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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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Contents

| | | |
|----|--|------|
| 1 | Meeting of Senate | 3035 |
| 2 | Notices..... | 3035 |
| 3 | Order of Business—Rearrangement..... | 3037 |
| 4 | Parliamentary Zone—Capital Works Proposal—Approval | 3037 |
| 5 | Consideration of Legislation..... | 3038 |
| 6 | Foreign Affairs—Vietnam..... | 3038 |
| 7 | Foreign Affairs—United States—Military Commissions | 3039 |
| 8 | Environment—Gwydir Wetlands..... | 3040 |
| 9 | Foreign Affairs—West Papua..... | 3041 |
| 10 | Migration Legislation Amendment (Restoration of Human Rights) Bill 2006.. | 3041 |
| 11 | Migration Legislation Amendment (Duration of Detention) Bill 2006..... | 3042 |
| 12 | Foreign Affairs—United States—Military Commissions | 3042 |
| 13 | Committees—Additional Information—Additional Estimates 2005-06 and Budget Estimates 2006-07 | 3043 |
| 14 | Legal and Constitutional Legislation Committee—Australian Federal Police—Document..... | 3044 |
| 15 | Publications—Standing Committee—17th Report..... | 3044 |
| 16 | Rural and Regional Affairs and Transport—Standing Committee— Proposed Reference..... | 3045 |
| 17 | Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006 | 3046 |
| 18 | Australian Participants in British Nuclear Tests (Treatment) Bill 2006 Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Bill 2006 | 3049 |
| 19 | Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006 | 3050 |
| 20 | Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006..... | 3050 |
| 21 | Defence Force (Home Loans Assistance) Amendment Bill 2006..... | 3050 |

| | | |
|----|---|------|
| 22 | National Cattle Disease Eradication Account Amendment Bill 2006..... | 3050 |
| 23 | Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006..... | 3051 |
| 24 | Export Finance and Insurance Corporation Amendment Bill 2006..... | 3051 |
| 25 | Questions..... | 3051 |
| 26 | Economy—Inflation and Interest Rates—Answers to Questions..... | 3051 |
| 27 | Parliamentary Entitlements—Mobile Phones—Statement by Leave..... | 3051 |
| 28 | Australian Crime Commission—Joint Statutory Committee—Government Response—Trafficking of Women for Sexual Servitude..... | 3052 |
| 29 | Publications—Joint Standing Committee—Government Response— Distribution of the Parliamentary Papers Series..... | 3052 |
| 30 | Auditor-General—Audit Report No. 11 of 2006-07—Document..... | 3052 |
| 31 | Australian Crime Commission—Joint Statutory Committee—Appointment of Member..... | 3052 |
| 32 | Economy—Inflation and Interest Rates..... | 3052 |
| 33 | Government Documents—Orders of the Day—Consideration..... | 3053 |
| 34 | Committee Reports and Government Responses—Orders of the Day— Consideration..... | 3054 |
| 35 | Adjournment..... | 3055 |
| 36 | Attendance..... | 3055 |

1 MEETING OF SENATE

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

2 NOTICES

Senator O'Brien: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Transport and Regional Services, no later than 3.30 pm on Wednesday, 29 November 2006, a copy of:

- (a) the reports of the November 2001, August 2004, February 2005 and February 2006 Civil Aviation Safety Authority (CASA) audits of Lessbrook Pty Ltd trading as Transair;
- (b) the enforceable voluntary undertaking by Lessbrook Pty Ltd trading as Transair accepted by CASA in May 2006;
- (c) all show cause notices issued by CASA to Lessbrook Pty Ltd trading as Transair since November 2001; and
- (d) the written notice issued by CASA to Lessbrook Pty Ltd trading as Transair in October 2006 cancelling Transair's Air Operator's Certificate. (*general business notice of motion no. 625*)

Senator Carr: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and for related purposes. ***Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2006 [No. 2]***. (*general business notice of motion no. 626*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Anti-Money Laundering and Counter-Terrorism Financing Bill 2006
 Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006
 Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006
 Copyright Amendment Bill 2006
 Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006
 Environment and Heritage Legislation Amendment Bill (No. 1) 2006
 Inspector of Transport Security Bill 2006
 Inspector of Transport Security (Consequential Provisions) Bill 2006
 Medibank Private Sale Bill 2006
 Telecommunications Amendment (Integrated Public Number Database) Bill 2006.

Documents: Senator Ellison tabled the following documents:

Consideration of legislation—Statements of reasons [8] for introduction and passage of bills in the 2006 spring sittings.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following matter be referred to the Joint Standing Committee on Treaties for inquiry and report by 15 February 2007:

The new security treaty with Indonesia, with particular reference to:

- (a) the long-term defence and security implications for Australia;
- (b) the civil and political rights, in particular the rights of free speech and political activity of Australians and Indonesians, in particular, West Papuans;
- (c) the long-term implications for Australia of the proposals relating to nuclear technology;
- (d) Australia's international treaty obligations; and
- (e) any related matters. (*general business notice of motion no. 627*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate supports the following resolution of Newcastle City Council:

Newcastle City Council recognises the urgent need to protect local and global environments from increasing greenhouse gas emissions and to reduce Newcastle's role in that increase.

Therefore Newcastle City Council:

1. Recommends that the NSW Government establishes a cap on coal exports from Newcastle at existing levels.
2. Recommends that the NSW Government initiates an independent Inquiry into the environmental, social and economic sustainability of the current coal industry and proposed expansion of the Hunter Valley coal industry.
3. Recommends that pending such an Inquiry, the NSW Government initiates a moratorium on new coal mine approvals at Anvil Hill and elsewhere in NSW.
4. Calls on the NSW and Federal Governments to establish a mandatory renewable energy target of 25% by 2020, with 20% by 2014 as a first step, in keeping with targets set by the South Australian Government.
5. Calls on the NSW Government to establish a contribution of 10c/tonne on coal exports through the Port of Newcastle to fund a community trust to be administered through Hunter Councils, to support a transition to a clean energy economy in the Hunter and to invest in local renewable energy projects.
6. Calls on the NSW Government to build a more efficient public transport system in the Hunter, linking major regional cities defined in the Lower Hunter Regional Strategy. (*general business notice of motion no. 628*)

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

(a) notes:

- (i) the tragic shooting of two protesters and one journalist by gunmen participating in the attack on striking teachers and their supporters in the City of Oaxaca in Mexico on 27 October 2006,
- (ii) that one of those killed, Mr Bradley Roland Will, was a camera man working for the independent news group Indymedia, and
- (iii) that these killings bring the number of protesters shot and killed by security forces to at least six during this 6 month protest; and

- (b) calls on the Government to:
- (i) condemn the use of lethal force against journalists, teachers and protesters by Mexican authorities,
 - (ii) urge the Mexican Government to bring to justice all those involved in the killings of the protestors in Oaxaca, and
 - (iii) express its condolences to the families of those killed. (*general business notice of motion no. 629*)

3 ORDER OF BUSINESS—REARRANGEMENT

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

- No. 7 Australian Participants in British Nuclear Tests (Treatment) Bill 2006
Australian Participants in British Nuclear Tests (Treatment)
(Consequential Amendments and Transitional Provisions) Bill 2006.
Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006.
- No. 8 Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts)
Bill 2006
Housing Loans Insurance Corporation (Transfer of Assets and Abolition)
Repeal Bill 2006.
- No. 9 Defence Force (Home Loans Assistance) Amendment Bill 2006.
- No. 10 National Cattle Disease Eradication Account Amendment Bill 2006.
- No. 11 Environment and Heritage Legislation Amendment (Antarctic Seals and
Other Measures) Bill 2006.
- No. 12 Export Finance and Insurance Corporation Amendment Bill 2006.

Question put and passed.

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

- (a) general business notice of motion no. 623 standing in the name of Senator Sherry relating to inflation and interest rates; and
- (b) orders of the day relating to government documents.

Question put and passed.

4 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Ageing (Senator Santoro) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design of artworks and post mounted lighting at Reconciliation Place.

Question put and passed.

5 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006, allowing it to be considered during this period of sittings.

Question put and passed.

6 FOREIGN AFFAIRS—VIETNAM

The Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 616—That the Senate—

- (a) notes that:
- (i) Vietnam today is still a one-party state, where basic human rights are abused, and many political dissidents are gaoled or put under house arrest because of their peaceful demand for freedom and democracy,
 - (ii) widespread corruption in all levels of government in Vietnam may see Australian aid to Vietnam abused and wasted,
 - (iii) recently, there has been a growing pro-democracy movement in Vietnam, initiated by a group of 118 Vietnamese citizens known as the Bloc 8406, named after the date of 8 April 2006 when they openly declared a Manifesto on Freedom and Democracy for Vietnam demanding a peaceful transition to a pluralistic and democratic Vietnam, and
 - (iv) a free and democratic Vietnam, with independent legislative and judicial systems, would make Vietnam a better and more reliable trading partner to Australia, where Australian investment would be more secure;
- (b) supports the aspiration for freedom and democracy of the Vietnamese people expressed through the Manifesto of Bloc 8406, which is consistent with the principles upheld by the Australian Parliament; and
- (c) calls on the Government of the Socialist Republic of Vietnam to observe human rights, and practise good governance to eradicate corruption and to listen to the aspiration of its people, and make appropriate changes to return freedom and democracy to Vietnam.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison
Bartlett

Brown, Bob
Murray

Nettle
Siewert (Teller)

Stott Despoja

NOES, 47

Senators—

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

Question negatived.

7 FOREIGN AFFAIRS—UNITED STATES—MILITARY COMMISSIONS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 612—That the Senate—

(a) notes that:

- (i) on 17 October 2006, the United States Military Commissions Act of 2006 became law,
- (ii) Mr David Hicks is yet to have charges laid against him under that Act,
- (iii) provisions of the Act include:
 - (A) admission of evidence that has been obtained by coercion,
 - (B) conviction on evidence that Mr Hicks may never be allowed to see,
 - (C) the removal of the right to a speedy trial,
 - (D) the removal of the right of *habeas corpus*, the right of a detainee to challenge his or her unjust imprisonment, and
 - (E) the removal of the right of Mr Hicks to cross-examine witnesses who have given evidence against him, and
- (iv) under the provisions of the Act, Mr Hicks will not have the opportunity of a fair trial; and

(b) calls on the Government to take steps to facilitate a fair trial for, or the repatriation of, Mr Hicks.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

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

Question negatived.

8 ENVIRONMENT—GWYDIR WETLANDS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 620—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.

Question put.

The Senate divided—

AYES, 8

| | | | |
|-----------|------------|--------|------------------|
| Senators— | | | |
| Allison | Brown, Bob | Murray | Siewert (Teller) |
| Bartlett | Fielding | Nettle | Stott Despoja |

NOES, 54

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

Question negatived.

9 FOREIGN AFFAIRS—WEST PAPUA

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 624—That the Senate—

(a) notes that:

- (i) the security treaty, Framework Agreement for Security Cooperation, between Australia and Indonesia has been agreed to by the two governments,
- (ii) a recent poll found 77 per cent of Australians supported self-determination for West Papua,
- (iii) the treaty will commit Australia to opposing West Papuan self-determination, and
- (iv) the treaty also envisages increased defence cooperation with the Indonesian security forces; and

(b) calls on the Government not to sign the treaty and instead express support for West Papua's right to self-determination.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 54

Senators—

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

Question negatived.

**10 MIGRATION LEGISLATION AMENDMENT (RESTORATION OF HUMAN RIGHTS)
BILL 2006**

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 621—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to restore the application of the *Human Rights and Equal Opportunity Commission Act 1986* to immigration detainees, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Bartlett, by leave, tabled an explanatory memorandum relating to the bill.

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

11 MIGRATION LEGISLATION AMENDMENT (DURATION OF DETENTION) BILL 2006

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 622—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to allow the issue of interim orders for the release of detainees, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Bartlett, by leave, tabled an explanatory memorandum relating to the bill.

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

12 FOREIGN AFFAIRS—UNITED STATES—MILITARY COMMISSIONS

Senator Joyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 619—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) the provision of military defence counsel,
- (vi) the ability to retain civilian defence counsel,
- (vii) the option to remain silent or testify at trial,
- (viii) standard of proof beyond reasonable doubt, and
- (ix) 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.

Statements by leave: Senators Ludwig and Stott Despoja, the Leader of the Australian Greens (Senator Bob Brown) and Senator Joyce, by leave, made statements relating to the motion.

Senator Nettle, by leave, moved the following amendment:

At the end of the motion, add:

- (g) the Government's failure to return Mr Hicks home after nearly 5 long years in Guantanamo Bay.

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

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 42

Senators—

| | | | |
|--------------|-------------------|------------------|-------------------|
| Adams | Fierravanti-Wells | Lundy | Polley |
| Barnett | Fifield | Macdonald, Ian | Ray |
| Bishop | Heffernan | Macdonald, Sandy | Scullion (Teller) |
| Brown, Carol | Hogg | Marshall | Stephens |
| Calvert | Humphries | McEwen | Sterle |
| Carr | Hurley | McGauran | Trood |
| Chapman | Hutchins | McLucas | Watson |
| Colbeck | Joyce | Moore | Webber |
| Crossin | Kirk | Nash | Wortley |
| Eggleston | Lightfoot | Patterson | |
| Ferris | Ludwig | Payne | |

Question negatived.

Main question put and passed. Senator Bob Brown, by leave, recorded his vote for the noes.

13 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2005-06 AND BUDGET ESTIMATES 2006-07

Senator Scullion, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2005-06—

Economics Legislation Committee—Additional information received between 16 August and 2 November 2006—Treasury portfolio.

Legal and Constitutional Legislation Committee—Additional information received between October and November 2006—Attorney-General's portfolio.

Budget estimates 2006-07—

Economics Legislation Committee—Additional information received between—

12 October and 8 November 2006—Industry, Tourism and Resources portfolio.

18 October and 7 November 2006—Treasury portfolio.

Legal and Constitutional Legislation Committee—Additional information received between 20 October and 31 October 2006—Attorney-General's portfolio.

Budget estimates 2006-07 (Supplementary)—

Legal and Constitutional Affairs—Standing Committee—Documents presented to the committee.

Rural and Regional Affairs and Transport—Standing Committee—Documents presented to the committee.

Hansard record of proceedings.

14 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—AUSTRALIAN FEDERAL POLICE—DOCUMENT

Senator Scullion, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne), tabled the following document:

Legal and Constitutional Legislation Committee—Performance of Australian Federal Police (Standing order 25(2)(b))—Document.

15 PUBLICATIONS—STANDING COMMITTEE—17TH REPORT

Senator Scullion, at the request of the Chair of the Standing Committee on Publications (Senator Barnett), tabled the following report:

PUBLICATIONS COMMITTEE

17TH REPORT

The Publications Committee, having considered documents presented to the Senate since 7 November 2006, recommends that the following be printed:

Aboriginal Land Commissioner—Report for 2005-06.

Anindilyakwa Land Council—Report for 2005-06.

Australian Broadcasting Corporation (ABC)—Report for 2005-06.

Australian Fisheries Management Authority—Report for 2005-06.

Australian Industry Development Corporation—Report for 2005-06.

Australian Law Reform Commission—Report—No. 105—Report for 2005-06.

Australian Pesticides and Veterinary Medicines Authority—Report for 2005-06.

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

Dairy Adjustment Authority—Report for 2005-06.

Defence Housing Authority—Report for 2005-06.

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.
 Indigenous Land Corporation—Report for 2005-06.
 Land and Water Resources Research and Development Corporation (Land and Water Australia)—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.
 Rural Industries Research and Development Corporation—Report for 2005-06.
 Special Broadcasting Service Corporation (SBS)—Report for 2005-06.
 Sugar Research and Development Corporation—Report for 2005-06.
 Tiwi Land Council—Report for 2005-06.

Senator Guy Barnett
 Chairperson
 9 November 2006.

Senator Scullion moved—That the report be adopted.

Question put and passed.

**16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
 PROPOSED REFERENCE**

Senator Siewert, also on behalf of Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 June 2007:

- (a) the long-term impacts on Australian primary producers, rural communities and the environment of reduced and increasingly variable rainfall, increased temperatures and higher evaporation rates as a result of climate change; and
- (b) potential adaptation strategies to mitigate these impacts to ensure the security of Australian food production and maintain the viability of rural communities.

Debate ensued.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

17 CHILD SUPPORT LEGISLATION AMENDMENT (REFORM OF THE CHILD SUPPORT SCHEME—NEW FORMULA AND OTHER MEASURES) BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Ageing (Senator Santoro)—That this bill be now read a second time—*and on the amendment moved by the Leader of the Opposition in the Senate (Senator Evans):*

At the end of the motion, add “but while welcoming the many positive measures in the bill, the Senate expresses its serious concern about:

- (a) the Government’s decision to proceed with the bill without providing any protection for low income families who may lose income as a result of changes to the child support scheme;
- (b) the failure of the Government to properly manage transitional issues in circumstances where parents are worse off under the bill, as recommended by the Ministerial Taskforce on Child Support;
- (c) the failure of the Government to make any attempt to quantify the financial impact of the bill on existing child support customers;
- (d) the failure of the Government to provide up-to-date demographic information about existing child support customers;
- (e) the unreasonably short timeframe imposed by the Government on the Community Affairs Committee’s inquiry into the bill, particularly given the extent of the changes to the child support scheme and the potential financial impact on low income families; and
- (f) the overly-complex nature of the changes in the bill”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Main question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Schedule 1, item 1, page 55 (line 29) to page 56 (line 2), omit subsection 65B(2) and the note, substitute:

- (2) The parent making the application must provide evidence to the Registrar concerning the parent's income (within the meaning of subsection 66A(4)) to demonstrate that his or her current income is:
 - (a) less than the pension PP (single) maximum basic amount; and
 - (b) that it would be unjust and inequitable to expect him or her to pay the amount assessed under this section.
- (3) An assessment issued by the Commissioner of Taxation for the last relevant year of income shall not be sufficient evidence of the income of the parent for the purposes of this section.
- (4) If the parent makes an application, the Registrar may determine in writing that the section not apply to the parent if the parent's current income (within the meaning of subsection 66A(4)) is less than the pension PP (single) maximum basic amount and it would be unjust and inequitable to expect him or her to pay the amount assessed under this section.

Note: If the Registrar refuses to grant an application under this section, the Registrar must serve a notice on the applicant under section 66C.

Schedule 3, item 69, page 157 (after line 13), at the end of section 103W, add:

- (4) The SSAT must not make a decision by consent under subsection (2) or (3) in relation to a departure from administrative assessment of child support in accordance with Part 6A of the Act unless it is satisfied that it is just and equitable and otherwise proper to do so, having regard to the matters set out in subsections 117(4) and (5).

Schedule 5, item 28, page 214 (after line 17), at the end of section 136, add:

- (5) If:
- (a) the court sets aside a child support agreement under this section; and
 - (b) the court is not satisfied as mentioned in paragraph 117(1)(b) (departure orders); and
 - (c) the payee has received or will receive benefits pursuant to the agreement;

the court may still make an order that departs from the administrative assessment where it is just and equitable to do so, having regard to the benefits that the payee has already received pursuant to the agreement.

Senator Siewert moved the following amendment:

Schedule 1, item 1, page 68 (after line 19), at the end of Part 5, add:

Division 10—Modelling and analysis of the assessment formula in this Part

79A Modelling and analysis of the assessment formula in this Part

- (1) The Minister must:
- (a) cause an independent review of the combined impacts of the welfare to work provisions and the assessment formula for child support to be completed nine months before the commencement of this Part; and
 - (b) establish an independent review committee to oversight the review in paragraph (a).
- (2) The review committee established in subsection (1) is to consist of:
- (a) a departmental representative from the Department of Employment and Workplace Relations; and
 - (b) a departmental representative from the Department of Families, Community Services and Indigenous Affairs; and
 - (c) 3 members from community based organisations with expertise in family law, community services and child welfare; and
 - (d) 2 academics with expertise in community services and economic modelling.
- (3) The review committee must:
- (a) conduct an analysis of the combined impacts of welfare to work provisions and the assessment formula for child support in this Part; and
 - (b) use the services of a reputable economic modelling agency with relevant skills and experience to undertake economic modelling and analysis pursuant to paragraph (a); and
 - (c) make recommendations to the Minister, with reasons for the recommendations, about possible support measures for those disadvantaged as a consequence of the interactions between the child support assessment formula and the welfare to work provision; and
 - (d) report on its findings to the Minister by 1 July 2007; and

- (e) to consider any additional matter referred to it by the Minister and make recommendations to the Minister on that matter with reasons for the recommendations.
- (4) The Minister must cause copies of the review committee's report to be laid before each House of Parliament within 15 sitting days of that House after the Minister receives the report.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for the Arts and Sport (Senator Kemp) the report from the committee was adopted and the bill read a third time.

At 12.45 pm—

18 AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT) BILL 2006
AUSTRALIAN PARTICIPANTS IN BRITISH NUCLEAR TESTS (TREATMENT)
(CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2006

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

Debate resumed.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment in respect of the Australian Participants in British Nuclear Tests (Treatment) Bill 2006:

At the end of the motion, add “and the Senate:

- (a) notes the criticisms of the findings and methods of the Australian Participants in British Nuclear Tests in Australia Dosimetry and Mortality and Cancer Incidence Study;
- (b) affirms that the bill does not preclude subsequent compensation claims and arrangements; and
- (c) recommends consideration of continued data collection and epidemiological studies of cancer incidence and deaths subsequent to 2001”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the bills were read a third time.

19 MARITIME LEGISLATION AMENDMENT (PREVENTION OF POLLUTION FROM SHIPS) BILL 2006

Order read for the adjourned debate on the motion of the Minister for Ageing (Senator Santoro)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**20 HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF PRE-TRANSFER CONTRACTS) BILL 2006
HOUSING LOANS INSURANCE CORPORATION (TRANSFER OF ASSETS AND ABOLITION) REPEAL BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the bills were read a third time.

21 DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Ageing (Senator Santoro)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

22 NATIONAL CATTLE DISEASE ERADICATION ACCOUNT AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Sandy Macdonald the bill was read a third time.

23 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT (ANTARCTIC SEALS AND OTHER MEASURES) BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

24 EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

Suspension of sitting: On the motion of Senator Sandy Macdonald the sitting of the Senate was suspended at 1.51 pm till 2 pm.

At 2 pm—

25 QUESTIONS

Questions without notice were answered.

26 ECONOMY—INFLATION AND 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 Sherry, Sterle and O'Brien today relating to inflation and interest rates.

Debate ensued.

Question put and passed.

27 PARLIAMENTARY ENTITLEMENTS—MOBILE PHONES—STATEMENT BY LEAVE

The Leader of The Nationals in the Senate (Senator Boswell), by leave, made a statement relating to a media report by *A Current Affair* on 1 November 2006 concerning mobile phones.

**28 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—TRAFFICKING OF WOMEN FOR SEXUAL SERVITUDE**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Trafficking of women for sexual servitude—Government response.

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

Debate ensued.

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

**29 PUBLICATIONS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—
DISTRIBUTION OF THE PARLIAMENTARY PAPERS SERIES**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Publications—Joint Standing Committee—Report—Distribution of the parliamentary papers series—Government response.

30 AUDITOR-GENERAL—AUDIT REPORT NO. 11 OF 2006-07—DOCUMENT

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

Auditor-General—Audit report no. 11 of 2006-07—Performance audit—National food industry strategy: Department of Agriculture, Fisheries and Forestry.

Senator O'Brien, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**31 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
APPOINTMENT OF MEMBER**

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Minister for Immigration and Multicultural Affairs (Senator Vanstone), by leave, moved—That Senator Bartlett be appointed to the Parliamentary Joint Committee on the Australian Crime Commission.

Question put and passed.

General business was called on.

32 ECONOMY—INFLATION AND INTEREST RATES

Senator Sherry, pursuant to notice, moved general business notice of motion no. 623—That the Senate notes:

- (a) that the interest rate rise on 8 November 2006 is the eighth consecutive increase since May 2002 and the fourth since the 2004 election;
- (b) that the headline inflation rate increased to 3.9 per cent for the year ending September 2006;
- (c) that national and personal debt levels are increasing; and
- (d) the lowering of productivity and trending down in manufacturing and services export.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Ian Macdonald was speaking.

33 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Torres Strait Regional Authority—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2005. Motion of Senator Crossin to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Cape York Land Council Aboriginal Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2006 update. Motion of Senator Watson to take note of document debated and agreed to.

Indigenous Business Australia—Corporate plan 2006-2008. Motion of Senator Kirk to take note of document agreed to.

Australia-Indonesia Institute—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Roads to Recovery Act 2000—Roads to recovery programme—Report for 2004-05 on the operation of the Act. Motion of Senator Bartlett to take note of document agreed to.

Northern Territory Fisheries Joint Authority—Report for 2004-05. Motion of Senator Siewert to take note of document agreed to.

Australian National University—Report for 2005. Motion of Senator Kirk to take note of document agreed to.

Aboriginal and Torres Strait Islander Commission—Report for the period 1 July 2004 to 23 March 2005. Motion of Senator Bartlett to take note of document agreed to.

Housing Assistance Act 1996—Report for 2004-05 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion of Senator Bartlett to take note of document called on. 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 of Senator Bartlett to take note of document agreed to.

Indigenous education and training—National report to Parliament 2004. Motion of Senator Crossin to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Medibank Private Limited—Report for 2005-06. Motion of Senator Carol Brown to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Western Australian Fisheries Joint Authority—Report for 2003-04. Motion of Senator Ian Macdonald to take note of document debated. Debate adjourned till Thursday at general business, Senator Webber in continuation.

Australian War Memorial—Report for 2005-06. Motion of Senator Carol Brown to take note of document agreed to.

Australian Electoral Commission—Report for 2005-06. Motion of Senator Carol Brown to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Federal Police Disciplinary Tribunal—Report for 2005-06. Motion of Senator Parry to take note of document agreed to.

Reserve Bank of Australia—Equity and diversity—Report for 2005-06. Motion of Senator Carol Brown to take note of document agreed to.

CrimTrac Agency—Report for 2005-06. Motion of Senator Carol Brown to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Customs Act 1901—Conduct of customs officers [Managed deliveries]—Report for 2005-06. Motion of Senator Carol Brown to take note of document agreed to.

Australian Sports Anti-Doping Authority—Report for 2005-06, incorporating the report of the Australian Sports Drug Agency for the period 1 July 2005 to 13 March 2006. Motion of Senator Carol Brown to take note of document agreed to.

Australian Film, Television and Radio School—Report for 2005-06. Motion of Senator Carol Brown to take note of document agreed to.

Members of Parliament (Staff) Act 1984—Report for 2005-06 on consultants engaged. Motion of Senator Ray to take note of document called on. On the motion of Senator Marshall debate was adjourned till Thursday at general business.

Australian Competition and Consumer Commission—Report for 2005-06, incorporating the report of the Australian Energy Regulator (AER). Motion of Senator Bartlett to take note of document agreed to.

Film Australia Limited—Report for 2005-06. Motion of Senator Bartlett to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2005-06. Motion of Senator George Campbell to take note of document debated. On the motion of Senator McLucas debate was adjourned till Thursday at general business.

General business concluded.

34 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Employment, Workplace Relations and Education—Standing Committee—Report—Perspectives on the future of the harvest labour force. Motion of the chair of the committee (Senator Troeth) to take note of report debated and agreed to.

Community Affairs—Standing Committee—Report—Breaking the silence: A national voice for gynaecological cancers. Motion of Senator Scullion to take note of report debated. Debate adjourned till the next day of sitting, Senator Webber in continuation.

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of Al-Qa'ida and Jemaah Islamiyah as terrorist organisations. Motion of Senator Ferguson to take note of report agreed to.

Migration—Joint Standing Committee—Report—Negotiating the maze: Review of arrangements for overseas skills recognition, upgrading and licensing. Motion of Senator Kirk to take note of report called on. On the motion of Senator McEwen debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade Legislation Committee—First progress report—Reforms to Australia's military justice system. Motion of the chair of the committee (Senator Johnston) to take note of report debated. On the motion of Senator McEwen debate was adjourned till the next day of sitting.

Community Affairs Legislation Committee—Report—Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005. Motion of the chair of the committee (Senator Humphries) to take note of report called on. On the motion of Senator McEwen debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Beyond petrol sniffing: Renewing hope for Indigenous communities. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator McEwen debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's defence relations with the United States. Motion of the chair of the committee (Senator Ferguson) to take note of report agreed to.

Electoral Matters—Joint Standing Committee—Report—Funding and disclosure: Inquiry into disclosure of donations to political parties and candidates. Motion of Senator Carr to take note of report debated. On the motion of Senator McEwen debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Report—China's emergence: Implications for Australia. Motion of the chair of the committee (Senator Hutchins) to take note of report debated. Debate adjourned till the next day of sitting, the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) in continuation.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.08 pm till Monday, 27 November 2006 at 12.30 pm.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate