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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 Crime Commission—Report for 2005-06.

Australian Public Service Commission—State of the service—Report for 2005-06.

Commonwealth Electoral Act 1918—2006 redistributions into electoral divisions—

New South Wales—Report, together with composite maps and compact disc of supporting information.

Queensland—Report, together with composite maps and compact disc of supporting information.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 082/06 to 104/06—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Privacy Commissioner—Report—Getting in on the Act: The review of the private sector provisions of the *Privacy Act 1988*—Government response, 2006.

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That government business notice of motion no. 1 standing in his name for today, relating to consideration of legislation, be postponed till a later hour.

Question put and passed.

4 **MEDIBANK PRIVATE SALE 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 Senator Nettle:

Schedule 1, page 6 (after line 13), at the end of the Schedule, add:

Private Health Insurance Incentives Act 1998

8 The whole of the Act

Repeal the Act.

Schedule 1, page 6 (after line 13), at the end of the Schedule, add:

Taxation Laws Amendment (Private Health Insurance) Act 1998

9 The whole of the Act

Repeal the Act.

Debate resumed.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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NOES, 51

Senators—

Bernardi	Ferris	Ludwig	Payne
Bishop	Fielding	Lundy	Polley
Boswell	Fierravanti-Wells	Macdonald, Sandy	Ray
Brandis	Fifield	Marshall	Ronaldson
Brown, Carol	Forshaw	McEwen	Scullion
Calvert	Hogg	McGauran	Stephens
Carr	Humphries	McLucas	Sterle
Chapman	Hurley	Minchin	Troeth
Colbeck	Hutchins	Moore	Trood
Crossin	Johnston	Murray	Webber
Eggleston	Kemp	Nash	Wong
Ellison	Kirk	Parry (Teller)	Wortley
Ferguson	Lightfoot	Patterson	

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Finance and Administration (Senator Minchin) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 31

Senators—

Allison	Fielding	McEwen (Teller)	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Nettle	Webber
Campbell, George	Kirk	Polley	Wong
Evans	Ludwig	Ray	Wortley
Faulkner	Lundy	Sherry	

Question agreed to.

Bill read a third time.

5 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—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:

Defence Legislation Amendment Bill 2006

Royal Commissions Amendment (Records) Bill 2006.

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

6 COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT LEGISLATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator Stephens moved the following amendment:

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

- (a) condemns the Government for:
 - (i) the continuing arrogant approach imposing a nuclear waste dump on the people of the Northern Territory without proper scientific assessment and consultation processes,
 - (ii) broken election commitments not to locate a waste dump in the Northern Territory,
 - (iii) overriding many federal, state and territory legal protections, rights and safeguards,
 - (iv) destruction of any recourse to procedural fairness provisions for anyone wishing to challenge the Minister’s decision to impose a waste dump on the people of the Northern Territory,
 - (v) continuing and aggravated disregard of the International Atomic Energy Commission’s recommendations on good social practices like consultation and transparency in relation to nuclear waste, and
 - (vi) its failure to deliver a national waste repository after ten long years in government; and

- (b) in light of the Howard Government's imposition of a nuclear waste dump on the Northern Territory community, and the recent High Court decision in the work choices case, expresses deep concern that the Howard Government will override community objections and state and territory laws to impose nuclear reactors and high level nuclear waste dumps on local communities across Australia".

Debate ensued.

At 2 pm: Debate was interrupted while Senator Sterle was speaking.

7 QUESTIONS

Questions without notice were answered.

Documents: The Minister for Justice and Customs (Senator Ellison) tabled the following documents:

Law and justice—Bushfire arson—Copies of—

Arson legislation in Australia: Model criminal code, Australian Institute of Criminology, printed 5 December 2006 <<http://www.aic.hov.au/topics/arson/legislation/mcc.html>>.

BushFIRE Arson Bulletin—

No. 31—Bushfire arson prevention: A community centred approach in Western Australia, dated 18 April 2006.

No. 37—Bushfire arson investigation, dated 17 October 2006.

No. 38—Australian juvenile arson intervention programs, dated 21 November 2006.

New bushfire offence in model criminal code—Media release by the Minister for Justice and Customs (Senator Ellison), dated 23 February 2001.

8 QUESTION ON NOTICE—ANSWER

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister representing the Attorney-General (Senator Ellison) for an explanation of an answer not being provided to question on notice no. 2505 (notice given 25 September 2006) relating to reduced-ignition propensity cigarettes.

Senator Ellison provided an answer.

9 ANSWERS TO QUESTIONS

Senator Crossin moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

10 ENVIRONMENT—WESTERN AUSTRALIA—BURRUP PENINSULA—ANSWER TO QUESTION

Senator Siewert 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 Eggleston today relating to the Burrup Peninsula, Western Australia.

Question put and passed.

11 PETITIONS

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

The President, from 14 petitioners, requesting that the Senate legislate to create an offence of transmission by mail of child pornography and child abuse material.

Senator Hogg, from 103 petitioners, requesting that the Senate take action to ensure that enough medical professionals are trained to maintain the quality care provided by hospitals and other health services.

12 NOTICES

The Chair of the Community Affairs Committee (Senator Humphries): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Committee on the funding and operation of the Commonwealth-State/Territory Disability Agreement be extended to 8 February 2007. (*general business notice of motion no. 666*)

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 *Bankruptcy Act 1966*, and for other purposes. ***Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006.***

The Minister for Communications, Information Technology and the Arts (Senator Coonan): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend laws about non-proliferation of nuclear and chemical weapons, and for related purposes. ***Non-Proliferation Legislation Amendment 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 various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes. ***Statute Law Revision Bill (No. 2) 2006.***

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That—

- (a) the following bill be introduced: A Bill for an Act to amend the *Wheat Marketing Act 1989*, and for related purposes [***Wheat Marketing Amendment Bill 2006***]; and
- (b) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Government to link the promotion of the 2008 Beijing Olympics with the promotion of democracy in China. (*general business notice of motion no. 667*)

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

- (a) notes that:
 - (i) the 10th Conference of the Parties to the United Nations Framework Convention on Climate Change 2004 declared that reflection on the ethical dimensions of climate change was urgent because, unless the ethical dimensions are considered, the international community may choose responses that are ethically unsupportable or unjust, and
 - (ii) Australia's faith communities have declared climate change to be a moral and ethical issue; and

- (b) calls on the Government to:
 - (i) acknowledge that climate change is a moral and ethical issue, and
 - (ii) act accordingly. (*general business notice of motion no. 668*)

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

- (a) notes that Mr David Hicks has spent nearly 5 years in detention in Guantanamo Bay; and
- (b) calls on the Government to take immediate action to ensure that Mr Hicks receives either a fair trial or is returned to Australia. (*general business notice of motion no. 669*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate supports a new debate in this Parliament on the right of terminally ill Australians to die with dignity according to their own wishes. (*general business notice of motion no. 670*)

13 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing the disallowance of the 2006/07 SBT Australian National Catch Allocation Determination, postponed till 7 December 2006.

14 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Finance and Public Administration Committee (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 661—That the time for the presentation of the report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure be extended to 8 February 2007.

Question put and passed.

15 CLUSTER MUNITIONS (PROHIBITION) BILL 2006

The Leader of the Australian Democrats (Senator Allison), also on behalf of the Leader of the Australian Greens (Senator Bob Brown) and Senators Bishop and Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 665—That the following bill be introduced:

A Bill for an Act to prohibit the use, possession and manufacture of cluster munitions, and for related purposes.

Question put and passed.

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

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

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

16 ENVIRONMENT—WORLD HERITAGE

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. 658—That the Senate supports the World Heritage Convention, including its requirement that sites of potential World Heritage value should be protected until a full evaluation has been made.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Bernardi	Fierravanti-Wells	McEwen	Sherry
Bishop	Fifield	McLucas	Stephens
Brown, Carol	Hogg	Moore	Sterle
Chapman	Humphries	Nash	Troeth
Colbeck	Hurley	O'Brien	Trood
Crossin	Hutchins	Parry	Watson
Eggleston	Johnston	Patterson	Webber
Ellison	Kirk	Payne	Wong
Ferguson	Ludwig	Polley	Wortley
Ferris (Teller)	Lundy	Ronaldson	
Fielding	Marshall	Scullion	

Question negatived.

17 MENTAL HEALTH SERVICES—SELECT COMMITTEE—PROPOSED APPOINTMENT

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. 640—

- (1) That a select committee, to be known as the Select Committee on Mental Health Services, be appointed to inquire into, monitor and report by 30 June 2008 on ongoing efforts towards improving mental health services in Australia.
- (2) That the committee have the power to consider and use for its purposes the transcripts of evidence and records of the Select Committee on Mental Health appointed on 8 March 2005.
- (3) That the committee have the power to send for and examine persons and documents, call for and receive submissions, and convene public hearings, roundtables and symposia on developments in mental health including new and changing issues in policy.

- (4) That the committee may report from time to time its proceedings and evidence and any recommendations, and shall make regular reports of the progress of the proceedings of the committee.
- (5) That the committee shall have reference to the reports of the Select Committee on Mental Health *A national approach to mental health - from crisis to community*, the National Action Plan on Mental Health agreed to at the July 2006 meeting of the Council of Australian Governments, and the National Mental Health Strategy and associated plans.
- (6) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the Australian Democrats.
- (7) That the chair of the committee be elected by the committee from the members nominated by the Leader of the Government in the Senate.
- (8) In the absence of agreement on the selection of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.
- (9) That the deputy chair of the committee be elected by and from the members of the committee immediately after the election of the chair.
- (10) That the deputy chair act as chair when there is no chair or the chair is not present at a meeting.
- (11) That the quorum of the committee be 3 members.
- (12) Where the votes on any question before the committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
- (13) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (14) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider.
- (15) That the quorum of a subcommittee be 2 members.
- (16) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (17) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

18 INDIGENOUS AUSTRALIANS—HEALTH—PETROL SNIFFING

Senator Siewert, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 662—That the Senate—

(a) notes:

- (i) the important role that the non-sniffable fuel Opal plays in addressing the scourge of petrol sniffing in remote Aboriginal communities, and
- (ii) the announcement by the Government in September 2006 of the roll-out of Opal fuel in Alice Springs;

(b) notes, with concern:

- (i) that misinformation about negative impacts of Opal fuel on car engines has caused a number of petrol stations to cease selling Opal fuel, and
- (ii) the delay in the promised promotional campaign to support Opal fuel in Alice Springs; and

(c) calls on the Federal Government to start to actively promote Opal fuel in Alice Springs immediately.

Question put.

The Senate divided—

AYES, 30

Senators—

Allison	Hogg	McLucas	Siewert
Bartlett	Hurley	Milne	Stephens
Bishop	Hutchins	Moore	Stott Despoja
Brown, Bob	Kirk	Murray	Webber (Teller)
Brown, Carol	Ludwig	Nettle	Wong
Crossin	Lundy	O'Brien	Wortley
Fielding	Marshall	Polley	
Forshaw	McEwen	Sherry	

NOES, 32

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

Question negated.

19 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 664—That the Senate—

- (a) notes that Australian citizen, Mr David Hicks has been detained for 1 822 days; and
- (b) calls on the Australian Government to ensure the release of Mr Hicks from Guantanamo Bay.

Question put.

The Senate divided—

AYES, 30

Senators—			
Allison	Hogg	McLucas	Siewert
Bartlett	Hurley	Milne	Stephens
Bishop	Hutchins	Moore	Stott Despoja
Brown, Bob	Kirk	Murray	Webber (Teller)
Brown, Carol	Ludwig	Nettle	Wong
Crossin	Lundy	O'Brien	Wortley
Fielding	Marshall	Polley	
Forshaw	McEwen	Sherry	

NOES, 32

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

Question negated.

20 ENVIRONMENT—TASMANIA—STYX AND UPPER FLORENTINE VALLEYS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 663—That the Senate—

- (a) notes that:
 - (i) in regard to the promise by the Prime Minister (Mr Howard) in the 2004 election to protect 18 700 hectares of old-growth forest in the Styx and Florentine valleys, the Minister representing the Prime Minister, Senator

Minchin, stated in the Senate on 30 March 2006 that ‘It is absolutely outrageous to suggest that the Prime Minister has not honoured his promise. He is honouring his promises to the people of Tasmania in full. This was a major commitment to the people of Tasmania to achieve both the protection of vital forests and the protection of jobs...’.

- (ii) Senator Minchin’s claims are contradicted by the admission by the Minister for Fisheries, Forestry and Conservation (Senator Abetz), as reported in the *Mercury* on 30 November 2006, that ‘not all the Upper Florentine Valley was protected as pledged during the 2004 election campaign’.
- (iii) Senator Minchin’s statement is contradicted by the Government’s own literature about the outcome of the election promises, ‘The Tasmanian Community Forest Agreement: Fact sheet no. 3’ (May 2005), which admits the failure to meet the Prime Minister’s election promise because the protected areas in the Styx and Florentine contain ‘4,730 hectares of old-growth eucalypt against a target of 18,700 hectares’, and
- (iv) the Federal Government is funding logging operations in the Styx and Upper Florentine valleys and publicly-funded road construction is planned to continue in the Upper Florentine; and

- (b) calls on the Government to immediately protect in full all areas that the Prime Minister promised to protect during the 2004 election.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 44

Senators—

Bernardi	Fielding	Ludwig	Polley
Bishop	Fierravanti-Wells	Lundy	Ronaldson
Boswell	Fifield	Marshall	Scullion
Brandis	Forshaw	McEwen	Sherry
Calvert	Heffernan	McLucas	Stephens
Carr	Hogg	Moore	Troeth
Chapman	Hurley	Nash	Trood
Colbeck	Hutchins	O’Brien	Watson
Crossin	Johnston	Parry	Webber (Teller)
Eggleston	Joyce	Patterson	Wong
Ferris	Kirk	Payne	Wortley

Question negatived.

21 AUDITOR-GENERAL—AUDIT REPORT NO. 13 OF 2006-07—DOCUMENT

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

Auditor-General—Audit report no. 13 of 2006-07—Performance audit—Management of an IT outsourcing contract follow-up audit: Department of Veterans’ Affairs.

**22 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—REGIONAL PARTNERSHIPS AND SUSTAINABLE REGIONS
PROGRAMS**

Senator Scullion, at the request of the Minister for Justice and Customs (Senator Ellison), tabled the following document:

Finance and Public Administration References Committee—Report—Regional Partnerships and Sustainable Regions programs—Government response, dated November 2006.

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

Debate ensued.

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

**23 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
FINAL REPORT—WATER POLICY INITIATIVES**

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

Rural and Regional Affairs and Transport—Standing Committee—Water policy initiatives—Final report, dated December 2006, Hansard record of proceedings, documents presented to the committee and submissions [65].

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

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

Debate ensued.

Time expired: The debate reached the limit of 30 minutes.

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

24 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Crime Commission Act—Select Legislative Instrument 2006 No. 307—
Australian Crime Commission Amendment Regulations 2006 (No. 4)
[F2006L03859]*.

Aviation Transport Security Act—Select Legislative Instrument 2006 No. 320—
Aviation Transport Security Amendment Regulations 2006 (No. 5)
[F2006L03921]*.

Chemical Weapons (Prohibition) Act—Select Legislative Instrument 2006
No. 313—Chemical Weapons (Prohibition) Amendment Regulations 2006 (No. 1)
[F2006L03830]*.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 40.0 Amendment Order
(No. 1) 2006 [F2006L03912]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part 105—

AD/CASA/28—Outer to Centre Wing Attachment Fittings
[F2006L03931]*.

AD/DAUPHIN/89—Main Rotor Head Frequency Adapters [F2006L03944]*.

AD/F2000/22—Engine Fire Detection Systems [F2006L03943]*.

AD/S-PUMA/67—Main Gearbox Casing [F2006L03942]*.

Instruments Nos—

CASA EX62/06—Exemption – participation in land and hold short operations [F2006L03653]*.

CASA EX66/06—Exemption – participation in land and hold short operations [F2006L03839]*.

Civil Aviation Regulations and Civil Aviation Safety Regulations—Instrument No. CASA EX67/06—Exemption – Rotary Air Force 2000 two place gyroplanes [F2006L03860]*.

Class Rulings CR 2006/116-CR 2006/118.

Cocos (Keeling) Islands Act—

Interpretation Amendment Ordinance 2006 (No. 1) [F2006L03825]*.

Standard Time and Daylight Saving Time Ordinance 2006 [F2006L03824]*.

Customs Act—Tariff Concession Orders—

0616108 [F2006L03900]*.

0616281 [F2006L03902]*.

0616333 [F2006L03904]*.

0616374 [F2006L03906]*.

Extradition Act—Select Legislative Instrument 2006 No. 308—Extradition (Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography) Regulations 2006 [F2006L03837]*.

Federal Court of Australia Act—Select Legislative Instrument 2006 No. 309—Federal Court of Australia Amendment Regulations 2006 (No. 3) [F2006L03829]*.

Foreign Acquisitions and Takeovers Act—Select Legislative Instrument 2006 No. 316—Foreign Acquisitions and Takeovers Amendment Regulations 2006 (No. 2) [F2006L03836]*.

Gene Technology Act—Select Legislative Instrument 2006 No. 314—Gene Technology Amendment Regulations 2006 (No. 1) [F2006L03558]*.

Health Insurance Act—

Determination HIB 33/2006 [F2006L03920]*.

Select Legislative Instrument 2006 No. 319—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2006 (No. 6) [F2006L03872]*.

Indigenous Education (Targeted Assistance) Act—Select Legislative Instrument 2006 No. 310—Indigenous Education (Targeted Assistance) Amendment Regulations 2006 (No. 1) [F2006L03883]*.

Medical Indemnity Act—Medical Indemnity (Run-off Cover Claims and Administration) Protocol 2006 (No. 2) [F2006L03938]*.

Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2006 No. 312—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2006 (No. 2) [F2006L03919]*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2006 No. 317—Primary Industries (Customs) Charges Amendment Regulations 2006 (No. 5) [F2006L03885]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2006 No. 318—Primary Industries (Excise) Levies Amendment Regulations 2006 (No. 7) [F2006L03884]*.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act—Select Legislative Instrument 2006 No. 311—Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 3) [F2006L03886]*.

Taxation Determinations—

Addenda—

TD 92/150.

TD 93/50.

Errata—TD 2000/53 and TD 2000/54.

TD 2006/74.

Taxation Rulings—

Old Series—Notice of Withdrawal—IT 2245.

TR 2006/14.

Governor-General's Proclamation—Commencement of Provisions of an Act

Aviation Transport Security Amendment Act 2006—Items 1 to 19 and items 21 to 35 of Schedule 1—4 December 2006 [F2006L03915].*

* Explanatory statement tabled with legislative instrument.

25 INDEPENDENT CONTRACTORS BILL 2006

WORKPLACE RELATIONS LEGISLATION AMENDMENT (INDEPENDENT CONTRACTORS) BILL 2006

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 452, dated 4 December 2006—Independent Contractors Bill 2006.

Message no. 451, dated 4 December 2006—Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006.

26 COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT LEGISLATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time—*and on the amendment moved by Senator Stephens (see entry no. 6).*

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

Main question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

Bill read a second time.

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

The Minister for Ageing (Senator Santoro) moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

27 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Ageing (Senator Santoro) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Defence Legislation Amendment Bill 2006.

Question put and passed.

28 DEFENCE LEGISLATION 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.

29 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Environment and Heritage Legislation Amendment Bill (No. 1) 2006).

Question put and passed.

30 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 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 Senator Carr:*

Schedule 1, page 5 (before line 5), before item 1, insert:

1A After paragraph 3(1)(ca)

Insert:

(cb) to protect Australia from the adverse effects of climate change;
and

1B After subparagraph 3(2)(e)(i)

Insert:

- (ia) establish a climate change trigger to ensure that large scale greenhouse polluting projects are assessed by the Federal Government; and

1C After paragraph 3A(a)

Insert:

- (aa) decision-making processes should consider and minimise where possible the adverse effects of climate change on Australia;

1D After section 3A

Insert:

3B Climate change

The Parliament acknowledges that climate change:

- (a) is the greatest threat to Australia's natural environment;
- (b) will have far-reaching impacts globally, in Australia's region and in Australia, including:
 - (i) possible higher temperatures and lower rainfall in southern Australia;
 - (ii) possible more frequent extreme weather events such as storms, heatwaves and droughts;

impacts to which Australia's natural, rural and urban environments, and many industries, are potentially vulnerable.

1E Subsection 5(5) (before the definition of *Australian aircraft*)

Insert:

adverse effects of climate change means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

1F Subsection 5(5) (after the definition of *Australian vessel*)

Insert:

climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

1G Subsection 5(5) (after the definition of *Australian vessel*)

Insert:

climate system means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

1H Subsection 5(5) (after the definition of *Australian vessel*)

Insert:

emissions means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.

11 Subsection 5(5) (after the definition of *Australian vessel*)

Insert:

greenhouse gases means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

Schedule 1, page 16 (after line 14), after item 67, insert:

67A After Subdivision F of Division 1 of Part 3

Insert:

Subdivision FA—Climate change actions**25AA Requirement for approval of climate change actions**

- (1) A person must not knowingly, intentionally or recklessly take a climate change action that has, will have, or will be likely to have, a significant impact on the environment.

Civil penalty:

- (a) for an individual—5,000 penalty units; or
 - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
- (a) an approval for the person to take the action is in operation under Part 9 for the purposes of this section; or
 - (b) Part 4 allows the person to take the action without an approval under Part 9 for the purposes of this section; or
 - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
 - (i) the action is not a controlled action; or
 - (ii) the action is a controlled action but this section is not a controlling provision for the action.

25AB What is a climate change action?

A *climate change action* means either of the following:

- (a) establishing an industrial plant or other facility which emits, or is likely to emit, more than 500,000 tonnes of carbon dioxide or carbon dioxide equivalent per year; or
- (b) any other action, series of actions, or program of actions, which will lead, or are likely to lead, directly or indirectly, to the emission of more than 500,000 tonnes of carbon dioxide or carbon dioxide equivalent per year.

25AC Requirement for decisions about climate change actions

- (1) In deciding whether or not to approve for the purposes of section 25AA the taking of a climate control action, and what conditions to attach to such an approval, the Minister must consider whether the direct or indirect emissions of carbon dioxide or carbon dioxide equivalent that are likely to result from the action will be minimised by the use of best practice environmental management and low emissions technology.

- (2) For the purpose of subsection (1), *best practice environmental management* and *low emissions technology* are management and technology to achieve an ongoing minimisation of the emissions of carbon dioxide or carbon dioxide equivalent through cost-effective measures assessed against the measures and technology currently used nationally and internationally.

Debate resumed.

At 10 pm: The Acting Deputy President (Senator Hutchins) resumed the chair and the Temporary Chair of Committees reported progress.

31 ADJOURNMENT

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

Debate ensued.

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

Administration—Australian political parties for democracy programme—
Application form 2006-07—Australian Labor Party National Secretariat.

Debate continued.

The Senate adjourned at 11.10 pm till Wednesday, 6 December 2006 at 9.30 am.

32 ATTENDANCE

Present, all senators except Senators Adams*, Barnett*, Conroy* and Mason* (* on leave).

HARRY EVANS
Clerk of the Senate