

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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 NOTICES**

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

(a) notes:

- (i) that 20 years have passed since the nuclear reactor accident which occurred on 26 April 1986 at Chernobyl, with adverse consequences for approximately 2 million people in each of Belarus, the Ukraine and Russia, with some 600 000 clean-up workers and more than 350 000 evacuees being exposed to high levels of radiation,
- (ii) some estimates that the radiation emitted by the Chernobyl blast delivered into the atmosphere 90 times the radioactive materials of the atomic bomb blast at Hiroshima,
- (iii) that a radius of 30 kilometres around the Chernobyl reactor has been declared an exclusion zone that will be uninhabitable for centuries,
- (iv) that as far away as Britain, hundreds of farms are still suffering from low-level radioactive debris, which was borne thousands of kilometres by winds from Chernobyl,
- (v) that of the three most affected countries, the Ukraine has a special role as custodian of the Chernobyl reactor site, with the cost of a new sarcophagus likely to slow the development of its economy, and
- (vi) that the Ukraine and Belarus have, since independence, demonstrated good faith to the world community by eliminating their stockpiles of Soviet nuclear warheads, and the Ukraine has shut down the three remaining operable reactors on the Chernobyl site;

(b) expresses concern that:

- (i) as time progresses there has been a gradual downgrading of awareness in the Australian and world community about the Chernobyl tragedy and its lessons,
- (ii) the affected people in Belarus, the Ukraine and Russia are not receiving appropriate treatment due to a lack of funding, alternative priorities and ignorance of the full consequences, which include thousands of thyroid cancers in the affected zone,
- (iii) difficult economic conditions in the Ukraine will hinder that country's ability to fully respond to the challenge of securing the safety of the closed Chernobyl power station, and
- (iv) the Ukraine needs to secure the safety of currently operating reactors, especially in light of its plans to expand nuclear power; and

(c) calls on the Government to:

- (i) consider the lessons of Chernobyl when implementing Australia's nuclear energy policy, and its policy with respect to sales of Australian uranium to other countries,
- (ii) take steps, such as educational programs, to ensure that the lessons of Chernobyl are not forgotten by the generation that witnessed the catastrophe, nor missed by the generation of Australians that has been born since 1986, and

- (iii) ensure that open inquiry and debate are pursued in the consideration of nuclear power issues. (*general business notice of motion no. 433*)

Senator Joyce: To move on 14 June 2006—That the Petroleum Retail Marketing Sites Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 73 and made under the *Petroleum Retail Marketing Sites Act 1980*, be disallowed.

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

- (1) That the Senate notes that the Community Affairs Legislation Committee report, *Provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and the Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005*, tabled in the Senate on 28 November 2005, recommended:

... the Department of Employment and Workplace Relations reassess which of the guidelines under the package are to be disallowable by the Parliament; that is, that it ensure key aspects of the guidelines be determined by disallowable instruments. This will ensure consistency in application as well as appropriate Parliamentary scrutiny. In particular, the Committee recommends that guidelines dealing with what constitutes unsuitable paid employment, special family circumstances, suitable and unsuitable activities for participation, and compliance issues are based on disallowable instruments.

- (2) That the following matter be referred to the Community Affairs Legislation Committee for inquiry and report by 14 September 2006:

The extent and effectiveness of the following regulations made under the *Social Security Act 1991* in giving effect to the recommendation of the Community Affairs Legislation Committee's report:

- (a) Social Security (Activity Agreement Requirements) (DEST) Determination 2006 [F2006L00390];
- (b) Social Security (Activity Agreement Requirements) (DEWR) Determination 2006 [F2006L00338];
- (c) Social Security (Activity Agreement Requirements) (FaCSIA) Determination 2006 [F2006L00348];
- (d) Social Security (Prospective Determinations for Parenting Payment Recipients) (DEWR) Guidelines 2006 [F2006L00336];
- (e) Social Security (Reasonable Excuse) (DEST) Determination 2006 [F2006L00397];
- (f) Social Security (Reasonable Excuse) (DEWR) Determination 2006 [F2006L00340];
- (g) Social Security (Reasonable Excuse) (FaCSIA) Determination 2006 [F2006L00350];
- (h) Social Security (Special Circumstances relating to a Person's Family) (DEWR) Determination 2006 [F2006L00339];
- (i) Social Security (Special Circumstances relating to a Person's Family) (FaCSIA) Determination 2006 [F2006L00349];
- (j) Social Security (Unsuitable Work) (DEWR) Determination 2006 [F2006L00341]; and
- (k) Social Security (Unsuitable Work) (FaCSIA) Determination 2006 [F2006L00347].

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Criminal Code Amendment Regulations 2005 (No. 14), as contained in Select Legislative Instrument 2005 No. 298, specifying the Kurdistan Workers Party (PKK) as a terrorist organisation, and made under the *Criminal Code Act 1995*, be disallowed.

### 3 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2006

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following report:

#### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 4 OF 2006

1. The committee met in private session on Wednesday, 10 May 2006 at 4.16 pm.
2. The committee resolved to recommend—That—
  - (a) the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 17 August 2006;
  - (b) the *provisions* of the Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 15 June 2006;
  - (c) the *provisions* of the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill 2006 be *referred immediately* to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 6 June 2006;
  - (d) upon its introduction into the House of Representatives, the *provisions* of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 13 June 2006; and
  - (e) the *provisions* of the Fuel Tax Bill 2006 and Fuel Tax (Consequential and Transitional Provisions) Bill 2006 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 June 2006.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - ASIO Legislation Amendment Bill 2006
  - Aviation Transport Security Amendment Bill 2006
  - Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Bill 2006
  - Defence Housing Authority Amendment Bill 2006
  - Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) (Consequential Amendments) Bill 2006
  - Protection of the Sea (Powers of Intervention) Amendment Bill 2006
  - Social Security and Family Assistance Legislation Amendment (Miscellaneous Measures) Bill 2006
  - Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006
  - Tax Laws Amendment (2006 Measures No. 2) Bill 2006.

*The committee recommends accordingly.*

4. The committee *deferred* consideration of the following bills to the next meeting:

*Bills deferred from meeting of 10 May 2006*

Australia-Japan Foundation (Repeal and Transitional Provisions) Bill 2006  
Intellectual Property Laws Amendment Bill 2006  
Protecting Children from Junk Food Advertising Bill 2006.

Jeannie Ferris  
Chair  
11 May 2006.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**4 ORDER OF BUSINESS—REARRANGEMENT**

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

Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006.

No. 5 General Insurance Supervisory Levy Imposition Amendment Bill 2006.

No. 6 Health and Other Services (Compensation) Amendment Bill 2006.

Protection of the Sea (Powers of Intervention) Amendment Bill 2006.

Defence Housing Authority Amendment Bill 2006.

Question put and passed.

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

- (a) general business notice of motion no. 431 standing in the name of Senator Lundy relating to child care; and
- (b) consideration of government documents.

Question put and passed.

**5 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 15 June 2006.

**6 ORDER OF BUSINESS—REARRANGEMENT**

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the Economics Legislation Committee on the provisions of the Petroleum Retail Legislation Repeal Bill 2005, be postponed till a later hour.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Law Enforcement Integrity Commissioner Bill 2006 and two related bills, be postponed till a later hour.

Question put and passed.

#### 7 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCES

Senator George Campbell, at the request of the Chair of the Community Affairs References Committee (Senator Moore), the Leader of the Australian Democrats (Senator Allison) and Senator Ferris and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

Question put and passed.

Senator George Campbell, at the request of Senator McLucas and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—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.

Question put and passed.

## 8 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

*Motion determined as not formal:* The Minister for Justice and Customs (Senator Ellison) requested that government business notice of motion no. 1 standing in his name for today, relating to Budget estimates hearings for 2006-07, be taken as formal.

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

## 9 DEATH OF MR GRANT MCLENNAN

Senator Bartlett, also on behalf of Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 425—That the Senate—

(a) notes:

- (i) the loss suffered by the Australian music community and music lovers with the death on 6 May 2006, of Queensland born and bred songwriter and musician, Mr Grant McLennan,
- (ii) the contribution made to music by Mr McLennan as a songwriter and performer over nearly three decades, which is highly respected and widely recognised as very influential,
- (iii) that the song ‘Cattle and Cane’, written by Mr McLennan and performed by the Go-Betweens was named by the Australian Performing Rights Association as one of the ten greatest Australian songs, and
- (iv) the significant inspiration that Mr McLennan and the Go-Betweens provided to musicians from Brisbane and beyond over many years; and

(b) conveys its sympathies to his mother, immediate family and past and present band members.

Question put and passed.

## 10 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REFERENCE

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Communications, Information Technology and the Arts (Senator Coonan) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—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.

Question put and passed (*but see entry no. 40*).

## 11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 429—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.

Question put and passed.



**12 FOREIGN AFFAIRS—MR DAVID HICKS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 423—That the Senate—

- (a) notes:
- (i) the decision by the British Court of Appeal to reject any further appeals by the Home Office to block Mr David Hicks' British citizenship application,
  - (ii) the repatriation of nine British citizens, previously detained at the military detention facility at Guantanamo Bay, by the British Government,
  - (iii) that Mr Hicks' primary citizenship is Australian, and
  - (iv) that Mr Hicks has now been held at Guantanamo Bay for more than 4 years in contravention of his fundamental human rights; and
- (b) calls on the Government to either repatriate Mr Hicks to Australia or to confirm that it will not discourage the repatriation of Mr Hicks to the United Kingdom if it enters into dialogue on the issue with either the United States of America or the United Kingdom.

Question put and negatived.

**13 FOREIGN AFFAIRS—WEST PAPUA**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 432—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 Newspann 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.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison  
Bartlett

Brown, Bob  
Milne

Murray  
Nettle

Siewert (Teller)  
Stott Despoja

## NOES, 48

Senators—

Adams	Evans	Lightfoot	Payne
Barnett	Faulkner	Ludwig	Polley
Bernardi	Ferris (Teller)	Lundy	Ray
Bishop	Fielding	Macdonald, Ian	Ronaldson
Brandis	Fierravanti-Wells	Macdonald, Sandy	Stephens
Brown, Carol	Fifield	McEwen	Sterle
Calvert	Forshaw	McLucas	Troeth
Campbell, George	Hogg	Moore	Trood
Carr	Hurley	Nash	Watson
Chapman	Johnston	O'Brien	Webber
Conroy	Joyce	Parry	Wong
Crossin	Kirk	Patterson	Wortley

Question negated.

**14 PUBLICATIONS—STANDING COMMITTEE—12TH REPORT**

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

PUBLICATIONS COMMITTEE  
12TH REPORT

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

The Committee, having considered documents presented to the Senate since 29 March 2006, recommends that the following be printed:

Administrative Review Council—Report no. 47—The scope of judicial review, April 2006.

*Aged Care Act 1997*—Report for 2004-05 on the operation of the Act—Erratum.

Australian Agency for International Development (AusAID)—Australian aid: Promoting growth and stability—White paper.

Australia and the International Financial Institutions—Reports for 2004-05.

Finance—Budget 2006-07—Ministerial statements—

Australia's overseas aid program 2006-07.

Continuing tax reform 2006-07.

Securing Australia's agriculture 2006-07.

*Gene Technology Act 2000*—Statutory review of the *Gene Technology Act 2000* and the Gene Technology Agreement—Report.

*Telecommunications (Interception) Act 1979*—Report for 2004-05 on the operation of the Act.

Treaties—Joint Standing Committee—72nd report—Treaties tabled on 29 November 2005 (2)—Erratum.

*War Crimes Act 1945*—Report for 2004-05 on the operation of the Act.

Senator John Watson

Chairman

11 May 2006.

Senator Watson moved—That the report be adopted.

Question put and passed.

**15 TASMANIA—BEACONSFIELD GOLD MINE ACCIDENT**

Senator Barnett, by leave and also on behalf of Senator Polley and the Leader of the Australian Greens (Senator Bob Brown), moved general business notice of motion no. 430—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.

The motion was supported and all senators present stood in silence as a mark of respect to Mr Larry Knight.

Question passed.

**16 PROTECTION OF THE SEA (POWERS OF INTERVENTION) AMENDMENT BILL 2006  
DEFENCE HOUSING AUTHORITY AMENDMENT BILL 2006**

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

Message no. 315, dated 10 May 2006—A Bill for an Act to amend the *Protection of the Sea (Powers of Intervention) Act 1981*, and for other purposes.

Message no. 316, dated 10 May 2006—A Bill for an Act to amend the *Defence Housing Authority Act 1987*, 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 and the resumption of the debate made an order of the day for a later hour.

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

Question put and passed.

**17 SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT  
(ONE-OFF PAYMENTS TO INCREASE ASSISTANCE FOR OLDER AUSTRALIANS AND  
CARERS AND OTHER MEASURES) BILL 2006**

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

Message no. 317, dated 10 May 2006—A Bill for an Act to amend the law relating to social security and veterans' entitlements, and for other purposes.

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

Question put and passed.

Bill read a first time.

*Consideration of legislation:* Senator Ellison, by leave, moved—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

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*Document:* Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006 in the 2006 budget sittings.

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Question put and passed.

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

On the motion of Senator Ellison the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

**18 POSTPONEMENT**

Senator Bartlett, by leave, moved—That business of the Senate notice of motion no. 2 standing in his name for today, proposing the reference of matters to the Legal and Constitutional References Committee, be postponed till the next day of sitting.

Question put and passed.

**19 ORDER OF BUSINESS—REARRANGEMENT**

Senator Bartlett, by leave and at the request of Senator Murray, moved—That business of the Senate notice of motion no. 5 standing in the name of Senator Murray for today, proposing the reference of bills to the Economics Legislation Committee, be postponed till a later hour.

Question put and passed.

**20 LEGISLATION COMMITTEES—ESTIMATES HEARINGS**

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

- (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.

Debate ensued.

Question put and passed.

**21 ECONOMICS LEGISLATION COMMITTEE—REFERENCE**

Senator Murray amended business of the Senate notice of motion no. 5 by leave and, pursuant to notice, moved—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,

and that the committee limit its consideration of the bills to reviewing the alcohol taxation measure contained in the bills with respect to their likely consumer, social and economic effects and their effect on industry.

Debate ensued.

Question put and passed.

**22 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.

Question put and passed.

Bill read a second time.

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

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*In the committee*

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

Bill to be reported without amendment.

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

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

**23 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT 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 12.45 pm:* Debate was interrupted while the Minister for Fisheries, Forestry and Conservation (Senator Abetz) was speaking.

**24 SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (ONE-OFF PAYMENTS TO INCREASE ASSISTANCE FOR OLDER AUSTRALIANS AND CARERS AND OTHER MEASURES) BILL 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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**25 GENERAL INSURANCE SUPERVISORY LEVY IMPOSITION AMENDMENT BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald)—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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**26 HEALTH AND OTHER SERVICES (COMPENSATION) AMENDMENT BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald)—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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**27 PROTECTION OF THE SEA (POWERS OF INTERVENTION) AMENDMENT BILL 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.

Senator O'Brien moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for administering anti-Australian shipping policies that favour foreign flag of convenience vessels and put the Australian marine environment at unnecessary risk”.

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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**28 DEFENCE HOUSING AUTHORITY AMENDMENT BILL 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 Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the bill was read a third time.

*Suspension of sitting:* On the motion of Senator Sandy Macdonald the sitting of the Senate was suspended at 1.15 pm till 2 pm.

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*At 2 pm—*

## 29 QUESTIONS

Questions without notice were answered.

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*Documents:* The Minister for Justice and Customs (Senator Ellison) tabled the following documents:

Law and Justice—Firearms—

Australian Institute of Criminology—Technical and background paper no. 20—  
Firearms theft in Australia: A six-month exploratory analysis.

Australasian Police Ministers' Council, Special meeting on firearms  
(handguns), November 2002, Sydney, New South Wales—Consolidated  
resolutions.

## 30 BUDGET 2006-07—SUPERANNUATION—ANSWER TO QUESTION

Senator Sherry moved—That the Senate take note of the further answer given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) today to a question without notice asked by Senator Sherry on 10 May 2006 relating to the 2006-07 Budget and to superannuation and the end benefits tax.

Question put and passed.

## 31 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

## 32 DEATH OF FORMER MEMBER ADRIAN FRANK BENNETT

The Deputy President (Senator Hogg) informed the Senate of the death, on 9 May 2006, of Adrian Frank Bennett, a member of the House of Representatives for the division of Swan from 1969 to 1975.

## 33 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2005

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) tabled the following document:

Legal and Constitutional Legislation Committee—Report—Family Law  
Amendment (Shared Parental Responsibility) Bill 2005—Government response.

## 34 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—43RD REPORT

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

Appropriations and Staffing—Standing Committee—43rd report—Estimates for  
the Department of the Senate 2006-07, dated May 2006.

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



**35 AUDITOR-GENERAL—AUDIT REPORT NO. 39 OF 2005-06—DOCUMENT**

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

Auditor-General—Audit report no. 39 of 2005-06—Performance audit—Artbank, Department of Communications, Information Technology and the Arts.

**36 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—LAW ENFORCEMENT BILLS**

Pursuant to order, Senator Scullion, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Provisions of the Law Enforcement Integrity Commissioner Bill 2006, the Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006 and the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006—Report, dated May 2006, Hansard record of proceedings, documents presented to the committee and submissions [11].

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

**37 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06 AND ADDITIONAL ESTIMATES 2005-06**

Senator Scullion, at the request of the chairs of the respective committees, tabled the following additional information received by committees:

Budget estimates 2005-06 (Supplementary)—Rural and Regional Affairs and Transport Legislation—Additional information received between 6 December 2005 and 9 May 2006—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

Additional Estimates 2005-06—

Community Affairs Legislation Committee—Additional information received between—

31 March and 10 May 2006—Health and Ageing portfolio.

9 May and 10 May 2006—Families, Community Services and Indigenous Affairs portfolio.

Economics Legislation Committee—Additional information received between—

15 February and 8 May 2006—Industry, Tourism and Resources portfolio.

29 March and 8 May 2006—Treasury portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between—

15 February and 10 May 2006—Defence portfolio and Veterans' Affairs.

30 March and 10 May 2006—Foreign Affairs and Trade portfolio.

Legal and Constitutional Legislation Committee—Additional information received between—

13 February and 10 May 2006—Immigration and Multicultural Affairs portfolio [2 vols].

30 March and 10 May 2006—Attorney-General's portfolio [2 vols].

**38 AUSTRALIAN PARLIAMENTARY DELEGATION TO DENMARK AND SWEDEN—  
DOCUMENT**

Senator Scullion, by leave, tabled the following document:

Denmark and Sweden—Report of the Australian parliamentary delegation, 16 to 27 October 2005.

**39 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/CESSNA 208/17—Flight into Icing Conditions [F2006L01467]\*.

AD/CESSNA 208/19 Amdt 1—Flight and Ground Icing Operations [F2006L01465]\*.

AD/CESSNA 208/20—Flight into Icing Conditions [F2006L01463]\*.

106—AD/RB211/35 Amdt 2—High Pressure Turbine [F2006L01464]\*.

Fisheries Management Act—Select Legislative Instrument 2006 No. 90—Fisheries Management Amendment Regulations 2006 (No. 1) [F2006L01439]\*.

Fringe Benefits Tax Assessment Act—Select Legislative Instrument 2006 No. 103—Fringe Benefits Tax Amendment Regulations 2006 (No. 1) [F2006L01441]\*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 5/05 – Anchorages for Seatbelts) 2006 [F2006L01386]\*.

Vehicle Standard (Australian Design Rule 28/01 – External Noise of Motor Vehicles) 2006 [F2006L01279]\*.

Vehicle Standard (Australian Design Rule 69/00 – Full Frontal Impact Occupant Protection) 2006 [F2006L01455]\*.

Primary Industries and Energy Research and Development Act—Select Legislative Instrument 2006 No. 92—Fisheries Research and Development Corporation Amendment Regulations 2006 (No. 1) [F2006L01452]\*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2006 No. 93—Primary Industries (Customs) Charges Amendment Regulations 2006 (No. 1) [F2006L01432]\*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2006 No. 94—Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No. 1) [F2006L01438]\*.

Wheat Marketing Act—Select Legislative Instrument 2006 No. 95—Wheat Marketing Amendment Regulations 2006 (No. 1) [F2006L01436]\*.

Workplace Relations Amendment (Work Choices) Act—Select Legislative Instrument 2006 No. 99—Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 2) [F2006L01374]\*.

\* Explanatory statement tabled with legislative instrument.

**40 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS  
LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Scullion, by leave, moved—That the order of the Senate agreed to earlier today (*see entry no. 10*) referring the Do Not Call Register Bill 2006 and a related bill to the Environment, Communications, Information Technology and the Arts Legislation Committee be varied by omitting “13 June 2006” and substituting “19 June 2006”.

Question put and passed.

*General business was called on.*

**41 FAMILY AND COMMUNITY SERVICES—CHILD CARE**

Senator Lundy, pursuant to notice, moved general business notice of motion no. 431—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.

Debate ensued.

*At 6 pm:* Debate was interrupted while the Minister for the Arts and Sport (Senator Kemp) was speaking.

*General business concluded.*

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*At 8 pm—*

**42 BUDGET STATEMENT AND DOCUMENTS 2006-07**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That the Senate take note of the Budget statement and documents.

Debate resumed.

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) the debate was adjourned till the next day of sitting.

**43 COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee—**

Appointed—Substitute members:

Senator Stott Despoja to replace Senator Nettle for the committee's inquiry into the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005

Senator Nash to replace Senator Adams for the consideration of the 2006-07 Budget estimates on 29 May 2006

**Employment, Workplace Relations and Education Legislation Committee—**

Appointed—Participating member: Senator Ferris

**Rural and Regional Affairs and Transport Legislation Committee—**

Appointed—Substitute member: Senator Adams to replace Senator Nash for the consideration of the 2006-07 Budget estimates on 25 May 2006.

Question put and passed.

**44 ECONOMICS LEGISLATION COMMITTEE—REPORT—PETROLEUM RETAIL LEGISLATION REPEAL BILL 2005**

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

Economics Legislation Committee—Provisions of the Petroleum Retail Legislation Repeal Bill 2005—Report, dated May 2006, Hansard record of proceedings [2 vols], additional information and submissions [9].

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

**45 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2005-06**

Senator Scullion, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following additional information received by the committee:

Additional estimates 2005-06—Additional information received between 31 March and 11 May 2006—

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

**46 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 9.30 pm till Tuesday, 13 June 2006 at 12.30 pm.

**47 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate