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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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No. 88

TUESDAY, 20 JUNE 2006

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Competition and Consumer Commission—Telecommunications reports for 2004-05—Report 1: Telecommunications competitive safeguards; Report 2: Changes in the prices paid for telecommunications services in Australia.

Australian National University—Report for 2005.

Australian Sports Commission—Strategic plan 2006-09.

Human Rights and Equal Opportunity Commission—Reports—

No. 33—Report of an inquiry into a complaint made by Ms Tracy Gordon of discrimination in employment on the basis of criminal record.

No. 34—Report of an inquiry into a complaint made by Mr Daniel Clark against the Minister for Foreign Affairs and Trade of a breach of his human right to freedom of expression.

No. 35—Report of an inquiry into a complaint by Mr AV of a breach of his human rights while in immigration detention.

Judge Advocate General—Report for 2005.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 056/06 to 066/06—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

National Health and Medical Research Council—Report for 2005.

Security Legislation Amendment (Terrorism) Act 2002—Security Legislation Review Committee—Report on the review of the operation of Security Acts relating to terrorism, June 2006.

Treaties—

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

Agreement between the Government of Australia and the Government of the United Mexican States on the Promotion and Reciprocal Protection of Investments, and Protocol, done at Mexico City on 23 August 2005.

Agreement relating to Scientific and Technical Cooperation between the Government of Australia and the Government of the United States of America, done at Canberra on 28 February 2006.

Multilateral—Text, together with national interest analysis and annexures—Amendments to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005.

3 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to unparliamentary language and a matter raised by the Leader of the Australian Greens (Senator Bob Brown) on 19 June 2006.

4 **ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2006**

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

—————
In the committee

Consideration resumed of Schedule 1, item 79.

Debate resumed.

Question—That Schedule 1, item 79 stand as printed—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 30

Senators—

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

Item agreed to.

Senator Murray moved the following amendment:

Schedule 1, page 22 (after line 11), after item 79, insert:

79A After section 306B

Insert:

306C Foreign donations and loans prohibited

It is unlawful for a political party or a State branch of a political party or a person acting on behalf of a political party or a State branch of a political party to receive a foreign gift, donation, loan or disposition of property originating by whatever means from a foreign source.

306D Forfeiture of foreign donations and loans

If a foreign gift, donation, loan or disposition of property is made to a political party or a State branch of a political party or a person acting on behalf of a political party or a State branch of a political party, the foreign gift, donation, loan or disposition of property is presumed to be in breach of section 306C and is forfeited to the Commonwealth.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

306E Donations and loans by non-citizens resident in Australia lawful

A gift, donation, loan or disposition of property in Australia to a political party by a person who is a non-citizen resident in Australia is not a foreign donation or loan for the purposes of section 306C or 306D.

306F Donations and loans by Australians living abroad lawful

A gift, donation, loan or disposition of property by a person registered on a Commonwealth Electoral Roll living overseas is not a foreign donation or loan for the purposes of section 306C or 306D.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negated.

Senator Murray moved the following amendment:

Schedule 1, page 22 (after line 21), after item 83, insert:

83A At the end of section 314AB

Add:

- (3) A return which is illegible shall be deemed not to be furnished in accordance with subsection (1).

Debate ensued.

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

Senator Milne moved the following amendment:

Schedule 1, page 26 (after line 8), after item 87, insert:

87A After section 328

Insert:

328B Electoral advertisements by third parties

- (1) A third party commits an offence if either:
 - (a) it prints, publishes or distributes an electoral advertisement; or
 - (b) it causes, permits or authorises an electoral advertisement to be printed, published or distributed; and
 the electoral advertisement is intended to affect the casting of a vote in an election.
- (2) Subsection (1) does not apply if the following registration requirements prescribed under the regulations are met:
 - (a) compulsory identification of a third party, including the identification of all persons and in the case of a corporation, directors and other officers of that corporation; and
 - (b) compulsory disclosure by a third party of any contributions made to it by any person, or in the case of a corporation, directors and other officers of that corporation who have made a contribution of more than \$1,500 for the purposes of electoral advertising; and
 - (c) compulsory disclosure by a third party of its relationship with a registered political party or independent candidate.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Forshaw) reported progress.

5 QUESTIONS

Questions without notice were answered.

6 MINISTER FOR IMMIGRATION AND MULTICULTURAL AFFAIRS—ANSWERS TO QUESTIONS

Senator O'Brien 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 by Opposition senators today.

Debate ensued.

Question put and passed.

7 SCIENCE AND TECHNOLOGY—STEM CELL RESEARCH—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Ageing (Senator Santoro) to a question without notice asked by Senator Stott Despoja today relating to stem cell research.

Question put and passed.

8 PETITIONS

The following 5 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senator George Campbell, from 59 and 25 petitioners, respectively, requesting that the Senate reject the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

Senators Allison, Patterson and Payne, from 487, 308 and 178 petitioners, respectively, requesting that the Senate call on the Government to support the International Coalition to Investigate the Persecution of Falun Gong and to demand that the Chinese Communist Party release all detained Falun Gong practitioners immediately.

9 NOTICES

Notices of motion:

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

- (a) recognises that:
 - (i) according to a study conducted by Iraq's Ministry of Planning and Development Cooperation, and also Norway's Institute for Applied International Studies and the United Nations' Development Program, the rate of acute malnutrition among children aged 6 months to 5 years has increased to 7.7 per cent in 2006, up from 4 per cent in 2002, and the problem continues to grow,
 - (ii) this translates into approximately 400 000 Iraqi children suffering from malnutrition,
 - (iii) one in three children in remote areas suffers problems associated with poor diet such as stunted growth and low weight which can irreversibly hamper the young child's optimal physical, mental and cognitive development, and
 - (iv) Iraq's current food rationing program has not been able to meet many families' needs, due to Iraq's continued instability, and the lack of sanitation and clean water; and
- (b) calls on the Government to give this matter its urgent attention in Australia's current deployment in Iraq and in talks with the Administration of the United States of America, other international agencies and with the new Iraqi Government. (*general business notice of motion no. 462*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Crimes Act 1914*, and for related purposes. ***Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.***

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to customs, and for related purposes. ***Customs Legislation Amendment (Modernising Import Controls and Other Measures) Bill 2006.***

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Financial Transaction Reports Act 1988*, and for related purposes. ***Financial Transaction Reports Amendment Bill 2006.***

The Minister for Immigration and Multicultural Affairs (Senator Vanstone): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Migration Act 1958*, and for related purposes. ***Migration Amendment (Visa Integrity) Bill 2006.***

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Public Works Committee Act 1969*, and for related purposes. **Public Works Committee Amendment Bill 2006.**

The Minister for Finance and Administration (Senator Minchin): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Trade Marks Act 1995*, and for related purposes. **Trade Marks Amendment Bill 2006.**

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

(a) notes:

- (i) that the United Kingdom is prepared to grant Mr David Hicks citizenship and is awaiting permission from United States of America (US) authorities to extend the oath of loyalty to him,
- (ii) that the US military lawyer assigned to defend Australian Guantanamo detainee Mr Hicks, Major Michael Mori, is willing to swear in Mr Hicks as a British citizen in order to expedite his release from the Guantanamo Bay detention facility,
- (iii) that through attaining British citizenship, Mr Hicks would be accorded British consular access and protection, and
- (iv) Major Mori has openly stated his concern that Mr Hicks will not be released from Guantanamo Bay soon and that ‘the US is trying to delay Hicks becoming a Brit because they know Britain’s position on the (military) commissions’; and

(b) urges the Government to support British Foreign Office moves to intervene on Mr Hicks’ behalf. (*general business notice of motion no. 463*)

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

- (a) notes the inauguration of the Musée du Quai Branly in Paris on Tuesday, 20 June 2006, and that this museum will have a significant collection of Australian pieces which will feature artworks by high-profile Australian Indigenous artists such as John Mawurndjul, Gulumbu Yunupingu, Paddy Nyunkuny Bedford, Lena Nyadbi, Tommy Watson, Ningura Napurrula, Judy Watson and Michael Riley; and
- (b) commends Indigenous artists across Australia for their contribution to Australian cultural life and the Australia Council for its role in negotiating the display of Australian Indigenous artworks in the Musée du Quai Branly. (*general business notice of motion no. 464*)

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 19 June 2006, withdrew business of the Senate notice of motion no. 1 standing in his name for 3 sitting days after today for the disallowance of the Broadcasting Services (International Broadcasting) Guidelines 2005, made under section 121FP of the *Broadcasting Services Act 1992*.

10 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Kemp from 19 June to 23 June 2006, on account of government business overseas.

Question put and passed.

11 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave, moved—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate today, from 8 pm, to take evidence for the committee's inquiry into the amendments to the International Organization for Migration Constitution.

Question put and passed.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 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 9 August 2006.

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the reference of a matter to the Community Affairs Legislation Committee, postponed till 22 June 2006.

13 FOREIGN AFFAIRS—POVERTY

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 449—That the Senate—

(a) notes that:

- (i) microcredit is a particularly effective and sustainable means of eradicating poverty,
- (ii) microcredit borrowers, particularly women, generate income that allows them to feed, clothe, educate and care for the health of their children,
- (iii) to date, 66.6 million people in the world have been reached with microcredit services,
- (iv) Goal 1 of the Millennium Development Goals (MDG) seeks to eradicate poverty, while its 2015 target is to reduce by half the number of people living on less than \$1 per day,
- (v) if the new Microcredit Summit goal of having 175 million of the world's poorest families receiving microcredit was reached by 2015, then nearly half the MDG target would be met,
- (vi) Australia spent \$14.5 million on microcredit in the 2005-06 aid budget which is 0.6 per cent of the aid budget, and
- (vii) the United States of America, which has funded microcredit longer than most donor countries, has established an international benchmark for microcredit spending, being 1.25 per cent of the aid budget; and

(b) urges the Government to:

- (i) agree to support the new Microcredit Summit goal of having 175 million of the world's poorest receiving microcredit by 2015 as a means of achieving the MDGs, and
- (ii) increase the proportion of money it allocates to microcredit to 1.25 per cent of the aid budget.

Question put.

The Senate divided—

AYES, 29

Senators—

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

NOES, 32

Senators—

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

Question negatived.

14 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), 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 Finance and Public Administration References Committee for inquiry and report by 19 October 2006:

The transparency and accountability to Parliament of Commonwealth public funding and expenditure, including:

- (a) the impact on the Parliament's ability to scrutinise, approve and monitor proposed and actual expenditure of:
 - (i) outcome budget appropriations and reporting,
 - (ii) multiple sources of funding including special appropriations, advances to the Minister for Finance, annual departmental carry-over surpluses, revenue retained under section 31 of the *Financial Management and Accountability Act 1997*, special accounts and goods and services tax appropriations, and
 - (iii) the use of ordinary annual services to fund activities including non-annual services;
- (b) options for improving the transparency and specificity of budget papers and related documents; and
- (c) other measures to improve the Parliament's oversight of proposed and actual Commonwealth funding and expenditure.

Question put and passed.

15 NUCLEAR WEAPONS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 461—That the Senate—

- (a) notes:
 - (i) the inherent nuclear weapons proliferation risk associated with uranium enrichment,
 - (ii) that in 2004 President Bush proposed to cap the group of enriching states and that the United Nations' Secretary-General Kofi Annan's High-Level Panel on Threats, Challenges and Change called for the creation of incentives for states to forego the development of uranium enrichment and reprocessing capacity,
 - (iii) that in 2005 the International Atomic Energy Agency Director, Dr Mohamed ElBaradei proposed a 5-year moratorium on constructing uranium enrichment and nuclear reprocessing facilities, and
 - (iv) that a domestic enrichment plant would provide Australia with the capacity to produce fissile material in the form of highly-enriched uranium, a development that may destabilise the Asia Pacific region; and
- (b) therefore opposes the development of any uranium enrichment facilities on Australian soil.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 40

Senators—

Adams	Ferris (Teller)	McEwen	Ronaldson
Bernardi	Fierravanti-Wells	McGauran	Santoro
Boswell	Fifield	McLucas	Scullion
Brown, Carol	Forshaw	Moore	Stephens
Chapman	Hogg	Nash	Sterle
Colbeck	Hurley	O'Brien	Trood
Crossin	Hutchins	Parry	Watson
Eggleston	Kirk	Patterson	Webber
Faulkner	Macdonald, Sandy	Polley	Wong
Ferguson	Marshall	Ray	Wortley

Question negatived.

16 FOREIGN AFFAIRS—WEST PAPUA

Senator Nettle amended general business notice of motion no. 453 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
 - (i) the increasing conflict in West Papua and the systematic abuse of the human rights of West Papuans by elements of the Indonesian military and police,

- (ii) that many of the same officers that orchestrated the violence during the Indonesian occupation of East Timor are now in West Papua, and
- (iii) that, despite the extensive evidence of crimes against humanity in East Timor under Indonesian occupation, no members of the Indonesian military have been prosecuted;
- (b) expresses concern at ongoing Australian military cooperation with Indonesia while these human rights abuses by elements of the Indonesian military continue; and
- (c) calls on the Government to suspend negotiations on a new security treaty with Indonesia until Indonesian military members involved in human rights abuses are prosecuted.

Question put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob
Milne

Nettle
Siewert (Teller)

Stott Despoja

NOES, 42

Senators—

Adams
Bernardi
Boswell
Brown, Carol
Carr
Chapman
Colbeck
Crossin
Eggleston
Faulkner
Ferguson

Ferris (Teller)
Fierravanti-Wells
Fifield
Forshaw
Hogg
Hurley
Hutchins
Kirk
Macdonald, Sandy
Marshall
McEwen

McGauran
McLucas
Moore
Nash
O'Brien
Parry
Patterson
Payne
Polley
Ray
Ronaldson

Santoro
Scullion
Stephens
Sterle
Trood
Watson
Webber
Wong
Wortley

Question negatived.

17 WORLD REFUGEE DAY

Senator Nettle amended general business notice of motion no. 459 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) 20 June 2006 is World Refugee Day and the day's theme is 'keeping the flame of hope alive',
- (ii) there are more than 19 million refugees and 5.5 million internally displaced people in the world looking for protection,
- (iii) many countries assist hundreds of thousands of refugees who have no choice but to flee persecution,
- (iv) the Government has changed its policy, breaching the Refugee Convention, in response to the arrival of 43 refugees, and
- (v) the Government's new policy will mean many asylum seekers who arrive by boat are exiled to Nauru or Manus Island; and

(b) calls on the Government to:

- (i) drop its policy of appeasing Indonesia and ensure Australia's refugee laws conform fully with the Refugee Convention, and
- (ii) consider increasing Australia's intake of refugees and offer asylum seekers real hope, durable solutions and significantly improved settlement services.

Question put.

The Senate divided—

AYES, 28

Senators—

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

NOES, 32

Senators—

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

Question negatived.

18 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 457—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 June 2006, from 3.30 pm, to take evidence for the committee's inquiry into the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005.

Question put and passed.

19 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Community Affairs References Committee (Senator Moore), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 458—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 23 June 2006, from 9 am, to take evidence for the committee's inquiry into gynaecological cancer in Australia.

Question put and passed.

20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 445—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on Pacific region seasonal contract labour be extended to 18 October 2006.

Question put and passed.

21 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. 450—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on water policy initiatives be extended to 30 November 2006.

Question put and passed.

22 NOTICE

Senator Faulkner, by leave and on behalf of all senators, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes that the former Deputy Clerk of the Senate, Miss Anne Lynch, was made a Member of the Order of Australia (AM) on 12 June 2006 for service to support parliamentary processes, particularly the administration of the practice of the Senate and its committees, to promotion and understanding of the role of the Senate, and to assisting parliaments of Pacific Island states; and
- (b) congratulates Miss Lynch on this award which recognises her dedication to the service of the Senate over 32 and a half years. (*general business notice of motion no. 465*)

23 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—PETROL SNIFFING IN ABORIGINAL COMMUNITIES

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Moore) tabled the following report and documents:

Community Affairs References Committee—Beyond petrol sniffing: Renewing hope for Indigenous communities—Report, dated June 2006, Hansard record of proceedings [6 vols], additional information and submissions [44].

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

Senator Moore, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

**24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
REPORT—ADMINISTRATION BY THE DEPARTMENT OF AGRICULTURE, FISHERIES
AND FORESTRY OF THE CITRUS CANKER OUTBREAK**

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—The administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak—Report, dated June 2006, Hansard record of proceedings, documents presented to the committee, answers to questions on notice and submissions [13].

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

Senator Heffernan, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

25 DOCUMENTS

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2006/29—Overseas conditions of service – implementation of price review.

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

40.

125.

26 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2006

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

Message no. 351, dated 19 June 2006—A Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for other purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

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

Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by 31 March 2007:

Australia's future sustainable and secure energy supply, with particular reference to:

- (a) short-, medium- and long-term greenhouse gas abatement targets and energy emissions intensity goals;
- (b) relevant existing and emerging technologies that are likely to make a significant contribution to reducing greenhouse gas emissions following life-cycle analysis and benchmarked against biodiversity, safety and regional security considerations;
- (c) the mix of energy supply and energy use efficiency options that could feasibly meet Australia's energy intensity requirements;
- (d) identification of preferred energy options taking into consideration factors including, but not limited to, cost, reliability, safety, security, regional development and sustainability;
- (e) identification of policy adjustments required to stimulate energy markets to develop the preferred options at least cost; and
- (f) any other related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 43

Senators—

Adams	Ferguson	Ludwig	Polley
Barnett	Ferris	Marshall	Ronaldson
Bernardi	Fierravanti-Wells	Mason	Stephens
Brandis	Fifield	McEwen	Sterle
Brown, Carol	Forshaw	McLucas	Troeth
Calvert	Hogg	Moore	Trood
Carr	Hurley	Nash	Watson
Chapman	Hutchins	O'Brien	Webber
Colbeck	Joyce	Parry	Wong
Eggleston (Teller)	Kirk	Patterson	Wortley
Faulkner	Lightfoot	Payne	

Question negatived.

28 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2006-07

Pursuant to order, Senator Eggleston at the request of the chairs of the respective committees, tabled the following reports, dated June 2006 and documents:

Budget estimates 2006-07—

Community Affairs Legislation Committee—Report and Hansard record of proceedings [4 vols].

Economics Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Employment, Workplace Relations and Education Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Environment, Communications, Information Technology and the Arts Legislation Committee—Report, Hansard record of proceedings [4 vols], documents presented to the committee and additional information.

Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Foreign Affairs, Defence and Trade Legislation Committee—Report and Hansard record of proceedings [4 vols].

Legal and Constitutional Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Reports ordered to be printed on the motion of Senator Eggleston.

At 7.30 pm—

29 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2006-07—

CONSIDERATION

Senator Faulkner, by leave, moved—That the Senate take note of the reports tabled earlier today (*see entry no. 28*).

Debate ensued.

Question put and passed.

30 NOTICE

The Leader of the Opposition in the Senate (Senator Evans), by leave, gave a notice of motion as follows: To move on the next day of sitting—That the proposals to alter the structure of the Senate committee system, announced by the Leader of the Government on 20 June 2006, be referred to the Procedure Committee for inquiry and report by 17 August 2006.

31 ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2006

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

In the committee

Consideration resumed of the bill—and of the amendment moved by Senator Milne (*see entry no. 4*).

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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NOES, 52

Senators—

Abetz	Ferris	Lightfoot	Polley
Adams	Fielding	Ludwig	Ray
Allison	Fierravanti-Wells	Marshall	Ronaldson
Barnett	Fifield	McEwen	Scullion (Teller)
Bernardi	Forshaw	McGauran	Stephens
Boswell	Heffernan	McLucas	Sterle
Brandis	Hogg	Moore	Stott Despoja
Brown, Carol	Humphries	Murray	Troeth
Calvert	Hurley	Nash	Trood
Carr	Hutchins	O'Brien	Watson
Colbeck	Johnston	Parry	Webber
Crossin	Joyce	Patterson	Wong
Faulkner	Kirk	Payne	Wortley

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 20, 24, 28, 39 to 45, 51, 52, 104 to 108.

Schedule 1, items 20, 24, 28, 39 to 45, 51, 52, 104 to 108 debated.

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

Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006—‘Total enrolment transactions—Close of rolls 2004 federal election – by division by day’—Table.

Debate continued.

Question—That Schedule 1, items 20, 24, 28, 39 to 45, 51, 52, 104 to 108 stand as printed—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

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

Items agreed to.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 17 to 19, 21 to 23, 25 to 27, 29 to 35, 100 and 101.

Question—That Schedule 1, items 17 to 19, 21 to 23, 25 to 27, 29 to 35, 100 and 101 stand as printed—put.

The committee divided—

AYES, 34

Senators—

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

NOES, 30

Senators—

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

Items agreed to.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 47 to 49, 71, 72, 90, 91, 112, 113, 131 and 132.

Question—That Schedule 1, items 47 to 49, 71, 72, 90, 91, 112, 113, 131 and 132 stand as printed—put.

The committee divided—

AYES, 34

Senators—

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

NOES, 30

Senators—

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

Items agreed to.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Schedule 1, page 26 (after line 8), after item 87, insert:

87A Subsection 329(1)

Repeal the subsection, substitute:

- (1) A person shall not, during the relevant period in relation to an election under this Act:
 - (a) print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote; or
 - (b) deliberately or wilfully mislead or deceive an elector.

Question—That the amendment be agreed to—put and negatived. All Australian Democrats senators and all Australian Greens senators, by leave, recorded their votes for the ayes.

Question—That the bill be agreed to—divided in respect of Schedule 2, items 1 to 26. Schedule 2, items 1 to 26 debated and agreed to.

Senator Murray moved the following amendment:

Schedule 2, item 12, page 40 (after line 8), after subsection 306(2), insert:

(2AA) For the purposes of this section, the amount or value which exceeds \$10,000 is taken to be the total amount of all gifts made by a person for the benefit of a party as a whole whether to National, State or Territory branches of that party.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 2, item 27.

Schedule 2, item 27 debated and agreed to.

Senator Murray moved the following amendment:

Schedule 2, page 43 (after line 6), after item 27, insert:

27A Subsection 314AG(3)

Repeal the subsection, substitute:

- (3) In addition to the requirements of this section, the regulations must require categories within a return which separately identify and classify:
- total amounts received; and
 - individual gifts received which exceed the threshold amount; and
 - a total aggregate figure of gifts received which are below the threshold amount; and
 - total public funding received.

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

Question—That the bill be agreed to—divided in respect of Schedule 4, item 4.

Schedule 4, item 4 debated and agreed to.

Question—That the bill be agreed to—divided in respect of Schedule 4.

At 11 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Barnett) reported progress.

32 ADJOURNMENT

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

Debate ensued.

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

Family and Community Services—Migrant families and children—Petitioning document relating to the funding for the bicultural worker pool in Western Australia to provide quality service to support migrant families and children in childcare (over 2 000 signatures).

Debate continued.

The Senate continued to sit till midnight—
WEDNESDAY, 21 JUNE 2006 AM

Debate continued.

The Senate adjourned at 12.20 am till Wednesday, 21 June 2006 at 9.30 am.

33 ATTENDANCE

Present, all senators except Senators Bartlett, Bishop*, Ian Campbell*, Conroy*, Kemp*, Lundy* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate