11 May 2006.

Business of the Senate notice of motion no. 2 standing in the name of Senator Carr for today, proposing the reference of a matter to the Community Affairs References Committee, postponed till 7 December 2006.

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the reference of matters to the Community Affairs References Committee, postponed till 14 June 2006.

General business notice of motion no. 423 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 11 May 2006.

14 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), at the request of the Minister for Justice and Customs (Senator Ellison) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the government business orders of the day relating to the Superannuation Legislation Amendment (Trustee Board and Other Measures) Bill 2006 and the Superannuation Legislation Amendment Bill 2004 may be taken together for their remaining stages.

Question put and passed.

15 SPORT—AUSTRALIAN COMMONWEALTH GAMES TEAM—COMMONWEALTH SUPPORT

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), at the request of the Minister for the Arts and Sport (Senator Kemp) and Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the Senate—

- (a) congratulates all the athletes in the Australian Commonwealth Games Team for achieving an outstanding result at the XVIIIth Commonwealth Games in Melbourne;
- (b) particularly congratulates medal winners in helping the Australian team achieve its record result of 221 medals including 84 gold, 69 silver and 68 bronze;
- (c) acknowledges:
 - (i) the contribution of all the support staff including the coaches, doctors, trainers and vast array of other support staff who are now so necessary for success on the international sporting stage,
 - (ii) the Australian Commonwealth Games Association for its contribution in managing the Australian Team, and
 - (iii) the Australian Institute of Sport and the Australian Sports Commission on their key contributions to the preparation of the Australian Commonwealth Games team;
- (d) congratulates:
 - (i) the 15 000 volunteers whose outstanding contribution made the Melbourne Commonwealth Games a memorable and enjoyable experience for all those involved, and
 - (ii) the Chairman of the M2006 Corporation, Mr Ronald Walker, the Chief Executive Officer, Mr John Harnden, and their team in delivering an outstanding Commonwealth Games described by the President of the Commonwealth Games Federation, Mr Mike Fennell, as ‘simply the best’; and
- (e) acknowledges the contributions of the Australian and Victorian Governments to the Melbourne Commonwealth Games, including the delivery of a safe and secure games.

Question put and passed.

16 SPORT—WINTER PARALYMPICS—AUSTRALIAN PARALYMPIC TEAM—COMMONWEALTH SUPPORT

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), at the request of the Minister for the Arts and Sport (Senator Kemp) and Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That the Senate—

- (a) congratulates the Australian Paralympic Team for achieving an outstanding result at the Winter Paralympics in Torino, Italy;
- (b) particularly congratulates medal winners Mr Michael Milton and Mr Toby Kane in helping the Australian team achieve this result at the Winter Olympics;
- (c) congratulates the Olympic Winter Institute, the Australian Institute of Sport and the Australian Paralympic Committee on its key contribution to the preparation of the Australian Winter Olympic team; and
- (d) acknowledges the important contribution of the Australian Sports Commission to the preparation of the team.

Question put and passed.

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

Senator Scullion, at the request of Senator Watson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 418—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 May 2006, from 11 am to 12.30 pm, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation.

Question put and passed.

18 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), amended general business notice of motion no. 419 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 Employment, Workplace Relations and Education Legislation Committee on the provisions of the Australian Research Council Amendment Bill 2006 be extended to 2 June 2006.

Question put and passed.

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

Senator Scullion, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 420—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 13 June 2006, from 5 pm to 8 pm, to take evidence for the committee's inquiry into the statutory oversight of the operations of the Australian Securities and Investments Commission.

Question put and passed.

20 INDIGENOUS AUSTRALIANS—NATIONAL SORRY DAY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 427—That, as recommended in the *Bringing them home* report tabled in the Senate on 26 May 1997, the Senate recognises that 26 May is National Sorry Day, a day of remembrance each year to commemorate the history of forcible removal of Aboriginal and Torres Strait Islander children and its effects on individuals, families and communities.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 35

Senators—

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

Question negatived.

21 FOREIGN AFFAIRS—CHINA—EXPORT OF URANIUM

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 416—That the Senate—

(a) notes that:

- (i) the Chinese Ambassador to Australia, Madam Fu Ying, stated in December 2005 that China does not have sufficient uranium for both its weapons and civilian energy programs,
- (ii) Australian yellowcake needs to go to conversion, enrichment and processing facilities before being allocated to declared civilian nuclear power stations,
- (iii) most of the conversion, enrichment and processing facilities are not declared facilities and are therefore not covered by International Atomic Energy Agency (IAEA) safeguards, and
- (iv) those facilities that are declared are only declared at the discretion of the Chinese Government, and therefore are voluntary and can at any time be removed from IAEA safeguards;

(b) recognises therefore that by exporting uranium to China, Australia will be supporting, either directly or indirectly, the Chinese nuclear weapons program in contravention of the Nuclear Non-Proliferation Treaty; and

(c) opposes and condemns the export of uranium to China.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 53

Senators—

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

Question negatived.

22 FOREIGN AFFAIRS—INDIA—URANIUM SALES

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 417—That the Senate—

(a) notes:

- (i) the statement by the Prime Minister, Mr Howard, on 28 March 2006 that ‘whilst India is not a signatory to the [Nuclear Non-Proliferation] treaty, everybody knows that, her behaviour since exploding a device in 1974 has been impeccable’,
- (ii) that India conducted nuclear tests in 1998, prompting the Australian Government to sever defence links with India,
- (iii) that India resumed missile testing in 2001, using an intermediate range ballistic missile capable of carrying a nuclear warhead,
- (iv) that India has still not become a party to either the Comprehensive Test Ban Treaty nor the Nuclear Non-Proliferation Treaty, and
- (v) India has a well-developed, active and secret program to outfit its uranium enrichment program and circumvent other countries’ technology export control efforts, according to a recently-released report by the United States of America-based Institute of Science and International Security; and

(b) calls on the Prime Minister to rule out any change to the Government’s policy of refusing to permit the sale of uranium to India.

Question put and negatived.

23 ENVIRONMENT—DIESEL HYBRID VEHICLES

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. 421—That the Senate—

(a) notes:

- (i) the call by French President Jacques Chirac for French car manufacturers to produce hybrid vehicles at affordable prices within 10 years, and
- (ii) that Citroen now plans to have a diesel hybrid vehicle on the road in this time frame, noting its fuel efficiency benefits over petrol hybrid vehicles; and

(b) encourages the Government to similarly call for Australian automobile manufacturers to produce diesel hybrid vehicles.

Question put and passed.

24 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—NUCLEAR WEAPONS

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. 422—That the Senate—

(a) notes that:

- (i) 1 800 nuclear physicists, including many Nobel Laureates, have joined in a petition opposing the ‘new US nuclear weapons policies that open the door to the use of nuclear weapons on situations such as Iran’s’,

- (ii) petitioners note that the policy of the United States of America (US) did, until recently and since WWII, consider nuclear weapons to be weapons of last resort to be used only when the survival of the nation or of an allied nation was at stake, or at most, in cases of extreme military necessity,
 - (iii) the potential use of tactical nuclear weapons to destroy underground installations as being considered by the Bush Administration against Iran is ‘a major and dangerous shift in the rationale for’ the use of ‘nuclear weapons’, and
 - (iv) petitioners argue that ‘using or even merely threatening to use a nuclear weapon preemptively against a non-nuclear adversary tells the 182 non-nuclear-weapon countries signatories of the Nuclear Non-Proliferation Treaty that their adherence to the treaty offers them no protection against a nuclear attack by a nuclear nation. Many are thus likely to abandon the treaty, and the nuclear non-proliferation framework will be damaged even further than it already has, with disastrous consequences for the security of the United States and the world’;
- (b) agrees with petitioners that the US Administration should announce publicly that it is taking the nuclear option off the table in the case of all non-nuclear adversaries, present and future; and
 - (c) urges the Government to make representation to the Bush Administration calling for such a commitment.

Question put and negatived.

25 FOREIGN AFFAIRS—CHILE—MAPUCHE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 426—That the Senate—

- (a) notes that:
 - (i) over the past decade, the Indigenous people of Chile, Mapuche, have been in conflict with the Chilean Government over the use of Indigenous lands for forestry and hydroelectric development,
 - (ii) the criminalisation of their campaign for equal rights under Chile’s terrorism laws has been criticised by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, and
 - (iii) currently four Mapuche political prisoners are on their eighth week of a hunger strike and in a serious medical condition; and
- (b) calls on the Government to raise this matter with the Chilean Government requesting that they:
 - (i) carry out negotiations with the Mapuche political prisoners and their legal representatives to end the hunger strike, and
 - (ii) implement an independent review of the cases in which Mapuche people have been tried and convicted on terrorism charges, in order to verify observance of due process, and, if necessary, order a new trial with full respect for fair trial guarantees.

Question put and negatived.

26 LAW AND JUSTICE—BORDER RATIONALISATION TASKFORCE—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 424—That the report of the Border Rationalisation Taskforce prepared in 1998 be provided no later than 18 May 2006 by the Minister for Justice and Customs to the President under standing order 166(2) for presentation to the Senate.

Question put and negatived.

27 FOREIGN AFFAIRS—CHERNOBYL—NUCLEAR REACTOR ACCIDENT

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 428—That the Senate—

(a) notes:

- (i) the recent 20th anniversary of the Chernobyl nuclear power plant accident in the Ukraine,
- (ii) the observation of the former Soviet President Mikhail Gorbachev who said recently ‘Chernobyl opened my eyes like nothing else: it showed the horrible consequences of nuclear power, even when it is used for non-military purposes’,
- (iii) that the sarcophagus that encases the reactor site remains in a dangerous state of disrepair and, if it were to collapse, it would send a second plume of radioactive dust across Europe, and
- (iv) that although the exact number of people who have died or are dying as a result of the Chernobyl accident will never be known with accuracy, the latest reports from the Russian Academy of Medical Sciences cite a figure of 212 000;

(b) rejects the construction of any nuclear power stations in Australia; and

(c) calls on the Government to abandon its support for nuclear power and instead to invest in energy efficiency, demand management and renewable energy.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

28 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 4 OF 2006

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 4 of 2006, dated 10 May 2006.

29 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—ADDITIONAL INFORMATION—GOVERNMENT ADVERTISING AND ACCOUNTABILITY

Senator George Campbell, at the request of the Chair of the Finance and Public Administration References Committee (Senator Forshaw), tabled the following document:

Finance and Public Administration References Committee—Report—Government advertising and accountability—Additional information.

30 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—STATEMENT—ESTIMATES FOR THE AUSTRALIAN NATIONAL AUDIT OFFICE

Senator Scullion, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—Statement on the budget estimates for the Australian National Audit Office for 2006-07.

31 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—6TH AND 7TH REPORTS OF 2006

Senator Scullion, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

6th report of 2006—Proposed fit-out of new leased premises for the Department of Agriculture, Fisheries and Forestry in Civic, ACT, dated May 2006.

7th report of 2006—Proposed fit-out of new leased premises for the Australian Taxation Office at the site known as Section 84, Precincts B and C, Canberra City, ACT, dated May 2006.

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

Question put and passed.

32 TREATIES—JOINT STATUTORY COMMITTEE—73RD REPORT

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

Treaties—Joint Statutory Committee—73rd report—Treaties tabled in February 2006, dated March 2006.

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

Question put and passed.

33 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/A320/192—Main Fuel Pump System – Airworthiness Limitation [F2006L01446]*.

AD/AC-SNOW/24 Amdt 5—Wing Spar [F2006L01458]*.

AD/B-2/32—Tail Rotor Gearbox [F2006L01448]*.

AD/B747/171 Amdt 5—Outboard Main Fuel Tank Boost Pump Wiring [F2006L01339]*.

AD/G1159/45 Amdt 1—Cockpit Flight Panel Displays [F2006L01449]*.

106—

AD/AL501/2—2nd Stage Turbine [F2006L01348]*.

AD/ARRIEL/23 Amdt 1—Start Electro Valve – Fuel Leaks [F2006L01422]*.

Customs Act—

Tariff Concession Orders—

0507917 [F2006L01409]*.
 0603570 [F2006L01421]*.
 0603872 [F2006L01349]*.
 0603902 [F2006L01351]*.
 0603914 [F2006L01425]*.
 0604033 [F2006L01427]*.

Tariff Concession Revocation Instruments—

41/2006 [F2006L01411]*.
 42/2006 [F2006L01412]*.
 43/2006 [F2006L01413]*.

Defence Act—Determination under section 52—Determination No. 1 of 2006 [F2006L01285]*.

Family Law Act—Select Legislative Instrument 2006 No. 96—Family Law (Hague Convention on Intercountry Adoption) Amendment Regulations 2006 (No. 1) [F2006L01324]*.

Financial Management and Accountability Act—Adjustments of Appropriations on Change of Agency Functions—Direction No. 20 of 2005-2006 [F2006L01456]*.

Superannuation (Financial Assistance Funding) Levy Act and Financial Institutions Supervisory Levies Collection Act—Select Legislative Instrument 2006 No. 104—Superannuation (Financial Assistance Funding) Levy and Collection Amendment Regulations 2006 (No. 1) [F2006L01434]*.

* Explanatory statement tabled with legislative instrument.

34 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP

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

Senator Scullion, by leave, moved—That Senator Moore be discharged from the Joint Committee of Public Accounts and Audit for the period of the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation, and Senator Bishop be appointed a member of the committee for that period.

Question put and passed.

35 FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2006

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

Message no. 314, dated 10 May 2006—Family Law Amendment (Shared Parental Responsibility) Bill 2006.

**36 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—ANNUAL REPORTS**

Pursuant to order, Senator Scullion, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report:

Rural and Regional Affairs and Transport Legislation Committee—Annual reports referred to legislation committees—Report no. 1 of 2006, dated May 2006.

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

**37 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—REPORT—AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY
ORGANISATION AMENDMENT BILL 2006**

Pursuant to order, Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Provisions of the Australian Nuclear Science and Technology Organisation Amendment Bill 2006—Report, dated May 2006 and submissions [4].

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

38 STUDENT ASSISTANCE LEGISLATION AMENDMENT BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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 Wong moved the following amendment:

Schedule 2, item 10, page 14 (line 15), omit “notifying”, substitute “procedures to be observed by a person who is notifying”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Senator Stott Despoja moved the following amendment:

Schedule 2, item 10, page 14 (line 16), after “Department”, insert “but not relating to prescribed events”.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

Allison	Forshaw	Milne	Siewert
Bartlett	Hogg	Moore	Stephens
Bishop	Hurley	Murray	Sterle
Brown, Bob	Hutchins	Nettle	Stott Despoja
Brown, Carol	Kirk	O’Brien	Webber
Campbell, G (Teller)	Lundy	Polley	Wong
Carr	McEwen	Ray	Wortley
Crossin	McLucas	Sherry	

NOES, 35

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Immigration and Multicultural Affairs (Senator Vanstone) the report from the committee was adopted and the bill read a third time.

39 **SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER MEASURES) BILL 2006**
SUPERANNUATION LEGISLATION AMENDMENT BILL 2004

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER MEASURES) BILL 2006—

Bill taken as a whole by leave.

Senator Murray moved the following amendment:

Schedule 1, page 3 (after line 16), after item 4, insert:

4A Subsection 3(1) (after the definition of SIS Act)

Insert:

spouse, in relation to a person:

- (a) includes another person who, although not legally married to the person, lives with the person on a bona fide domestic basis as the husband or wife of the person; and
- (b) includes a person in an interdependency relationship as defined in section 27AAB of the *Income Tax Assessment Act 1936*.

Debate ensued.

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

Senator Murray moved the following amendment:

Schedule 1, page 10 (after line 4), after item 59, insert:

59A Subclause 4(1) of the Schedule

Omit “shall”, substitute “, subject to clause 4A, must”.

59B After clause 4 of the Schedule

Insert:

4A Procedures for merit selection of appointments

- (1) The Minister must by writing determine a code of practice, for selecting a person to be appointed by the Commonwealth or a Minister to a position under this Act, that sets out general principles on which the selections are to be made, including but not limited to:
 - (a) merit; and
 - (b) independent scrutiny of appointments; and
 - (c) probity; and
 - (d) openness and transparency.

- (2) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
- (3) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (4) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (5) A code of practice determined under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Debate ensued.

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

Bill agreed to.

SUPERANNUATION LEGISLATION AMENDMENT BILL 2004—

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

Bills to be reported without amendments.

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

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the report from the committee was adopted and the bills read a third time.

**40 MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT
(MARITIME SECURITY GUARDS AND OTHER MEASURES) BILL 2005 [2006]**

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.

Debate resumed.

Senator O'Brien moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for its failure to provide necessary maritime security and protect Australians, including:

- (a) its careless and widespread use of single and continuing voyage permits for foreign vessels with foreign crew who do not undergo appropriate security checks;
- (b) permitting foreign flag of convenience ships to carry dangerous goods on coastal shipping routes; and
- (c) failing to:
 - (i) ensure ships provide details of crew and cargo 48 hours before arrival,
 - (ii) x-ray or inspect 90 per cent of containers,
 - (iii) establish and properly fund an Australian coastguard, and
 - (iv) establish a Department of Homeland Security to better coordinate security in Australia”.

Debate ensued.

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

Main 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 the Arts and Sport (Senator Kemp) the bill was read a third time.

41 CIVIL AVIATION LEGISLATION AMENDMENT (MUTUAL RECOGNITION WITH NEW ZEALAND) BILL 2005 [2006]

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted.

42 NOTICE

Senator Murray gave a notice of motion as follows: To move on the next day of sitting—That, upon their introduction in either House, the provisions of the following bills be referred to the Economics Legislation Committee for inquiry and report by 9 June 2006:

Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006

Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006

Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006

Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006.

43 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 049/06 to 055/06, 9 May 2006. 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—Reports by the Commonwealth Ombudsman—Personal identifiers 049/06 to 055/06. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

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

Australia-Indonesia Institute—Report for 2004-05. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Telecommunications (Interception) Act 1979—Report for 2004-05 on the operation of the Act. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

Australian Agency for International Development (AusAID)—Australian aid: Promoting growth and stability—White paper. Motion to take note of document moved by Senator Stott Despoja. Debate adjourned till Thursday at general business, Senator Stott Despoja in continuation.

General business orders of the day nos 77 to 81, 84 to 87 and 89 relating to government documents were called on but no motion was moved.

44 NOTICE

The Minister for Communications, Information Technology and the Arts (Senator Coonan) gave a notice of motion as follows: To move on the next day of sitting—That, upon their introduction in the House of Representatives, the provisions of the following bills be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 13 June 2006:

Do Not Call Register Bill 2006

Do Not Call Register (Consequential Amendments) Bill 2006.

45 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.14 pm till Thursday, 11 May 2006 at 9.30 am.

46 ATTENDANCE

Present, all senators except Senators Ian Campbell* and Marshall* (* on leave).

HARRY EVANS
Clerk of the Senate