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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 PETITIONS

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

Senator Bob Brown, from 32 112 petitioners, requesting that the Senate reject proposed changes to refugee legislation to ensure no child is placed in detention.

Senator Hogg, from 1 192 petitioners, requesting that the Senate take action to ensure that enough medical professionals are trained to maintain the quality care provided by hospitals and other health services.

Senator Moore, from 73 petitioners, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

3 NOTICES

Notices of motion:

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

(a) notes:

- (i) that 19 June 2006 is Daw Aung San Suu Kyi's 61st birthday,
- (ii) that Daw Aung San Suu Kyi has spent more than 10 years in detention and that on 27 May 2006 her house arrest was extended by the Burmese military junta for another year, and on her 61st birthday she is no closer to freedom,
- (iii) the continued suffering of the Burmese people at the hands of the Burmese military regime, and
- (iv) that so long as Daw Aung San Suu Kyi's house arrest continues, Burma's development toward democracy will remain critically constrained; and

(b) urges the Government to maintain pressure on the regime. (*general business notice of motion no. 455*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to abolish the power of the Commonwealth executive government to disallow any Act of the Legislative Assembly of the Australian Capital Territory, and for related purposes.

Australian Capital Territory (Self-Government) Amendment (Disallowance Power of Governor-General) Bill 2006. (*general business notice of motion no. 456*)

Notice of motion withdrawn: Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Allison), withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Allison for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee.

4 ORDER OF BUSINESS—REARRANGEMENT

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

- No. 6 Broadcasting Services Amendment (Subscription Television Drama and Community Broadcasting Licences) Bill 2006.
- No. 7 Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2006.
- No. 8 Tax Laws Amendment (2006 Measures No. 2) Bill 2006.
- No. 9 Export Market Development Grants Legislation Amendment Bill 2006.
- No. 10 Age Discrimination Amendment Bill 2006.
- No. 11 Plant Health Australia (Plant Industries) Funding Amendment Bill 2006.
- No. 12 Fisheries Legislation Amendment (Foreign Fishing Offences) Bill 2006.
- No. 13 Energy Legislation Amendment Bill 2006.
- No. 14 Australian Trade Commission Legislation Amendment Bill 2006.

Question put and passed.

5 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Ian Campbell from 15 June to 21 June 2006 on account of government business overseas, and to Senator Ellison for 15 June and 16 June 2006, on account of family matters.

Debate ensued.

Question put and passed.

6 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of Senator Siewert for today, proposing the reference of a matter to the Community Affairs Legislation Committee, postponed till 20 June 2006.

General business notice of motion no. 440 standing in the name of Senator Bartlett for today, proposing the introduction of the Migration Legislation Amendment (Appropriate Access to Detention Centres) Bill 2006, postponed till 19 June 2006.

General business notice of motion no. 445 standing in the name of the Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall) for today, relating to an extension of time for the committee to report, postponed till 20 June 2006.

General business notice of motion no. 450 standing in the name of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert) for today, relating to an extension of time for the committee to report, postponed till 20 June 2006.

General business notice of motion no. 451 standing in the name of Senator Siewert for today, relating to high seas bottom trawling, postponed till 19 June 2006.

General business notice of motion no. 453 standing in the name of Senator Nettle for today, relating to West Papua, postponed till 19 June 2006.

7 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for the Arts and Sport (Senator Kemp), at the request of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposals by the National Capital Authority for capital works within the Parliamentary Zone, being the temporary installation of two sculptures at Questacon, Parkes Place, and improvements to the existing Lobby Cafe.

Question put and passed.

8 FAMILY AND COMMUNITY SERVICES—WORLD ELDER ABUSE AWARENESS DAY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 454—That the Senate—

(a) notes that:

- (i) Thursday, 15 June 2006 is World Elder Abuse Awareness Day, aimed at promoting a better understanding of abuse and neglect of older persons,
- (ii) the United Nations International Plan of Action on Ageing recognises the significance of elder abuse as a public health and human rights issue,
- (iii) no community or country in the world, including Australia, is immune from this costly public health and human rights crisis, and
- (iv) Australia's seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity; and

(b) calls on the Government to support initiatives that will ensure:

- (i) the safety of elder Australians in their homes, in aged care facilities, and in the wider community, and
- (ii) that elder Australians have access to adequate food, housing standards and medical care.

Statements by leave: The Leader of the Family First Party (Senator Fielding) and Senator Nettle, by leave, made statements relating to the matter.

Question put and passed.

9 MIGRATION LEGISLATION AMENDMENT (MIGRATION ZONE EXCISION REPEAL) BILL 2006**MIGRATION LEGISLATION AMENDMENT (MIGRATION ZONE EXCISION REPEAL) (CONSEQUENTIAL PROVISIONS) BILL 2006**

Senator Bartlett, pursuant to notices of motion not objected to as a formal motions, moved general business notices of motion nos 452 and 441—That the following bills be introduced:

A Bill for an Act to amend the *Migration Act 1958* to return excised offshore places to Australia's migration zone, and for related purposes.

A Bill for an Act to amend the *Migration Act 1958* to make consequential provisions for returning excised offshore places to Australia's migration zone, and for related purposes.

Question put and passed.

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

Question put and passed.

Bills read a first time.

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

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

10 SAME-SEX MARRIAGES BILL 2006

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. 415—That the following bill be introduced:

A Bill for an Act to amend the *Marriage Act 1961* to provide for same-sex marriages, and for related purposes.

Question put and passed.

Senator Bartlett presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

11 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 448—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 9 am, to take evidence for the committee's inquiry into Australia's national parks.

Question put and passed.

12 FAMILY AND COMMUNITY SERVICES—SMARTCARD PROPOSAL—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Bartlett, at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 439—That there be laid on the table by the Minister representing the Minister for Human Services (Senator Kemp), no later than the end of question time on 19 June 2006, the following documents:

- (a) the Government's Privacy Impact Statement on its smartcard proposal; and
- (b) all privacy advice relating to the smartcard proposal obtained by the Government from Mr Nigel Waters (Pacific Privacy Consulting).

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

13 FOREIGN AFFAIRS—GUANTANAMO BAY

Senator Bartlett, at the request of Senator Stott Despoja, amended general business notice of motion no. 438 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

- (i) the condemnation of the United States of America (US) military detention facility at Guantanamo Bay by British Attorney-General Lord Goldsmith and his call for the facility to be closed,
- (ii) Lord Goldsmith's comments that the US military tribunal system does not offer 'sufficient guarantees of a fair trial in accordance with international standards',
- (iii) that a number of world leaders, including German Chancellor Angela Merkel, British Prime Minister Tony Blair and Danish Prime Minister Anders Fogh Rasmussen, have also called for the facility to be closed,
- (iv) that, in February 2006, a report by the United Nations (UN) condemned the operation of Guantanamo Bay as a military detention facility, and in May 2006 the UN Committee against Torture called for the facility to be closed as it breaches international law,
- (v) that human rights groups including Amnesty International have repeatedly called for the facility to be closed,
- (vi) the recent suicide of three Guantanamo Bay inmates,
- (vii) the long history of the US Central Intelligence Agency's use of invasive physiological and subtle psychological interrogation techniques against suspected national security threats as documented by American historian, Professor Alfred W McCoy, and
- (viii) that South Australian David Hicks has now been held at Guantanamo Bay for more than 4 years and is awaiting trial under the commission process, pending a ruling on the legality of the process by the US Supreme Court; and

(b) calls on the Government to:

- (i) acknowledge the criticism of Guantanamo Bay by international leaders and jurists,
- (ii) join international calls for the Guantanamo Bay military facility to be closed, and
- (iii) seek the repatriation of citizen David Hicks or take urgent action to ensure that David Hicks receives a full and fair trial that meets international standards of human rights and justice.

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

14 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 444—That—

- (a) the Defence sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 9.30 am to 11.15 am, to take evidence for the committee's review of the Defence annual report 2004-05; and
- (b) the Trade sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 11.45 am to 4 pm, to take evidence for the committee's review of the Australia-New Zealand Closer Economic Relations Trade Agreement.

Question put and passed.

15 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Ferris, 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. 446—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sitting of the Senate as follows:

- (a) on Friday, 16 June 2006, from 9.30 am to 3.30 pm, to take evidence for the committee's inquiry into certain taxation matters;
- (b) on Thursday, 22 June 2006, from 10 am to noon, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation; and
- (c) on Friday, 23 June 2006, from 10 am to 4 pm, to take evidence for the committee's review of Auditor-General's reports.

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 447—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 June 2006, from 4.30 pm, to take evidence for the committee's inquiry into the implementation of recommendations on Australia's military justice system.

Question put and passed.

**17 PETROLEUM RESOURCE RENT TAX ASSESSMENT AMENDMENT BILL 2006
PETROLEUM RESOURCE RENT TAX (INSTALMENT TRANSFER INTEREST CHARGE IMPOSITION) BILL 2006
AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2006**

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

Message no. 344, dated 14 June 2006—A Bill for an Act to amend the *Petroleum Resource Rent Tax Assessment Act 1987*, and for related purposes.

Message no. 345, dated 14 June 2006—A Bill for an Act to impose instalment transfer interest charge as a tax in some circumstances.

Message no. 346, dated 14 June 2006—A Bill for an Act to amend the *Australian Research Council Act 2001*, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Kemp moved that the Australian Research Council Amendment Bill 2006 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

18 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That intervening business be postponed till after consideration of business of the Senate notice of motion no. 4 (proposing the disallowance of the instrument made by the Governor-General disallowing the Australian Capital Territory's *Civil Unions Act 2006*).

Question put and passed.

19 CIVIL UNIONS—PROPOSED DISALLOWANCE

Senator Nettle, also on behalf of Senators Ludwig and Stott Despoja, pursuant to notice, moved business of the Senate notice of motion no. 4—That the instrument made by the Governor-General on 13 June 2006 under subsection 35(2) of the *Australian Capital Territory (Self-Government) Act 1988*, disallowing the *Civil Unions Act 2006* (ACT), be disallowed.

Debate ensued.

Documents: Senator Carr, by leave, tabled the following documents:

Civil unions—Copies of letters [2] from the Attorney-General (ACT) (Mr Corbell) to the Attorney-General (Cwth) (Mr Ruddock), dated 10 May and 7 June 2006.

Debate continued.

Question put.

The Senate divided—

AYES, 30

Senators—

| | | | |
|----------------------|-----------|----------|---------|
| Allison | Crossin | Marshall | Ray |
| Bartlett | Evans | McEwen | Siewert |
| Bishop | Faulkner | McLucas | Sterle |
| Brown, Bob | Humphries | Milne | Webber |
| Brown, Carol | Hurley | Moore | Wong |
| Campbell, G (Teller) | Hutchins | Murray | Wortley |
| Carr | Kirk | Nettle | |
| Conroy | Ludwig | O'Brien | |

NOES, 32

Senators—

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

Question negatived.

20 PETROLEUM RETAIL MARKETING SITES AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

Senator Joyce, pursuant to notice, moved business of the Senate notice of motion no. 2—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.

Debate ensued.

At 2 pm: Debate was interrupted.

21 QUESTIONS

Questions without notice were answered.

22 EMPLOYMENT—SKILLS SHORTAGES—IMMIGRATION—DETENTION PRACTICES—ANSWERS TO QUESTIONS

Senator Hurley moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural Affairs (Senator Vanstone) to questions without notice asked today relating to skills shortages and to detention practices.

Debate ensued.

Question put and passed.

23 NUCLEAR REACTORS—ANSWER TO QUESTION

Senator Milne moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Milne today relating to nuclear reactors.

Question put and passed.

24 CIVIL UNIONS—PROPOSED DISALLOWANCE—PERSONAL EXPLANATION

Senator Stott Despoja, by leave, made a personal explanation relating to a news bulletin by the Australian Broadcasting Corporation today concerning the vote on the proposed disallowance of the instrument made by the Governor-General disallowing the Australian Capital Territory's *Civil Unions Act 2006*.

Statement by leave: Senator Ferris, by leave, made a statement relating to the matter.

25 EMPLOYMENT—SKILLS SHORTAGES—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Minister for Immigration and Multicultural Affairs (Senator Vanstone), by leave, made a statement clarifying the answer she gave to a question without notice asked by Senator George Campbell today relating to skills shortages.

26 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S MARITIME STRATEGY

The Minister for the Arts and Sport (Senator Kemp) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's maritime strategy—Government response, dated May 2006.

27 ECONOMICS LEGISLATION COMMITTEE—REPORT—FUEL TAX BILL 2006 AND FUEL TAX (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2006

The Deputy President (Senator Hogg) tabled the following report and documents received on 14 June 2006:

Economics Legislation Committee—Provisions of the Fuel Tax Bill 2006 and the Fuel Tax (Consequential and Transitional Provisions) Bill 2006—Report, dated June 2006, Hansard record of proceedings, documents presented to the committee and submissions [33].

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

28 ECONOMICS LEGISLATION COMMITTEE—REPORT—CUSTOMS AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES) BILL 2006 AND RELATED BILLS

The Deputy President (Senator Hogg) tabled the following report and documents received on 14 June 2006:

Economics Legislation Committee—Provisions of the Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006 and the Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006—Report, dated June 2006, Hansard record of proceedings, document presented to the committee, additional information and submissions [12].

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

29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (SECURITY PLANS AND OTHER MEASURES) BILL 2006

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

Rural and Regional Affairs and Transport Legislation Committee—Provisions of the Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006—Report, dated June 2006, Hansard record of proceedings, additional information and submissions [2].

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

**30 AUSTRALIAN PARLIAMENTARY DELEGATION TO TURKEY AND IRELAND—
DOCUMENT**

Senator Ferguson, by leave, tabled the following document:

Turkey and Ireland—Report of the Australian parliamentary delegation, 16 to 28 October 2005.

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

Debate ensued.

Question put and passed.

**31 TAX LAWS AMENDMENT (2006 MEASURES NO. 3) BILL 2006
NEW BUSINESS TAX SYSTEM (UNTAINTING TAX) BILL 2006
HEALTH LEGISLATION AMENDMENT (PRIVATE HEALTH INSURANCE) BILL 2006**

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

Message no. 347, dated 15 June 2006—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 342, dated 14 June 2006—A Bill for an Act to impose a tax in relation to untainting tainted share capital accounts of companies.

Message no. 348, dated 15 June 2006—A Bill for an Act to amend legislation relating to health, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

Explanatory memorandum: Senator Kemp tabled a revised explanatory memorandum relating to the Tax Laws Amendment (2006 Measures No. 3) Bill 2006 and the New Business Tax System (Untainting Tax) Bill 2006.

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

Consideration of legislation: Senator Kemp moved that the Health Legislation Amendment (Private Health Insurance) Bill 2006 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

32 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

9 June 2006—Message No. 15—

National Health and Medical Research Council Amendment Act 2006 (Act No. 50, 2006)

Superannuation Legislation Amendment (Trustee Board and Other Measures) Act 2006 (Act No. 51, 2006).

33 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Kemp) moved—That—

- (a) intervening business be postponed till after consideration of the following business of the Senate items:
- (i) the order of the day proposing the disallowance of the Petroleum Retail Marketing Sites Amendment Regulations 2006 (No. 1), and
 - (ii) order of the day no. 2 proposing the disallowance of the Workplace Relations Regulations 2006; and
- (b) at 7.30 pm, intervening business be postponed till after consideration of government business orders of the day nos 6 to 14.

Question put and passed.

34 PETROLEUM RETAIL MARKETING SITES AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

Order read for the adjourned debate on the motion of Senator Joyce (*see entry no. 20*).

Debate resumed.

Question put.

The Senate divided—

AYES, 29

Senators—

| | | | |
|--------------|----------|---------|-----------------|
| Allison | Fielding | McLucas | Stephens |
| Bartlett | Forshaw | Milne | Sterle |
| Bishop | Hurley | Moore | Stott Despoja |
| Brown, Bob | Joyce | Murray | Webber (Teller) |
| Brown, Carol | Kirk | Nettle | Wortley |
| Carr | Ludwig | Polley | |
| Crossin | Marshall | Ray | |
| Faulkner | McEwen | Siewert | |

NOES, 31

Senators—

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

Question negatived.

35 WORKPLACE RELATIONS REGULATIONS—PROPOSED DISALLOWANCE

Order of the day read for the adjourned debate on the motion of Senator Wong—That the Workplace Relations Regulations 2006, as contained in Select Legislative Instrument 2006 No. 52 and made under the *Workplace Relations Act 1996* and the *Workplace Relations Amendment (Work Choices) Act 2005*, be disallowed.

Debate resumed.

On the motion of Senator Webber the debate was adjourned till a later hour.

36 PETROLEUM RETAIL MARKETING SITES AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

Senator Webber asked that the question on business of the Senate notice of motion no. 2 be put again (*see entry no. 34*).

Leave was granted for the question to be put again.

Statements by leave: Senators Conroy and O'Brien, by leave, made statements relating to the matter.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 31

Senators—

| | | | |
|------------------|----------|---------|-----------------|
| Allison | Crossin | McEwen | Siewert |
| Bartlett | Faulkner | Milne | Stephens |
| Bishop | Fielding | Moore | Sterle |
| Brown, Bob | Hurley | Murray | Stott Despoja |
| Brown, Carol | Hutchins | Nettle | Webber (Teller) |
| Campbell, George | Joyce | O'Brien | Wong |
| Carr | Kirk | Polley | Wortley |
| Conroy | Marshall | Ray | |

NOES, 31

Senators—

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

The ayes and noes were equal and so the question was negatived.

37 WORKPLACE RELATIONS REGULATIONS—PROPOSED DISALLOWANCE

Order of the day read for the adjourned debate on the motion of Senator Wong (*see entry no. 35*).

Debate resumed.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 32

Senators—

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

Question negated.

**38 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT
(WELFARE TO WORK AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS)
BILL 2006**

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 Siewert moved the following amendment:

Schedule 1, page 8 (after line 7), after item 1, insert:

1A After section 5B

Insert:

5BA Registered and active family carers

- (1) A person is a *registered and active family carer* if the Secretary is satisfied that:
- the person meets the requirements (if any) of the law of the State or Territory in which the person resides that the person must meet in order to be permitted, under the law of that State or Territory, to provide family care in that State or Territory; and
 - the person meets the requirements (if any) of the law of the State or Territory in which the person resides that the person must meet in order to be permitted, under the law of that State or Territory, to be in receipt of child care support payment as a family carer in that State or Territory; and
 - the person is taken, in accordance with guidelines made under subsection (2), to be actively involved in providing family care in that State or Territory.

- (2) The Secretary may, by legislative instrument, make guidelines setting out the circumstances in which persons are taken, for the purposes of the social security law, to be actively involved in providing family care in that State or Territory.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) the report from the committee was adopted and the bill read a third time.

At 7.30 pm—

39 BROADCASTING SERVICES AMENDMENT (SUBSCRIPTION TELEVISION DRAMA AND COMMUNITY BROADCASTING LICENCES) 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.

40 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Senator Murray moved the following amendment:

At the end of the motion, add “but the Senate requests that the Government:

- (a) report to the Senate not later than the first sitting day in 2007, on the costs and ramifications of adjusting the Medicare Levy surcharge to ensure that it affects or is calculated for same-sex couples on the same basis as mixed-sex couples; and
- (b) provide a statement of the Government’s policy position in relation to that issue”.

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 Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the bill was read a third time.

41 TAX LAWS AMENDMENT (2006 MEASURES NO. 2) BILL 2006

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.

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.

42 EXPORT MARKET DEVELOPMENT GRANTS LEGISLATION AMENDMENT BILL 2006

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.

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 Finance and Administration (Senator Colbeck) the bill was read a third time.

43 AGE DISCRIMINATION AMENDMENT BILL 2006

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.

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 Finance and Administration (Senator Colbeck) the bill was read a third time.

44 PLANT HEALTH AUSTRALIA (PLANT INDUSTRIES) FUNDING AMENDMENT BILL 2006

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.

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 Finance and Administration (Senator Colbeck) the bill was read a third time.

45 FISHERIES LEGISLATION AMENDMENT (FOREIGN FISHING OFFENCES) BILL 2006

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.

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.

46 ENERGY LEGISLATION AMENDMENT BILL 2006

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.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

At the end of the motion, add “but the Senate is of the view that:

- (a) the Government should establish a Sustainable Energy Commission; and
- (b) the Sustainable Energy Commission should be responsible for:
 - (i) providing leadership and national coordination of sustainable energy policies,
 - (ii) conducting public inquiries and research on sustainable energy options and strategy,
 - (iii) advising government policy makers and stakeholders across government on sustainable energy matters,
 - (iv) monitoring and reporting on progress of sustainable energy policy and industry programs,
 - (v) monitoring international progress on sustainable energy policy, and
 - (vi) educating and disseminating information on sustainable energy”.

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 Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the bill was read a third time.

47 AUSTRALIAN TRADE COMMISSION LEGISLATION AMENDMENT BILL 2006

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.

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.

**48 EXCISE LAWS AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES)
BILL 2006**

EXCISE TARIFF AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES)

BILL 2006

CUSTOMS AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES) BILL 2006

CUSTOMS TARIFF AMENDMENT (FUEL TAX REFORM AND OTHER MEASURES)

BILL 2006

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

Debate resumed.

At 11 pm: Debate was interrupted.

49 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.40 pm till Friday, 16 June 2006 at 9 am.

50 ATTENDANCE

Present, all senators except Senators Ian Campbell*, Ellison*, Heffernan, Lundy*, Nash, Santoro* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate