

2004-06

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

- Aboriginal Hostels Limited—Report for the period 26 June 2005 to 24 June 2006.
- Aboriginal Land Commissioner—Report for 2005-06.
- Aged Care Standards and Accreditation Agency Limited—Report for 2005-06.
- Airservices Australia—Equity and diversity program—Progress report for 2005-06.
- Anindilyakwa Land Council—Report for 2005-06.
- Army and Air Force Canteen Service Board of Management (trading as Frontline Defence Services)—Report for 2005-06, including report on the equal employment management plan.
- Australian Broadcasting Corporation (ABC)—Report for 2005-06.
- Australian Building and Construction Commissioner—Report for the period 1 October 2005 to 30 June 2006.
- Australian Competition and Consumer Commission—Telecommunications report for 2005-06—Telstra's compliance with price control arrangements.
- Australian Federal Police—Report for 2005-06.
- Australian Film Commission—Report for 2005-06.
- Australian Government Solicitor—Report for 2005-06.
- Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2005-06.
- Australian Institute of Criminology and Criminology Research Council—Reports for 2005-06.
- Australian Institute of Family Studies—Report for 2005-06.
- Australian Institute of Health and Welfare—Report for 2005-06.
- Australian Landcare Council—Report for 2005-06.
- Australian Law Reform Commission—Report—No. 105—Report for 2005-06.
- Australian Office of Financial Management—Report for 2005-06.
- Australian Prudential Regulation Authority—Report for 2005-06.
- Australian Radiation Protection and Nuclear Safety Agency—Report for 2005-06.
- Australian Rail Track Corporation Limited (ARTC)—Report for 2005-06.
- Australian Reinsurance Pool Corporation—Report for 2005-06.
- Australian Securities and Investments Commission—Report for 2005-06.
- Centrelink—Report for 2005-06.
- Civil Aviation Safety Authority—Report for 2005-06.
- Commonwealth Grants Commission—Report—Review of the financial capacity of Norfolk Island 2006.
- Commonwealth Ombudsman—Report for 2005-06.

- Companies Auditors and Liquidators Disciplinary Board—Report for 2005-06.
- Corporations and Markets Advisory Committee—Report for 2005-06.
- Cotton Research and Development Corporation—Report for 2005-06.
- Dairy Adjustment Authority—Report for 2005-06.
- Defence Force Retirement and Death Benefits Authority—Report for 2005-06.
- Defence Housing Authority—Report for 2005-06.
- Department of Communications, Information Technology and the Arts—Report for 2005-06.
- Department of Defence—Reports for 2005-06—
Volume 1—Department of Defence.
Volume 2—Defence Materiel Organisation.
- Department of Education, Science and Training—Report for 2005-06.
- Department of Families, Community Services and Indigenous Affairs—Report for 2005-06, including financial statements for Aboriginals Benefit Account and Aboriginal and Torres Strait Islander Land Fund Account.
- Department of Finance and Administration—Report for 2005-06.
- Department of Human Services—Report for 2005-06.
- Employment Advocate—Report for 2005-06.
- Family Court of Australia—Report for 2005-06.
- Family Law Council—Report for 2005-06.
- Federal Court of Australia—Report for 2005-06.
- Federal Magistrates Court—Report for 2005-06.
- Financial Reporting Council—Report for 2005-06 on auditor independence.
- Fisheries Research and Development Corporation—Report for 2005-06.
- Forest and Wood Products Research and Development Corporation—Report for 2005-06.
- Future Fund Management Agency and Future Fund Board of Guardians—Report for the period 3 April to 30 June 2006.
- Grains Research and Development Corporation—Report for 2005-06.
- Grape and Wine Research and Development Corporation—Report for 2005-06.
- Health Services Australia (HSA Group)—Report for 2005-06.
- Indigenous Land Corporation—Report for 2005-06.
- Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2005-06.
- Military Superannuation and Benefits Board of Trustees—Report for 2005-06.
- Murray-Darling Basin Commission—Report for 2005-06.
- National Gallery of Australia—Report for 2005-06.
- National Library of Australia—Report for 2005-06.
- National Native Title Tribunal—Report for 2005-06.
- National Rural Advisory Council—Report for 2005-06.
- Native Title Act 1993*—Native title representative bodies—Reports for 2005-06—
Cape York Land Council Aboriginal Corporation.

Central Land Council.
 Central Queensland Land Council Aboriginal Corporation.
 Goldfields Land and Sea Council Aboriginal Corporation.
 Gurang Land Council (Aboriginal Corporation).
 Kimberley Land Council.
 North Queensland Land Council Aboriginal Corporation.
 Northern Land Council.
 Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation.

NetAlert Limited—Report for 2005-06.

Office of the Official Secretary to the Governor-General—Report for 2005-06.

Office of Workplace Services—Report for 2005-06.

Pharmaceutical Benefits Pricing Authority—Report for 2005-06.

Privacy Commissioner—Report for 2005-06 on the operation of the *Privacy Act 1988*.

Private Health Insurance Ombudsman—Report for 2005-06.

Productivity Commission—Report for 2005-06.

Professional Services Review [Medical and pharmaceutical services]—Report for 2005-06.

Public Lending Right Committee—Report for 2005-06.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2005-06.

Royal Australian Mint—Report for 2005-06.

Rural Industries Research and Development Corporation—Report for 2005-06.

Services Trust Funds—Reports for 2005-06 of the Royal Australian Navy Relief Trust Fund, the Australian Military Forces Relief Trust Fund and the Royal Australian Air Force Welfare Trust Fund.

Social Security Appeals Tribunal—Report for 2005-06.

Sugar Research and Development Corporation—Report for 2005-06.

Takeovers Panel—Report for 2005-06.

Teaching Australia: Australian Institute for Teaching and School Leadership Limited—Report for the period 30 November 2005 to 30 June 2006.

Telstra Instalment Receipt Trustee Limited—Report for 2005-06.

Tiwi Land Council—Report for 2005-06.

Wet Tropics Management Authority—Report for 2005-06, together with State of the Wet Tropics report for 2005-06.

3 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND THE REGULATION OF HUMAN EMBRYO RESEARCH AMENDMENT BILL 2006

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

Debate resumed.

Document: Senator Fierravanti-Wells, by leave, tabled the following document:

Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006—Petitioning document from 15 820 signatories opposing therapeutic cloning.

Debate continued.

Question put.

The Senate divided—

AYES, 34

Senators—

Adams	Faulkner	Moore	Stott Despoja
Allison	Ferguson	Murray	Troeth
Bartlett	Ferris (Teller)	Nettle	Trood
Brown, Bob	Johnston	O'Brien	Vanstone
Brown, Carol	Kirk	Patterson	Webber
Carr	Lundy	Payne	Wong
Colbeck	Marshall	Ray	Wortley
Crossin	McEwen	Sherry	
Evans	McLucas	Siewert	

NOES, 31

Senators—

Abetz	Ellison	Hutchins	Polley
Barnett	Fielding	Joyce	Ronaldson
Bernardi	Fierravanti-Wells	Kemp	Santoro
Bishop	Fifield	Ludwig	Scullion
Boswell	Heffernan	Macdonald, Sandy	Stephens
Calvert	Hogg	McGauran	Sterle
Chapman	Humphries	Minchin	Watson
Eggleston	Hurley	Parry (Teller)	

Question agreed to.

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, debated.

Senator Nettle moved the following amendment:

Schedule 2, page 19 (after line 26), after item 18, insert:

18A After paragraph 21(4)(d)

Insert:

- (da) the capacity of any scientific advances to be delivered through the public health system and/or to reduce the global disease burden;

Debate ensued.

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

4 QUESTIONS

Questions without notice were answered.

5 LAW AND JUSTICE—CUSTOMS—IMPORTATION FROM IRAQ—ANSWER TO QUESTION

Senator Ludwig moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Ray today relating to customs and the importation of goods from Iraq.

Debate ensued.

Question put and passed.

6 ENVIRONMENT—WATER RESOURCES—ANSWER TO QUESTION

Senator Siewert 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 Siewert today relating to water resources.

Question put and passed.

7 DEATH OF FORMER MEMBER THE HONOURABLE SIR ALLEN FAIRHALL, KBE

The Deputy President (Senator Hogg) informed the Senate of the death, on 3 November 2006, of the Honourable Sir Allen Fairhall, KBE, a member of the House of Representatives for the division of Paterson from 1949 to 1969, and, at various times in that period, a minister.

The Leader of the Government in the Senate (Senator Minchin), by leave, moved—That the Senate records its deep regret at the death, on 3 November 2006, of the Honourable Sir Allen Fairhall, KBE, former federal minister and member for Paterson, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

8 PETITION

The following petition, lodged with the Clerk by Senator Conroy, was received:

From 59 petitioners, 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:

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

- (a) that on 28 September 2006 the United States Congress passed the Military Commissions Act of 2006;
- (b) that on 17 October 2006 President George W Bush signed the Act into law;
- (c) that the Act provides a congressional basis for trial by military commission;
- (d) that the Act incorporates a number of procedural safeguards including:
 - (i) the presumption of innocence,
 - (ii) a right to be present throughout the trial,

- (iii) a right to cross-examine prosecution witnesses,
 - (iv) a ban on evidence obtained by torture,
 - (v) access to evidence the prosecution intends to adduce at trial,
 - (vi) the provision of military defence counsel,
 - (vii) the ability to retain civilian defence counsel,
 - (viii) the option to remain silent or testify at trial,
 - (ix) standard of proof beyond reasonable doubt, and
 - (x) an extensive appeals process;
- (e) that Mr David Hicks is yet to be charged under the Act; and
- (f) that the Government continues to press the United States for Mr Hicks' case to be dealt with expeditiously and fairly. (*general business notice of motion no. 619*)

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

- (a) notes that:
- (i) there have been calls by land owners in the Gwydir Ramsar-listed wetland for it to be de-listed as a Ramsar site because the federal and New South Wales governments have let it die,
 - (ii) the World Wide Fund for Nature intends to raise this issue at the Standing Committee of the Ramsar Convention when it meets in February 2007,
 - (iii) the Gwydir wetlands have received little water in 10 years despite promises from state and federal governments to provide water to retain the site's value, and
 - (iv) water to the Gwydir wetland has been reduced by up to 75 per cent; and
- (b) calls on state and federal governments to protect this important wetland site. (*general business notice of motion no. 620*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 6 November 2006, withdrew notices of motion standing in his name as follows:

Business of the Senate notices of motion nos 1 and 2 for 2 sitting days after today for the disallowance of the following instruments:

Environment Protection and Biodiversity Conservation Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 131 and made under the *Environment Protection and Biodiversity Conservation Act 1999*.

Great Barrier Reef Marine Park Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 132 and made under the *Great Barrier Reef Marine Park Act 1975*.

Business of the Senate notice of motion no. 1 for 7 sitting days after today for the disallowance of the Amendment of List of Specimens taken to be suitable for live import [EPBC/s.303EC/SSL1/Amend/012], made under paragraph 303EC(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999*.

10 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to the following senators:

- (a) Senator Brandis from 6 November to 10 November 2006, on account of parliamentary business overseas;
- (b) Senator Ian Campbell from 6 November to 8 November 2006, and on 10 November 2006, for family reasons; and
- (c) Senator Coonan from 6 November to 10 November 2006, on account of government business overseas.

Question put and passed.

11 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Johnston), moved—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on the provisions of the Australian Participants in British Nuclear Tests (Treatment) Bill 2006 and a related bill be extended to 8 November 2006.

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 Senator Siewert for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee, postponed till 8 November 2006.

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Johnston) for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, postponed till 8 November 2006.

Business of the Senate notice of motion no. 4 standing in the name of Senator O'Brien for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 8 November 2006.

General business notice of motion no. 606 standing in the name of Senator Bartlett for today, relating to recreational duck hunting, postponed till 8 November 2006.

General business notice of motion no. 608 standing in the name of Senator Nettle for today, relating to water resources of the Murray-Darling Basin, postponed till 8 November 2006.

General business notice of motion no. 612 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 8 November 2006.

13 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REFERENCE

Senator Ferris, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 29 March 2007:

The nature and conduct of Australia's public diplomacy, with particular reference to:

- (a) the extent and effectiveness of current public diplomacy programs and activities in achieving the objectives of the Australian Government;
- (b) the opportunities for enhancing public diplomacy both in Australia and overseas;
- (c) the effectiveness of, and possible need to reform, administrative arrangements relating to the conduct of public diplomacy within and between Commonwealth agencies and where relevant, the agencies of state governments; and
- (d) the need and opportunities for expanding levels of funding for Australia's public diplomacy programs, including opportunities for funding within the private sector.

Question put and passed.

14 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 609—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 10 November 2006, from 9 am, to take evidence for the committee's inquiry into the provisions of the Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Bill 2006.

Question put and passed.

15 ENVIRONMENT—GOVERNMENT INITIATIVES

Senator Watson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 618—That the Senate—

- (a) notes that:
 - (i) the Howard Government has placed a high priority on caring for the Australian environment and has shown this by providing funding based on good science that has helped to protect more than 8 million hectares of wetlands, treat 400 000 hectares of land for salinity and erosion, and helps some 800 000 volunteers get involved in on-ground work, and
 - (ii) the recently announced \$13.4 million New South Wales Wetland Recovery Plan will include projects designed to improve knowledge of wetland and environmental water management, improve water flows, and address noxious weeds in the Macquarie Marshes and Gwydir Wetlands regions; and
- (b) congratulates the Howard Government on its initiatives in this area.

Leave refused: The Leader of the Australian Greens (Senator Bob Brown) sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

16 ENVIRONMENT—GREENHOUSE GAS EMISSIONS

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. 615—That the Senate calls on the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to report, before the Senate rises in 2006, on:

- (a) the relevance in Australia of the Stern report's conclusion that globally, destruction of forests creates more greenhouse gases than transport;
- (b) the quantity of greenhouse gases currently released by:
 - (i) commercial logging of native forests, and
 - (ii) other clearance of native vegetation in Australia;
- (c) the reliability of information available on and any measure being implemented to improve knowledge on paragraphs (a) and (b); and
- (d) any measures being undertaken by the Government to halt greenhouse gas emissions from the forests in our region and globally.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 54

Senators—

Abetz	Ferris (Teller)	Macdonald, Sandy	Santoro
Adams	Fierravanti-Wells	Marshall	Scullion
Barnett	Fifield	McEwen	Sherry
Bernardi	Hogg	McGauran	Stephens
Bishop	Humphries	McLucas	Sterle
Brown, Carol	Hurley	Moore	Troeth
Calvert	Johnston	Nash	Trood
Carr	Joyce	O'Brien	Vanstone
Chapman	Kemp	Parry	Watson
Colbeck	Kirk	Patterson	Webber
Crossin	Lightfoot	Payne	Wong
Eggleston	Ludwig	Polley	Wortley
Ellison	Lundy	Ray	
Ferguson	Macdonald, Ian	Ronaldson	

Question negatived.

17 ENVIRONMENT—CLIMATE CHANGE

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 617 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) agrees that:
- (i) scientific evidence supports a link between human activity and climate change, and
 - (ii) urgent action is required to reduce greenhouse gas emissions globally; and
- (b) notes that the Stern report suggests the costs to the economy and to the environment of inaction are significantly greater than the short-term cost of action.

Question put and passed.

18 DEATH OF MR WALLY FOREMAN

Senator Webber, also on behalf of Senators Evans, Ian Campbell, Bishop, Ellison, Siewert, Murray, Eggleston, Sterle, Adams, Johnston and Lightfoot, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 613—That the Senate—

- (a) notes:
- (i) with great sadness the passing of Mr Wally Foreman,
 - (ii) that Mr Foreman will be remembered as a champion for Western Australian athletes in their efforts to gain national representation,
 - (iii) that Mr Foreman was the inaugural director of the Western Australian Institute of Sport (WAIS), and an early pioneer in developing a more professional and supportive training environment for Western Australia's high performance athletes,
 - (iv) that the WAIS was the first state-based institute in Australia, and a national leader in its field under Mr Foreman's guidance, and

- (v) that Mr Foreman will also be remembered for his informative and incisive sports commentary during his 30 year career, covering four Olympic Games, five Commonwealth Games, and international cricket, tennis, hockey and athletics tournaments; and
- (b) extends its deepest sympathies to Mr Foreman's family, especially his wife Lyn and their sons, Mark and Glen.

Question put and passed.

19 FOREIGN AFFAIRS—PALESTINE AND ISRAEL

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 610—That the Senate—

- (a) notes that:
 - (i) the wall that Israel is constructing in the West Bank is 10 times the length of the Berlin Wall and three times as high,
 - (ii) the length of the 'Green Line', the border between Israel and the West Bank, is 315 kilometres and the path of the wall is 670 kilometres long,
 - (iii) Israeli settlements with their bypass roads and security zones occupy 42 per cent of the West Bank,
 - (iv) there are now more than 200 Jewish-only settlements in the West Bank,
 - (v) 78 per cent of the Israeli settlement population come from Europe and North America,
 - (vi) Israeli settlers in the West Bank consume five times more water than Palestinians, water that is taken from Palestinian water sources,
 - (vii) Palestinian travel is restricted or entirely prohibited on 41 roads and sections of roads throughout the West Bank, covering a total of more than 700 kilometres of roadway, however Israeli settlers can travel freely on these roads, and
 - (viii) there are now more Jewish settlers in Palestinian East Jerusalem than Palestinians; and
- (b) urges the Government to consider these facts in its efforts to assist with a peaceful two-state solution in Palestine and Israel.

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

20 DOCUMENTS

The following documents were tabled by the Clerk:

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

Broadcasting Services Act—Broadcasting Services (Local Content on Regional Commercial Radio) Direction No. 1 of 2006 [F2006L03621]*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 399/06—Instructions – GLS approach procedures [F2006L03603]*.

CASA EX57/06—Exemption – from take-off minima inside Australian territory [F2006L03598]*.

CASA EX58/06—Exemption – from take-off and landing minima outside Australian territory [F2006L03599]*.

CASA EX59/06—Exemption, permit, permission and directions – bungy jumping [F2006L03620]*.

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

AD/AS 355/67 Amdt 3—Main Gearbox Lubrication Pump [F2006L03583]*.

AD/AT 800/8—Hopper Rinse Tank Shelf Attachment [F2006L03613]*.

AD/B747/167 Amdt 2—Section 41 Bonded Skin Panels [F2006L03614]*.

AD/BELL 430/9—Yaw Synchro Resolver Shaft Control Arm Screw [F2006L03616]*.

AD/ECUREUIL/112 Amdt 1—Cabin Vibration Damper Assembly [F2006L03585]*.

AD/F100/82—Piccolo Tube Peri-Seals [F2006L03587]*.

AD/SA 315/2—Free-Wheel Inspections following Main Rotor Impact [F2006L03607]*.

AD/SA 315/3—Main Rotor Blade Root Skin and Reinforcement Strip Bonding [F2006L03622]*.

AD/SA 315/4—Main Rotor Blade Cuff to Spar Assembly [F2006L03623]*.

AD/SA 315/9—State of Design Airworthiness Directives [F2006L03608]*.

AD/S-PUMA/62 Amdt 1—Landing Gear – Electro-Valve Power Supply [F2006L03609]*.

AD/UH-1/19—Tail Rotor Slider [F2006L03612]*.

106—

AD/LYC/117—Lycoming Crankshaft Replacement [F2006L03595]*.

AD/TAY/7—LPT Disc Corrosion – Inspection [F2006L03610]*.

AD/TAY/17—Low Pressure Turbine Disc Corrosion [F2006L03611]*.

107—

AD/PHS/8—Counterweight Bearing Shaft – Inspection [F2006L03596]*.

AD/PHZL/42 Amdt 5—Propeller Feather Assist Spring Kit [F2006L03597]*.

AD/PHZL/86—Propeller Hub Cracks [F2006L03606]*.

Class Rulings—

Notices of Withdrawal—CR 2004/109 and CR 2004/129.

CR 2006/108 and CR 2006/109.

Criminal Code Act—Select Legislative Instruments 2006 Nos—

276—Criminal Code Amendment Regulations 2006 (No. 4) [F2006L03473]*.

277—Criminal Code Amendment Regulations 2006 (No. 5) [F2006L03474]*.

278—Criminal Code Amendment Regulations 2006 (No. 6) [F2006L03475]*.

279—Criminal Code Amendment Regulations 2006 (No. 7) [F2006L03476]*.

280—Criminal Code Amendment Regulations 2006 (No. 8) [F2006L03538]*.

Customs Act—Select Legislative Instruments 2006 Nos—

281—Customs (Prohibited Exports) Amendment Regulations 2006 (No. 3) [F2006L03550]*.

282—Customs (Prohibited Imports) Amendment Regulations 2006 (No. 5) [F2006L03549]*.

Health Insurance Act—

Health Insurance (Allied Health and Dental Services) Determination 2006 [F2006L03568]*.

Health Insurance Regulations—Revocation of Health Insurance (Requirements for Allied Health Professionals) Determination 2005 [F2006L03566]*.

Migration Act—Migration Regulations—Instrument IMMI 06/076—Organisations that may sponsor Short Stay Business Visitors [F2006L03602]*.

Miscellaneous Taxation Ruling—Notice of Withdrawal—MT 2010.

Nuclear Non-Proliferation (Safeguards) Act—Select Legislative Instrument 2006 No. 284—Nuclear Non-Proliferation (Safeguards) Amendment Regulations 2006 (No. 1) [F2006L03560]*.

Private Health Insurance Complaints Levy Act—Select Legislative Instrument 2006 No. 285—Private Health Insurance Complaints Levy Amendment Regulations 2006 (No. 1) [F2006L03465]*.

Product Rulings PR 2006/150 and PR 2006/151.

Sales Tax Rulings—Notices of Withdrawal—ST 2123, ST 2130 and ST 2254.

Social Security (Administration) Act—Social Security (Public Interest Certificate Guidelines) (DEST) Determination 2006 [F2006L03601]*.

Superannuation (Government Co-contribution for Low Income Earners) Act and Superannuation Guarantee (Administration) Act—Lodgement of statements by superannuation providers for the year ended 30 June 2006 [F2006L03536]*.

Taxation Determinations—Notices of withdrawal—TD 93/30 and TD 93/193.

Taxation Rulings—

Addenda—

TR 2000/8.

TR 2002/14.

Notices of Withdrawal—

Old Series—IT 2128, IT 2144, IT 2214, IT 2471, IT 2475 and IT 2528.

TR 94/9.

TR 95/30.

TR 98/18 and TR 98/19.

TR 2006/13.

Veterans' Entitlements Act—Statements of Principles concerning—

Acute sprain and acute strain No. 55 of 2006 [F2006L03570]*.

Cerebrovascular accident No. 51 of 2006 [F2006L03556]*.

Cerebrovascular accident No. 52 of 2006 [F2006L03557]*.

Fracture No. 53 of 2006 [F2006L03562]*.

Gastric ulcer and duodenal ulcer No. 57 of 2006 [F2006L03572]*.

Gastric ulcer and duodenal ulcer No. 58 of 2006 [F2006L03573]*.

Meniere's disease No. 59 of 2006 [F2006L03574]*.

Meniere's disease No. 60 of 2006 [F2006L03575]*.

Osteoporosis No. 61 of 2006 [F2006L03579]*.

Osteoporosis No. 62 of 2006 [F2006L03576]*.

Vascular dementia No. 63 of 2006 [F2006L03577]*.

Vascular dementia No. 64 of 2006 [F2006L03578]*.

*Governor-General's Proclamation—Commencement of provisions of an Act**Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Act 2006—Schedule 1—6 November 2006 [F2006L03565]*.*

* Explanatory statement tabled with legislative instrument.

21 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND THE REGULATION OF HUMAN EMBRYO RESEARCH AMENDMENT BILL 2006

Order 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 Nettle (see entry no. 3).

Debate resumed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

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

NOES, 50

Senators—

Abetz	Ferguson	Lundy	Scullion
Adams	Ferris	Macdonald, Sandy	Sherry
Barnett	Fielding	Marshall	Stephens
Bernardi	Fierravanti-Wells	McEwen	Sterle
Bishop	Fifield	McGauran	Troeth
Carr	Hogg	McLucas	Trood
Chapman	Humphries	Moore	Vanstone
Colbeck	Hurley	O'Brien	Watson
Crossin	Johnston	Parry (Teller)	Webber
Eggleston	Joyce	Patterson	Wong
Ellison	Kirk	Payne	Wortley
Evans	Lightfoot	Polley	
Faulkner	Ludwig	Ronaldson	

Question negatived.

Bill further debated.

Senator Nettle moved the following amendment:

Schedule 2, item 19, page 20 (after line 3), at the end of subsection 24(1), add:

; (c) the licence holder must agree to deposit in any Australian national stem cell repository a sample of any stem cell line derived specifically for research.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 24

Senators—

Allison	Evans	McLucas	Siewert
Bartlett	Faulkner	Moore	Stott Despoja
Brown, Bob	Kirk	Murray	Watson
Brown, Carol	Lundy	Nettle	Webber (Teller)
Carr	Marshall	O'Brien	Wong
Crossin	McEwen	Ray	Wortley

NOES, 37

Senators—

Abetz	Ferguson	Kemp	Santoro
Adams	Ferris	Ludwig	Scullion
Barnett	Fielding	Macdonald, Sandy	Sherry
Bernardi	Fierravanti-Wells	McGauran	Stephens
Boswell	Fifield	Minchin	Sterle
Calvert	Heffernan	Parry (Teller)	Trood
Chapman	Hogg	Patterson	Vanstone
Colbeck	Humphries	Payne	
Eggleston	Johnston	Polley	
Ellison	Joyce	Ronaldson	

Question negatived.

Senator Nettle moved the following amendment:

Schedule 2, item 35, page 26 (after line 3), at the end of section 47B, add:

- (4) The Minister must present to Parliament legislation for the establishment of the National Stem Cell Bank within two years of the *Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006* receiving the Royal Assent.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

Adams	Evans	McLucas	Troeth
Allison	Faulkner	Moore	Trood
Bartlett	Ferris	Nettle	Vanstone
Brown, Bob	Johnston	O'Brien	Webber (Teller)
Brown, Carol	Kirk	Payne	Wong
Carr	Lundy	Ray	Wortley
Colbeck	Marshall	Siewert	
Crossin	McEwen	Stott Despoja	

NOES, 34

Senators—

Abetz	Ferguson	Kemp	Ronaldson
Barnett	Fielding	Ludwig	Santoro
Bernardi	Fierravanti-Wells	Macdonald, Sandy	Scullion
Bishop	Fifield	McGauran	Sherry
Boswell	Heffernan	Minchin	Stephens
Calvert	Hogg	Murray	Sterle
Chapman	Humphries	Parry (Teller)	Watson
Eggleston	Hutchins	Patterson	
Ellison	Joyce	Polley	

Question negatived.

Senator Stott Despoja, also on behalf of Senator Webber, moved the following amendments together by leave:

Schedule 1, item 7, page 5 (line 14), omit “10”, substitute “15”.

Schedule 1, item 7, page 5 (line 27), omit “10”, substitute “15”.

Schedule 1, item 7, page 6 (line 7), omit “10”, substitute “15”.

Schedule 1, item 7, page 6 (line 16), omit “10”, substitute “15”.

Schedule 1, item 7, page 6 (line 25), omit “10”, substitute “15”.

Schedule 1, item 7, page 6 (line 29), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 5), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 9), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 13), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 16), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 21), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 25), omit “10”, substitute “15”.

Schedule 1, item 7, page 7 (line 29), omit “10”, substitute “15”.

Schedule 1, item 7, page 8 (line 28), omit “10”, substitute “15”.

Schedule 1, item 7, page 8 (line 32), omit “10”, substitute “15”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 35

Senators—

Adams	Faulkner	Moore	Stott Despoja
Allison	Ferguson	Murray	Troeth
Bartlett	Ferris	Nettle	Trood
Brown, Bob	Johnston	O’Brien	Vanstone
Brown, Carol	Kirk	Patterson	Watson
Carr	Lundy	Payne	Webber (Teller)
Colbeck	Marshall	Ray	Wong
Crossin	McEwen	Sherry	Wortley
Evans	McLucas	Siewert	

NOES, 29

Senators—

Abetz	Ellison	Joyce	Ronaldson
Barnett	Fielding	Kemp	Santoro
Bernardi	Fierravanti-Wells	Ludwig	Scullion
Bishop	Fifield	Macdonald, Sandy	Stephens
Boswell	Heffernan	McGauran	Sterle
Calvert	Hogg	Minchin	
Chapman	Humphries	Parry (Teller)	
Eggleston	Hutchins	Polley	

Question agreed to.

Senator Stott Despoja, also on behalf of Senator Webber, moved the following amendment:

Schedule 2, page 14 (after line 6), after item 1, insert:

1A Subsection 7(1) (after the definition of *corresponding State law*)

Insert:

human egg means a human egg donated to research intended for:

- (a) fertilisation specifically for research purposes; or
- (b) the creation of a human embryo specifically for research purposes;

that is the subject of a licence issued under section 21.

Debate ensued.

Senator Stott Despoja, by leave, withdrew the amendment.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, item 4.

Schedule 2, item 4 debated and agreed to.

Senator Stott Despoja, also on behalf of Senator Webber, moved the following amendment:

Schedule 2, page 16 (after line 26), after item 9, insert:

9A Subsection 9(1) (at the end of the definition of *excess ART embryo*)

Add:

; or (c) is:

- (i) diagnosed by pre-implantation genetic diagnosis according to such NHMRC guidelines on the use of assisted reproductive technology in clinical practice and research as may be prescribed; or
- (ii) determined under such NHMRC objective criteria as may be prescribed;

as being unsuitable for implantation.

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

On the motion of Senator Bartlett the following amendments, taken together by leave, were debated and agreed to:

Schedule 2, item 15, page 19 (lines 12 and 13), omit paragraph 20(1)(g).

Schedule 2, item 15, page 19 (line 14), omit “, (d) and (g)”, substitute “and (d)”.

Senator Stott Despoja, also on behalf of Senator Webber, moved the following amendment:

Schedule 2, item 34, page 22 (line 31), omit “one month”, substitute “15 days”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

Senators—

Adams	Faulkner	Moore	Stott Despoja
Allison	Ferguson	Murray	Troeth
Bartlett	Ferris	Nettle	Trood
Brown, Bob	Johnston	O’Brien	Vanstone
Brown, Carol	Kirk	Patterson	Webber (Teller)
Carr	Lundy	Payne	Wong
Colbeck	Marshall	Ray	Wortley
Crossin	McEwen	Sherry	
Evans	McLucas	Siewert	

NOES, 29

Senators—

Abetz	Fielding	Kemp	Santoro
Barnett	Fierravanti-Wells	Ludwig	Scullion
Bernardi	Fifield	Macdonald, Sandy	Stephens
Bishop	Heffernan	McGauran	Sterle
Boswell	Hogg	Minchin	Watson
Calvert	Humphries	Parry (Teller)	
Chapman	Hutchins	Polley	
Ellison	Joyce	Ronaldson	

Question agreed to.

On the motion of Senator Colbeck the following amendment was debated and agreed to:

Schedule 2, page 26 (after line 3), at the end of the Schedule, add:

36 After section 47

Insert:

47C Study of non-blood human tissue based therapies

- (1) The Minister must cause to be prepared a report on the feasibility of establishing a national legislative or regulatory approach for effective governance of non-blood human tissue based therapies.
- (2) The review must be undertaken by persons chosen by the Minister with the agreement of each State.
- (3) The report of the review must contain recommendations for a national legislative or regulatory framework.
- (4) The persons undertaking the review must give to the Council of Australian Governments and both Houses of the Parliament a written report of the review.
- (5) The report must be completed not later than 18 months after the day on which the *Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006* receives the Royal Assent.

- (6) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report was completed.

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Patterson the report from the committee was adopted.

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

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

Adams	Faulkner	Moore	Stott Despoja
Allison	Ferguson	Murray	Troeth
Bartlett	Ferris (Teller)	Nettle	Trood
Brown, Bob	Johnston	O'Brien	Vanstone
Brown, Carol	Kirk	Patterson	Webber
Carr	Lundy	Payne	Wong
Colbeck	Marshall	Ray	Wortley
Crossin	McEwen	Sherry	
Evans	McLucas	Siewert	

NOES, 32

Senators—

Abetz	Ellison	Hutchins	Parry (Teller)
Barnett	Fielding	Joyce	Polley
Bernardi	Fierravanti-Wells	Kemp	Ronaldson
Bishop	Fifield	Lightfoot	Santoro
Boswell	Heffernan	Ludwig	Scullion
Calvert	Hogg	Macdonald, Sandy	Stephens
Chapman	Humphries	McGauran	Sterle
Eggleston	Hurley	Minchin	Watson

Question agreed to.

Bill read a third time.

22 ADJOURNMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 9.24 pm till Wednesday, 8 November 2006 at 9.30 am.

23 ATTENDANCE

Present, all senators except Senators Brandis*, George Campbell*, Ian Campbell*, Conroy*, Coonan*, Forshaw*, Mason* and Milne* (* on leave).

HARRY EVANS
Clerk of the Senate