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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 Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2006-07.

Civil Aviation Safety Authority—Corporate plan 2006-07 to 2008-09.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities for 2005-06—Australian Federal Police.

Defence Housing Authority—Statement of corporate intent 2006-07.

Department of Immigration and Multicultural Affairs—Implementation of the recommendations of the Palmer report of the inquiry into the circumstances of the immigration detention of Cornelia Rau—12 month progress report, September 2006.

Housing Assistance Act 1996—Report for 2004-05 on the operation of the 2003 Commonwealth-State Housing Agreement.

Migration Act 1958—Reports for the period 1 March to 30 June 2006—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days.

Reserve Bank of Australia—Report for 2005-06.

Witness Protection Act 1994—Report for 2005-06 on the operation of the National Witness Protection Program.

3 COMMITTEES—CHANGES IN MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs—Standing Committee—

Discharged—Senator Barnett

Appointed—

Senator Fierravanti-Wells

Substitute member: Senator Siewert to replace Senator Allison for the committee's inquiry into funding and operation of the Commonwealth-State/Territory Disability Agreement

Participating member: Senator Barnett

Employment, Workplace Relations and Education—Standing Committee—

Discharged—Senators Bernardi and Johnston

Appointed—

Senators Barnett and Lightfoot

Participating members: Senators Bernardi and Johnston

Selection of Bills—Standing Committee—

Discharged—Senator Eggleston

Appointed—Senator Parry.

Question put and passed.

4 **PETROLEUM RETAIL LEGISLATION REPEAL 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 amendments moved by the Leader of the Family First Party (Senator Fielding):

Schedule 2, page 4 (line 2), omit “**amendment**”, substitute “**amendments**”.

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

Trade Practices Act 1974

3 At the end of subsection 51(1)

Add:

- ; (f) any collective bargaining arrangement including a collective boycott arrangement entered into by independent fuel retailers for the purpose of negotiating for the supply or possible supply of fuel products with a prescribed oil company;
- (g) for the purposes of paragraph (f), the Oilcode and subsection 95Z(1A), an independent fuel retailer means any supplier of fuel products to a consumer, but excludes a prescribed oil company or a prescribed company involved in either wholesaling or retailing of fuel products;
- (h) for the purposes of paragraph (f) and (g), the Oilcode and subsection 95Z(1A), a prescribed oil company includes Australian Petroleum Pty Ltd (Caltex), BP Australia Holdings Limited, Mobil Oil Australia Limited and Shell Australia Limited however described;
- (i) for the purposes of paragraph (g) and the Oilcode, a prescribed company involved in either wholesaling or retailing of fuel products includes Coles Myer Limited and Woolworths Limited however described.

Debate resumed.

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

Senator Fielding moved the following amendments together by leave:

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

4 At the end of section 51AE

Add:

Oilcode

- (2) In relation to the Oilcode, the regulations must provide for sustaining competition in the petroleum retail market so that no single corporation, trust, partnership or joint venture or no prescribed oil company or no prescribed company involved in either wholesaling or retailing of fuel products controls, owns, leases or operates or has an option to own or lease or acquire control (whether directly or indirectly and including through any interposed entity whether a company, trust, partnership or joint venture and whether through a

related company, or through contractual arrangements or through equitable rights or interest or powers) more than 25% of the petrol retail sites for each partnership.

- (3) Where a prescribed oil company and a prescribed company involved in either wholesaling or retailing of fuel products in the manner specified in subsection (2) are in a contractual or other relationship involving the retailing of fuel products, then in relation to the 25% restriction provided for in subsection (2) on the ownership or operation of retail fuel sites, the prescribed oil company's and the prescribed company's individual ownership or operation shall be added together and must not exceed 25% of petrol retail sites unless that combined ownership or operation of petrol retail sites exceeds 25% of all petrol retail sites as at 1 July 2006, in which case the higher percentage as at 1 July 2006 shall apply.
- (4) The regulations must provide for the conduct of an annual review of the Oilcode, including:
 - (a) an assessment of whether there is effective retail competition in the market at national, State, metropolitan and regional levels;
 - (b) whether independent fuel retailers not including a prescribed oil company or a prescribed company involved in the wholesaling or retailing of fuel products are able to obtain supplies of fuel products at prices that enable them to compete effectively in the retail fuel market;
 - (c) whether there are any potentially anti-competitive practices being engaged in the wholesale or retail fuel market that should be referred to the ACCC for further investigation;
 - (d) the effectiveness of the dispute resolution processes under the Oilcode and whether additional dispute resolution processes should be adopted.
- (5) The regulations must provide for the establishment of a review panel to conduct the review required by subsection (4), comprising an independent chair and 4 members with the following expertise:
 - (a) one member representing independent fuel retailers;
 - (b) one member representing prescribed oil companies or a prescribed company involved in the wholesaling or retailing of fuel products;
 - (c) one member representing consumers;
 - (d) one member representing a registered motorist organisation.
- (6) The Oilcode must specify that where either an independent fuel retailer or a collective bargaining group for the purposes of paragraph 51(1)(f) and a prescribed oil company cannot reach an agreement regarding the supply or possible supply of fuel products by the prescribed oil company, on any issue including the price, terms and conditions of the supply or possible supply, the ACCC will be required to arbitrate on the matter and be required to decide the matter within 14 days of receiving notice of the dispute from one of the parties. If the decision of the ACCC is contested by a prescribed oil company then, pending the final outcome of administrative or judicial review, that oil company must supply the independent fuel retailer or collective bargaining group on terms no less favourable than the price and other

terms and conditions applicable to sales to the most favoured operator of any of its own retail sites.

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

5 At the end of section 51AE

Add:

- (7) In relation to the Oilcode, the regulations must provide that a corporation, a partnership, a prescribed oil company or a prescribed company involved in either wholesaling or retailing of fuel products must not control, own, lease or operate, during a month, a number of retail sites exceeding 25% of the total number of retail sites in Australia as specified in the regulations. Where a corporation, a partnership, or a prescribed oil company owns, or a prescribed company involved in either wholesaling or retailing of fuel products operates, more than 25% of petrol retail sites as at 1 July 2006, that company shall be restricted to owning or operating only that number of sites as at 1 July 2006.
- (8) In relation to the Oilcode, the regulations must provide that a member of a group of prescribed corporations, one of which is a prescribed oil company or a prescribed company involved in either wholesaling or retailing of fuel products, shall not operate a retail site during a month if the total number of retail sites (including that site) that would be operated during that month by the members of that group of prescribed corporations (whether directly, through a related company, or through contractual arrangements) would exceed the number of retail sites specified in the regulations in relation to that prescribed oil company in relation to that month.
- (9) In ascertaining for the purposes of this section the number of retail sites operated during a particular month, any diesel fuel sites operated or any sites temporarily operated during that month must be disregarded.

Debate ensued.

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

Senator Fielding moved the following amendment:

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

5 After subsection 95Z(1)

Insert:

Offence: failure to negotiate on price, terms of conditions of supply

- (1A) A corporation is guilty of an offence if:
 - (a) the corporation is a prescribed oil company; and
 - (b) the corporation refuses to supply, for any reason other than for a valid health and safety reason, fuel products to an independent fuel retailer or a collective bargaining group for the purposes of paragraph 51(1)(f), or refuses to negotiate with an independent fuel retailer or a collective bargaining group for the purposes of paragraph 51(1)(f) regarding the supply or possible supply of fuel products including the price or terms and conditions of supply or possible supply of fuel products.

Penalty: 10,000 penalty units.

Debate ensued.

Senator Fielding, by leave, withdrew the amendment.

Senator Joyce moved the following amendment:

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

Trade Practices Act 1974

3 At the end of section 51AE

Add:

Oilcode

- (2) If an Oilcode is made in accordance with this section, the Oilcode must specify that not less than 25% of the volumetric supply of petroleum products in the market within each calendar month is available only to prescribed independent fuel retailers.
- (3) For the purposes of subsection (2), a prescribed independent fuel retailer means any fuel retailer except those operated by a prescribed oil company or a prescribed company.
- (4) For the purposes of subsection (3), a prescribed oil company includes Australian Petroleum Pty Ltd (Caltex), BP Australia Holdings Limited, Mobil Oil Australia Limited and Shell Australia Limited however described.
- (5) For the purposes of subsection (3), a prescribed company involved in either wholesaling or retailing of fuel products includes Coles Myer Limited and Woolworths Limited however described.

Debate ensued.

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

5 QUESTIONS

Questions without notice were answered.

6 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister representing the Minister for Health and Ageing (Senator Santoro) for an explanation of answers not being provided to questions on notice nos 2005 and 2006 (notice given 13 June 2006).

The Minister was not present and an explanation was not provided.

7 ECONOMY—INTEREST RATES—ANSWERS TO QUESTIONS

Senator Carr moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Carr and Webber today relating to interest rates and first home owners.

Debate ensued.

Question put and passed.

8 ENVIRONMENT—GREENHOUSE GAS EMISSIONS—ANSWER TO QUESTION

The Leader of the Australian Democrats (Senator Allison) moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Allison today relating to greenhouse gas emissions.

Question put and passed.

9 PETITIONS

The following 2 petitions, lodged with the Clerk by the President, were received:

From 57 petitioners, requesting that the Senate legislate to require that all Internet service providers offer a 'clean feed' Internet service to all households, schools and public libraries that blocks access to websites containing child pornography, acts of extreme violence and X-rated material.

From 16 petitioners, requesting that the Senate take action to expedite the entry of Christian refugees into Australia.

10 NOTICES

Notices of motion:

The Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on the provisions of the Higher Education Legislation Amendment (2006 Budget and Other Measures) Bill 2006 be extended to 9 October 2006. (*general business notice of motion no. 541*)

The Chair of the Economics Committee (Senator Brandis): To move on the next day of sitting—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 September 2006, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Tax Laws Amendment (2006 Measures No. 4) Bill 2006. (*general business notice of motion no. 542*)

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

(a) notes:

- (i) the formation of a group, the Pacific Calling Partnership, made up of organisations and individuals who recognise Australia's ecological debt to its low-lying Pacific neighbours,
- (ii) that droughts, storm surges and associated salination of soil and water are already causing people in low-lying Pacific countries to move their homes and to seek higher ground for growing food,
- (iii) that the tiny coral atolls of Kiribati are more susceptible to damage because they are less than 3 metres high,
- (iv) one of the messages brought to the Australian Parliament from the people of Kiribati by the Partnership is 'We ask if you can provide a place for us if we are in big trouble. Thank you', and
- (v) that the Kiribati Government currently estimates that there will be a need to resettle 10 000 I-Kiribati in the next 20 years;

- (b) recognises Australia's ecological debt to low-lying Pacific nations, as a major per capita emitter of greenhouse gases, and the economic benefits enjoyed by Australia as a result of using the energy that generated these emissions; and
- (c) urges the Government to support the people of the Pacific through:
 - (i) committing to the Kyoto Protocol as an act of international goodwill and cooperation,
 - (ii) committing to reducing Australia's greenhouse emissions,
 - (iii) supporting adaptation and mitigation works in low-lying Pacific nations,
 - (iv) supporting access to the Australian labour market by Pacific peoples, while also allowing them to continue to reside in their Pacific homes, and
 - (v) agreeing to provide options for resettlement in Australia or elsewhere to the Pacific peoples whose homes have become uninhabitable through climate change. (*general business notice of motion no. 543*)

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, no later than 3.30 pm on Thursday, 14 September 2006, the National Disabilities Advocacy Program Review 2006, carried out by Social Options Australia. (*general business notice of motion no. 544*)

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

- (a) notes, with concern:
 - (i) that child care workers remain among the lowest paid Australians, earning as little as \$541 per week,
 - (ii) that women working in child care are likely to accumulate some of the lowest levels of superannuation in Australia,
 - (iii) that a politician who entered parliament at the 2004 election, aged 30, and who retires at 65 would have received a superannuation lump sum of \$670 211, but would receive a lump sum of \$1 117 000 under the new 15 per cent contribution regime, and
 - (iv) the statement by the Prime Minister (Mr Howard) that low wages adversely affect the gene pool of those drawn to particular occupations; and
- (b) calls on the Government to address the wages paid to child care workers before supplementing the salary advantages paid to politicians. (*general business notice of motion no. 545*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 14 September 2006—That the Senate supports the right of Australians to die with dignity. (*general business notice of motion no. 546*)

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

- (a) notes, with deep concern, the rise of Islamophobia in Australia and the growing threat which this poses to the cohesion of Australian society;
- (b) condemns all manifestations of Islamophobia wherever they occur; and
- (c) expresses its unequivocal condemnation of all forms of racial and ethnic hatred, persecution and discrimination. (*general business notice of motion no. 547*)

Senator Bartlett: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to introduce complementary protection visas, and for related purposes. ***Migration Legislation Amendment (Complementary Protection Visas) Bill 2006***. (*general business notice of motion no. 548*)

Senator Siewert: To move on 14 September 2006—That the Senate—

- (a) notes the recent escape of the glyphosphate-resistant genetically-engineered (GE) grass, known as creeping bentgrass (*Agrostis stolonifera*) in Oregon, United States of America;
- (b) notes that this Roundup-resistant grass, which was developed for golf courses and suburban lawns, has now demonstrated an ability to spread rapidly by seed and to hybridise with other grass strains;
- (c) recognises that this makes the grass a potentially serious threat to both Australia's agriculture and its environment, if it were to be introduced into Australia; and
- (d) urges governments to:
 - (i) implement mechanisms to prevent the importation of GE creeping bentgrass and other exotic herbicide-resistant GE grasses that could make our shocking weed problem worse, and
 - (ii) introduce stronger measures to ensure that GE plants released in Australian field trials do not contaminate the environment and become problem weeds. (*general business notice of motion no. 549*)

The Minister for Ageing (Senator Santoro): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Aged Care Act 1997*, and for related purposes. ***Aged Care Amendment (Residential Care) 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 make provision for dealing with personal information in emergencies and disasters, and for related purposes. ***Privacy Legislation Amendment (Emergencies and Disasters) 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 *Judiciary Act 1903*, and for related purposes. ***Judiciary Legislation Amendment Bill 2006***.

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

- (a) notes that:
 - (i) it has been 19 months since Ms Cornelia Rau was found imprisoned unlawfully in the Baxter detention centre,
 - (ii) Ms Rau has still not received compensation for her wrongful imprisonment or the effects of her treatment in detention,
 - (iii) the Government appears to be effectively forcing Ms Rau to sue it in court, rather than negotiating an agreement or agreeing to an arbitrated settlement, and
 - (iv) this same issue was raised in the Senate more than 6 months ago; and
- (b) calls on the Government to:
 - (i) negotiate a generous compensation agreement with Ms Rau for the ordeal it inflicted upon her,
 - (ii) ensure that this compensation agreement is completed within 3 months, and
 - (iii) avoid a situation where Ms Rau is forced to take legal action and endure years in the courts. (*general business notice of motion no. 550*)

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

- (a) notes that Mr Barry Hemsworth has been the elected union delegate at Botany Cranes in Sydney for the past 10 years;
- (b) congratulates Mr Hemsworth on the work he has done to ensure the safety of all workers at the site;
- (c) condemns the decision by Botany Cranes to sack the union delegate, Mr Hemsworth, after his insistence that employees be properly trained;
- (d) condemns the threat that other employees face fines of up to \$28 600 each if they attend a union meeting to discuss the unfair sacking;
- (e) notes that Mr Hemsworth and other employees in similar situations no longer have access to unfair dismissal proceedings; and
- (f) calls on the Government to repeal the unfair industrial relations laws that see employees face intimidation, unsafe work practises and no avenues of redress. (*general business notice of motion no. 551*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 11 September 2006, withdrew notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for 2 sitting days after today for the disallowance of the Broadcasting Services (Anti-Terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2006, made under subsection 125(2) of the *Broadcasting Services Act 1992*.

Business of the Senate notice of motion no. 1 for 5 sitting days after today for the disallowance of the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2006, made under subsection 125(2) of the *Broadcasting Services Act 1992*.

11 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 535 standing in the name of Senator Bartlett for today, relating to Australian Foster Care Week, postponed till 13 September 2006.

General business notice of motion no. 536 standing in the names of Senators Stephens and Mason for today, relating to anti-Semitism in Australia, postponed till 13 September 2006.

12 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 537—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 September 2006, from 3.30 pm, to take evidence for the committee's inquiry into the provision of facilities for Project Single LEAP.

Question put and passed.

13 ENVIRONMENT—OIL DEPLETION PROTOCOLS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 539—That the Senate—

- (a) notes that:

- (i) various global oil depletion protocols have recently been proposed, and that the basic principle underpinning each is that oil importing nations agree to reduce their imports by an agreed yearly percentage (the world oil depletion rate), while producing countries would agree to reduce their rate of exports by their national depletion rate,
 - (ii) such protocols seek to prevent profiteering from shortage, avoid destabilising financial flows arising from excessive oil prices, encourage the avoidance of waste and stimulate investment in alternative energies, and
 - (iii) the next meeting of the Group of Twenty (G-20) Finance Ministers and Central Bank Governors will take place in Melbourne in November 2006 and that the issues listed for discussion include energy security; and
- (b) calls on the Government to include consideration of an oil depletion protocol on the agenda of the 2006 G-20 meeting.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 48

Senators—

Adams	Ferguson	Lightfoot	Patterson
Bernardi	Ferris	Ludwig	Payne
Bishop	Fierravanti-Wells	Lundy	Polley
Brandis	Fifield	Marshall	Ray
Brown, Carol	Forshaw	Mason	Ronaldson
Campbell, George	Hogg	McEwen	Scullion
Carr	Humphries	McGauran	Sterle
Chapman	Hurley	McLucas	Troeth
Colbeck	Hutchins	Moore	Trood
Crossin	Johnston	Nash	Watson
Eggleston	Joyce	O'Brien	Webber
Ellison	Kirk	Parry (Teller)	Wortley

Question negatived.

14 DEATH PENALTY

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 533 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that the death penalty was removed from the Australian statute books in 1973; and
- (b) calls on the Government to ensure that Australia's opposition to the death penalty is clearly known by all other countries.

Question put and passed.

15 FOREIGN AFFAIRS—PALESTINIAN PARLIAMENTARIANS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 528—That the Senate—

- (a) supports the right of parliamentarians to freely pursue their duties;
- (b) notes the opposition of the Inter-Parliamentary Union, the European Parliament and the New Zealand Parliament to Israel's arrest of more than 20 members of the Palestinian Parliament; and
- (c) calls for the immediate and unconditional release of the Palestinian Speaker, the Deputy Prime Minister and the other arrested ministers and members of the Palestinian Parliament.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 48

Senators—

Adams	Ferguson	Lightfoot	Patterson
Bernardi	Ferris	Ludwig	Payne
Bishop	Fierravanti-Wells	Lundy	Polley
Brandis	Fifield	Marshall	Ray
Brown, Carol	Forshaw	Mason	Ronaldson
Campbell, George	Hogg	McEwen	Scullion
Carr	Humphries	McGauran	Sterle
Chapman	Hurley	McLucas	Troeth
Colbeck	Hutchins	Moore	Trood
Crossin	Johnston	Nash	Watson
Eggleston	Joyce	O'Brien	Webber
Ellison	Kirk	Parry (Teller)	Wortley

Question negatived.

16 FOREIGN AFFAIRS—IRAQ—AL-QAEDA

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. 538—That the Senate—

- (a) notes that:
 - (i) a report of the United States of America Republican-led Senate Select Committee on Intelligence found that there is no evidence of any relationship between the Iraqi regime of Saddam Hussein and al-Qaeda, and
 - (ii) the Government is yet to state whether it now believes that any such link ever existed; and
- (b) calls on the Government to outline when it first became aware of concerns that there was no link between the regime of Saddam Hussein and al-Qaeda.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 34

Senators—

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

Question negatived.

17 URGENCY MOTION—CHILDREN—CHILD PROTECTION

The President informed the Senate that he had received a letter from Senator Bartlett advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

In the light of the repeated failures by our society to protect children from serious abuse and neglect, the need for all political parties to make child protection a national priority and for all governments to urgently determine ways to significantly reduce the totally unacceptable levels of serious child abuse and neglect that is occurring in all sections of the Australian community.

The proposal was supported by 4 senators.

Senator Bartlett moved the motion.

Debate ensued.

Question put and passed.

18 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2006-07—DOCUMENT

The Acting Deputy President (Senator Moore) tabled the following document:

Auditor-General—Audit report no. 4 of 2006-07—Performance audit—Tax agent and business portals: Australian Taxation Office.

19 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Research Council Act—Special Research Initiatives—Variation to Funding Rules for Funding commencing in 2006 [F2006L02926]*.

Christmas Island Act—List of applied Western Australian Acts for the period 22 March to 1 September 2006.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/A320/178 Amdt 1—Trimmable Horizontal Stabilizer Actuator [F2006L02989]*.

AD/A320/192 Amdt 1—Main Fuel Pump System – Airworthiness Limitations and Modifications [F2006L02988]*.

AD/B737/24 Amdt 1—Forward Galley Doorway Upper Corners [F2006L02990]*.

AD/B737/29 Amdt 2—Window Belt Skin Doubler [F2006L02991]*.

AD/TBM 700/45 Amdt 1—Nose Landing Gear Actuator Hinge Pin [F2006L03003]*.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 22 March to 1 September 2006.

Corporations Act—ASIC Class Order [CO 06/709] [F2006L02985]*.

Customs Act—Tariff Concession Orders—

0609665 [F2006L03021]*.

0609942 [F2006L03023]*.

0609945 [F2006L03024]*.

0609980 [F2006L03025]*.

0610217 [F2006L03027]*.

0610218 [F2006L03028]*.

0610262 [F2006L03029]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2006/47—Navy completion bonus and health support allowance.

2006/48—Senior officer completion bonus, aide-de-camp and hardship allowances – amendment.

2006/49—Overseas conditions of service – post indexes.

2006/50—Overseas conditions of service – amendment.

Federal Court of Australia Act—Select Legislative Instrument 2006 No. 234—Federal Court of Australia Amendment Regulations 2006 (No. 2) [F2006L02968]*.

Federal Magistrates Act—Select Legislative Instrument 2006 No. 235—Federal Magistrates Amendment Regulations 2006 (No. 3) [F2006L02967]*.

Fisheries Administration Act—Select Legislative Instrument 2006 No. 233—Fisheries (Administration) Amendment Regulations 2006 (No. 1) [F2006L02996]*.

Higher Education Support Act—

Higher Education Provider Approval (No. 10 of 2006)—Insearch Ltd [F2006L02997]*.

Higher Education Provider Approval (No. 11 of 2006)—International College of Management, Sydney Pty. Limited as Trustee for the ICTHM Trust [F2006L03002]*.

List of maximum amounts of all grants paid in 2006 for each purpose of grant specified in section 41-10 [F2006L02978]*.

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

40.

125.

Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2006 No. 237—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2006 (No. 1) [F2006L02998]*.

Payment Systems (Regulation) Act—Select Legislative Instrument 2006 No. 239—Payment Systems (Regulation) Regulations 2006 [F2006L02980]*.

Sydney Airport Curfew Act—Dispensation Report 06/06.

Telecommunications Act—Select Legislative Instrument 2006 No. 236—Telecommunications Amendment Regulations 2006 (No. 1) [F2006L02964]*.

Governor-General's Proclamations—Commencement of Provisions of Acts

Renewable Energy (Electricity) Amendment Act 2006—Schedule 1—11 September 2006 [F2006L02947].*

Trade Practices Amendment (National Access Regime) Act 2006—Schedule 1—1 October 2006 [F2006L02999].*

* Explanatory statement tabled with legislative instrument.

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

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 385, dated 11 September 2006—Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Bill 2005 [2006].

21 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Ludwig, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 7 February 2007:

Australia's national and international policing requirements over the medium- and long-term, with particular reference to:

- (a) personnel and staffing needs of relevant Commonwealth agencies, particularly the Australian Federal Police;
- (b) the adequacy of existing workforce planning arrangements in meeting those needs;
- (c) the effectiveness of existing recruitment practices and training programs;
- (d) the impact of Commonwealth police personnel strategies on state and territory police forces; and
- (e) any other related matter.

Debate ensued.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

22 **PETROLEUM RETAIL LEGISLATION REPEAL 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 Joyce (see entry no. 4).*

Debate resumed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

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

NOES, 47

Senators—

Adams	Ferguson	Lightfoot	Payne
Barnett	Ferris	Lundy	Polley
Bernardi	Fierravanti-Wells	Macdonald, Sandy	Ray
Bishop	Fifield	Mason	Ronaldson
Brandis	Forshaw	McEwen	Stephens
Brown, Carol	Heffernan	McGauran	Sterle
Campbell, George	Hogg	McLucas	Troeth
Chapman	Humphries	Moore	Trood
Colbeck	Hurley	Nash	Watson
Crossin	Hutchins	O'Brien	Webber
Eggleston	Johnston	Parry (Teller)	Wortley
Faulkner	Kirk	Patterson	

Question negatived.

After 6.50 pm: The Acting Deputy President (Senator Troeth) resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

23 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Housing Assistance Act 1996—Report for 2004-05 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 March to 30 June 2006. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2006. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Defence Housing Authority—Statement of corporate intent 2006-07. Motion to take note of document moved by the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) and agreed to.

Department of Immigration and Multicultural Affairs—Implementation of the recommendations of the Palmer report of the inquiry into the circumstances of the immigration detention of Cornelia Rau—12 month progress report, dated September 2006. Motion to take note of document moved by Senator Moore. Debate adjourned till Thursday at general business, Senator Moore in continuation.

24 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.52 pm till Wednesday, 13 September 2006 at 9.30 am.

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No. 103—12 September 2006

25 ATTENDANCE

Present, all senators except Senators Conroy and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate

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