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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 Radiation Protection and Nuclear Safety Agency—Report for 2005-06—Correction.

Medical Indemnity Act 2002—Costs of the Australian Government's run-off cover scheme for medical indemnity insurers—Report for 2005-06.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2006.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2006.

Treaty—*Multilateral*—Text, together with national interest analysis, regulation impact statement and annexures—Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles, done at Geneva on 28 June 1998.

3 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—That the government business orders of the day relating to the Tax Laws Amendment (2006 Measures No. 7) Bill 2006 and the Tax Laws Amendment (2007 Measures No. 1) Bill 2007 may be taken together for their remaining stages.

Question put and passed.

4 SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

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

Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006—Information provided by Comcare to the Employment, Workplace Relations and Education Committee on the effect of deeming rates on compensation under the current and proposed legislation, 'Darrell' scenario.

Debate continued.

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

5 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Poland led by the Speaker of the Senate, His Excellency Mr Bogdan Borusewicz, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

6 ANSWERS TO QUESTIONS

Senator O'Brien moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

7 PETITION

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

From 29 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003 [2004].

8 NOTICES

The Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on workforce challenges in the Australian transport sector be extended to 9 August 2007. (*general business notice of motion no. 764*)

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

- (a) notes that 25 March 2007 was the 200th anniversary of the abolition of the trans-Atlantic slave trade;
- (b) calls on the Government to:
 - (i) work for the eradication of the modern day version of slavery, the trafficking of humans for the sex industry in Australia, and
 - (ii) allocate sufficient funds for eradicating this form of slavery through prosecution of traffickers and support for the victims of this crime, noting that the current budget of \$20 million for this work runs out in June 2007; and
- (c) congratulates the Australian Catholic Religious Against Trafficking in Humans for its work in the fight against trafficking, including its publication warning women in Thailand about the dangers of working in the Australian sex industry. (*general business notice of motion no. 765*)

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to gene technology, and for related purposes. ***Gene Technology Amendment Bill 2007***.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to food regulatory measures, and for related purposes. ***Food Standards Australia New Zealand Amendment Bill 2007***.

Senator Watson: To move on the next day of sitting—That the Senate notes the achievement of the power sharing agreement in Northern Ireland as an historic day and trusts that this will lead to a lasting and resilient peace for the benefit of all people in Northern Ireland. (*general business notice of motion no. 766*)

Senator Adams: To move on the next day of sitting—That the following matter be referred to the Community Affairs Committee for inquiry and report by 20 September 2007:

The operation and effectiveness of Patient Assisted Travel Schemes, including:

- (a) the need for greater national consistency and uniformity of Patient Assisted Travel Schemes across jurisdictions, especially the procedures used to determine eligibility for travel schemes covering patients, their carers, escorts and families; the level and forms of assistance provided; and reciprocal arrangements for inter-state patients and their carers;
- (b) the need for national minimum standards to improve flexibility for rural patient access to specialist health services throughout Australia;
- (c) the extent to which local and cross-border issues are compromising the effectiveness of existing Patient Assisted Travel Schemes in Australia, in terms of patient and health system outcomes;
- (d) the current level of utilisation of schemes and identification of mechanisms to ensure that schemes are effectively marketed to all eligible patients and monitored to inform continuous improvement;
- (e) variations in patient outcomes between metropolitan and rural, regional and remote patients and the extent to which improved travel and accommodation support would reduce these inequalities;
- (f) the benefit to patients in having access to a specialist who has the support of a multidisciplinary team and the option to seek a second opinion;
- (g) the relationship between initiatives in e-Health and Patient Assisted Travel Schemes;
- (h) the feasibility and desirability of extending Patient Assisted Travel Schemes to all treatments listed on the Medicare Benefits Schedule Enhanced Primary Care items such as allied health and dental treatment and fitting of artificial limbs; and
- (i) the role of charity and non-profit organisations in the provision of travel and accommodation assistance to patients.

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

- (a) notes the guilty plea by Mr David Hicks;
- (b) rejects the validity of the United States of America military commission occurring at Guantanamo Bay; and
- (c) calls on the Government to expedite Mr Hicks' return to Australia. (*general business notice of motion no. 767*)

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

- (a) notes that 28 March 2007 is the annual Science Meets Parliament event;
- (b) congratulates the Federation of Australian Scientific and Technological Societies for organising this annual event since 1999;
- (c) welcomes the attending scientists to Parliament House; and
- (d) commends the Australian scientific community for its continued success in generating world-leading innovation. (*general business notice of motion no. 768*)

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

- (a) notes:
 - (i) the success to date of the roll-out of the non-sniffable Opal fuel and the dramatic reduction in the number of young people sniffing petrol over the 2006-07 summer, particularly in remote communities, and
 - (ii) that some progress has been made on the difficult issue of tackling petrol sniffing in Alice Springs, but that some issues still remain to be resolved;
- (b) congratulates the film makers involved in the Remote Fest short film festival and all the participants in the successful youth programs they documented;
- (c) acknowledges that substance-abuse experts recommend (as noted in the Community Affairs References Committee report, *Beyond petrol sniffing: Renewing hope for Indigenous communities*, tabled on 20 June 2006) that reducing the availability of inhalants is an important first step to addressing petrol sniffing that needs to be backed up by other complementary programs, including youth workers, holiday programs and other diversionary programs; and
- (d) notes that further resources are needed to provide programs and infrastructure to consolidate the success of the initiative, and to bring renewed hope to Aboriginal communities of a future free from the scourge of petrol sniffing. (*general business notice of motion no. 769*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate rejects the dictum of former United States Secretary of Defense Donald Rumsfeld that ‘interrogations must always be planned deliberate actions that take into account a detainee’s ... physical strengths and weaknesses’ as tantamount to endorsing torture. (*general business notice of motion no. 770*)

9 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Lightfoot from 26 March to 29 March 2007, for personal reasons.

Question put and passed.

10 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 disallowance of the Southern and Eastern Scalefish and Shark Fishery (non-quota species) Total Allowable Catch (2007 Fishing Year) Determination, postponed till 10 May 2007.

Government business notice of motion no. 2 standing in the name of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) for today, relating to consideration of legislation, postponed till 28 March 2007.

General business notice of motion no. 761 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007, postponed till 28 March 2007.

General business notice of motion no. 762 standing in the name of Senator Milne for today, relating to a proposed pulp mill in Tasmania, postponed till 28 March 2007.

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

Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Barnett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 755—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 29 March 2007, from 5.30 pm, to take evidence for the committee's inquiry into the provisions of the Migration Amendment (Maritime Crew) Bill 2007.

Question put and passed.

12 SPORT—TASMANIAN TIGERS CRICKET TEAM—COMMONWEALTH SUPPORT

Senator Carol Brown, also on behalf of Senators O'Brien, Polley and Sherry, the Minister for Fisheries, Forestry and Conservation (Senator Abetz), the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), Senators Barnett, Calvert, Watson and Parry, the Leader of the Australian Greens (Senator Bob Brown) and Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 756—That the Senate—

- (a) congratulates the Tasmanian Tigers cricket team on winning their first ever Pura Cup final at Bellerive Oval on Friday, 23 March 2007;
- (b) conveys, on behalf of all Tasmanians, the state's pride and congratulations for the performances of all the team members who have played in the team over the course of the season;
- (c) expresses its thanks to all the team's support staff and others who have contributed to the success of the team; and
- (d) acknowledges the important contribution of the Australian Sports Commission to cricket through the Cricket Centre of Excellence.

Question put and passed.

13 LAW AND JUSTICE—HUMAN RIGHTS—SLAVERY

Senator Hutchins, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 757—That the Senate—

- (a) notes:
 - (i) the 200th anniversary of the Slave Trade Act, passed by the British Parliament on 25 March 1807, abolishing slavery in the United Kingdom,
 - (ii) the efforts of abolitionist, House of Commons MP, Mr William Wilberforce in leading the campaign against slavery, and

(iii) that slavery still occurs in some parts of the world, particularly in the trafficking of children and women in the sex trade; and

(b) records its condemnation of slavery in all its forms.

Question put and passed.

14 SENATE—SENATOR HEFFERNAN

Senator Ray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 759—That the Senate—

- (a) regrets the actions of Senator Heffernan in gatecrashing the press conference of a Labor front-bencher;
- (b) notes that this is the second time Senator Heffernan has committed such an offence;
- (c) calls on the Prime Minister (Mr Howard) to counsel his close friend, Senator Heffernan, as to the courtesies extended to fellow parliamentarians; and
- (d) believes that retaliation for Senator Heffernan's actions will not add to the dignity of the parliamentary process.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

15 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY

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. 754—That the Senate—

- (a) notes the resolution of the European Parliament on 14 March 2007 regarding the third session of the Nuclear Non-Proliferation Treaty (NPT) Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons from 30 April to 11 May 2007 in Vienna, Austria, in:

- (i) committing the European Union (EU), by consensus, to reviving and strengthening the NPT resolution of the European Parliament on 14 March 2007,
 - (ii) emphasising the importance of nuclear non-proliferation and disarmament, describing the proliferation of weapons of mass destruction (WMD) and their means of delivery as one of the most important threats to international peace and security,
 - (iii) recalling the statement in the report of the United Nations (UN) Secretary-General's High Level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility*, that 'we are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation',
 - (iv) taking into account the growing international consensus on the urgency of nuclear disarmament, promoted by the New Agenda Coalition and in the Rome Declaration of the World Summit of Nobel Peace Prize Winners (convened by Mikhail Gorbachev and the Mayor of Rome, Walter Veltroni) of 30 November 2006,
 - (v) highlighting the role of parliaments and parliamentarians in promoting nuclear non-proliferation and disarmament and in this perspective welcoming the efforts of the global Parliamentary Network on Nuclear Disarmament, and
 - (vi) re-affirming its position that the NPT is the cornerstone of the global nuclear non-proliferation regime, the essential foundation for promoting cooperation in the peaceful uses of nuclear energy and an important element in furthering the goal of achieving nuclear disarmament and general disarmament in accordance with Article VI of the Treaty;
- (b) notes that the resolution:
- (i) calls upon all states whose activities violate the non-proliferation regime to stop their unwise and irresponsible behaviour and to comply fully with their obligations under the NPT, and reiterates its call on all states not part of the NPT to accede to the Treaty,
 - (ii) urges both the Council and the Commission to actively participate in the discussions being held at the Vienna NPT Preparatory Committee (PrepCom) meeting and to make a coordinated, substantial and visible contribution towards a positive outcome of the 2010 NPT Review Conference,
 - (iii) invites both the Council and the Commission to clarify which steps they envisage undertaking to strengthen the Non-Proliferation Treaty and to pursue effective multilateralism as stated in the December 2003 EU Strategy against the Proliferation of Materials and Weapons of Mass Destruction,
 - (iv) affirms that, for multilateral efforts to be effective, they must be set within a well-developed vision of achieving a nuclear-weapon-free world at the earliest possible date,
 - (v) urges the [EU] Presidency to produce regularly, before the Review Conference of 2010, a progress report on the implementation of each of the 43 measures adopted in the 2005 EU Common Position of 25 April 2005 relating to the 2005 NPT Review Conference, as well as a list of new commitments the Council hopes to achieve at the 2010 NPT Review Conference,

- (vi) urges the [EU] Presidency to promote at PrepCom a number of disarmament initiatives, based on the ‘Statement of Principles and Objectives’ agreed upon at the end of the 1995 NPT Review Conference and on the ‘13 Practical steps’ agreed to unanimously at the Year 2000 NPT Review Conference, which should be improved and implemented in order to make progress (to avoid regress or standstill),
 - (vii) urges, in particular, the [EU] Presidency to break the deadlock on establishing a verifiable Fissile Material Cut-Off Treaty, to speed up the signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by all countries, especially those required for it to enter into force and a full stop of all nuclear weapon testing awaiting the CTBT to enter into force, and to prioritise the importance of lowering the risk of nuclear terrorism by developing and enforcing effective export and border controls on sensitive WMD-related materials, equipment and/or technologies,
 - (viii) calls on the international community to promote initiatives towards an international multilateral process of uranium enrichment under the control of the International Atomic Energy Agency (IAEA),
 - (ix) recommends that the European Parliament send a delegation to Vienna to participate in the NPT PrepCom events and requests the [EU] Presidency to include representatives of the European Parliament in the EU delegation (in accordance with the precedent set by the delegation to the UN Program of Action Review Conference in New York in 2006), and
 - (x) invites its President to forward this resolution to the Council, the Commission, the UN Secretary-General, and the governments and parliaments of the member states of the UN, the Director General of the IAEA, the Parliamentary Network on Nuclear Disarmament, Mayors for Peace, as well as to the other organisers of the international conference on nuclear disarmament at the European Parliament, scheduled on 19 April 2007; and
- (c) calls on the Australian Government to:
- (i) endorse the EU motion in all respects,
 - (ii) send a cross-party delegation of Australian federal parliamentarians to Vienna to participate in the NPT PrepCom events,
 - (iii) encourage federal parliamentarians to form an Australian Parliamentary Network on Nuclear Disarmament, and
 - (iv) encourage mayors to form an Australian Mayors for Peace organisation.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

16 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. 758—That the Senate—

- (a) notes the start of preliminary hearings of the United States of America military commission established to try Mr David Hicks; and
- (b) calls on the Government to return Mr Hicks to Australia.

Question put and negatived.

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EMPLOYMENT—WORK CHOICES LEGISLATION

The Deputy President (Senator Hogg) informed the Senate that Senator Wong had proposed that the following matter of public importance be submitted to the Senate for discussion:

That after just one year of the Howard Government's work choices laws, it is clear that these extreme and unfair laws are hurting working Australian families through erosion of take home wages and conditions and fewer rights in the workplace.

The proposal was supported by four senators and the matter was discussed.

18 DOCUMENTS

The following documents were tabled by the Clerk:

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

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

AD/A320/203 Amdt 1—Forward Engine Mount Bolts [F2007L00753]*.

AD/B737/174 Amdt 2—Shoulder Restraint of Attendant or Observers Seat [F2007L00752]*.

AD/B737/201 Amdt 1—Rudder Control System [F2007L00751]*.

AD/BAe 146/54 Amdt 1—Elevator Drain Holes [F2007L00750]*.

AD/ECUREUIL/8 Amdt 2—Starflex Star to Main Rotor Shaft Securing Bolts [F2007L00749]*.

AD/ERJ-170/1—Cargo Doors [F2007L00797]*.

AD/GENERAL/84 Amdt 2—Thermal/Acoustic Insulation Materials [F2007L00754]*.

AD/HU 369/116—Lateral Mixer Output Link Assembly [F2007L00748]*.

AD/PA-25/42—Horizontal Stabiliser Forward and Aft Supports [F2007L00747]*.

AD/TB10/37—Engine and Nose Landing Gear Mounts [F2007L00745]*.

AD/TB 200/10—Engine and Nose Landing Gear Mounts [F2007L00746]*.

AD/TBM 700/38 Amdt 1—Flap Carriage Roller Pins [F2007L00744]*.

Corporations Act—ASIC Class Order [CO 07/166] [F2007L00779]*.

Crimes Act—Select Legislative Instrument 2007 No. 38—Crimes Amendment Regulations 2007 (No. 1) [F2007L00755]*.

Criminal Code Act—Select Legislative Instrument 2007 No. 39—Criminal Code Amendment Regulations 2007 (No. 2) [F2007L00577]*.

Customs Act—

Tariff Concession Orders—

0618762 [F2007L00675]*.

0618922 [F2007L00676]*.

0618958 [F2007L00677]*.

0618988 [F2007L00678]*.

0619262 [F2007L00679]*.

0619305 [F2007L00680]*.

0619324 [F2007L00681]*.

0619387 [F2007L00682]*.

0619396 [F2007L00683]*.

0619719 [F2007L00738]*.

0619743 [F2007L00733]*.

0619971 [F2007L00736]*.

0619972 [F2007L00737]*.

Tariff Concession Revocation Instruments—

44/2007 [F2007L00686]*.

45/2007 [F2007L00687]*.

46/2007 [F2007L00688]*.

Tariff Concession Revocation Instruments and Explanatory Statement—

HS2007/119 [F2006L05106] [*in substitution for HS2007/119 [F2006L05106] tabled on 6 February 2007.*]

HS2007/120 [F2006L05107] [*in substitution for HS2007/119 [F2006L05107] tabled on 6 February 2007.*]

HS2007/139 [F2006L05126] [*in substitution for HS2007/139 [F2006L05126] tabled on 6 February 2007.*]

HS2007/161 [F2006L05148] [*in substitution for HS2007/161 [F2006L05148] tabled on 6 February 2007.*]

HS2007/163 [F2006L05150] [*in substitution for HS2007/161 [F2006L05150] tabled on 6 February 2007.*]

HS2007/196 [F2006L05183] [*in substitution for HS2007/245 [F2006L05183] tabled on 6 February 2007.*]

HS2007/307 [F2006L05293] [*in substitution for HS2007/139 [F2006L05293] tabled on 6 February 2007.*]

HS2007/423 [F2006L05409] [*in substitution for HS2007/432 [F2006L05409] tabled on 6 February 2007.*]

HS2007/432 [F2006L05418] [*in substitution for HS2007/432 [F2006L05418] tabled on 6 February 2007.*]

HS2007/441 [F2006L05427] [*in substitution for HS2007/442 [F2006L05427] tabled on 6 February 2007.*]

HS2007/514 [F2006L05499] [*in substitution for HS2007/705 [F2006L05499] tabled on 6 February 2007.*]

HS2007/706 [F2006L05691] [*in substitution for HS2007/705 [F2006L05691] tabled on 6 February 2007.*]

Defence Act—Determination under section 58B—Defence Determination 2007/10—Overseas conditions – amendment.

Designs Act, Olympic Insignia Protection Act, Patents Act, Plant Breeder's Rights Act and Trade Marks Act—Select Legislative Instrument 2007 No. 40—Intellectual Property Legislation Amendment Regulations 2007 (No. 1) [F2007L00650]*.

Fringe Benefits Tax Assessment Act—Select Legislative Instrument 2007 No. 43—Fringe Benefits Tax Amendment Regulations 2007 (No. 1) [F2007L00664]*.

Higher Education Support Act—Funding Agreements under section 30-25, dated 12 March 2007—

Australian Catholic University.
Macquarie University.
The University of Newcastle.
The University of New England.
The University of New South Wales.
The University of Notre Dame Australia.
The University of Sydney.
University of Wollongong.

Income Tax Assessment Act 1997—Select Legislative Instrument 2007 No. 44—Income Tax Assessment Amendment Regulations 2007 (No. 1) [F2007L00581]*.

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

40.
125.

Maritime Transport and Offshore Facilities Security Act—Select Legislative Instrument 2007 No. 42—Maritime Transport and Offshore Facilities Security Amendment Regulations 2007 (No. 1) [F2007L00726]*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2007 No. 35—Primary Industries (Customs) Charges Amendment Regulations 2007 (No. 2) [F2007L00741]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2007 No. 36—Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 2) [F2007L00740]*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2007 No. 37—Primary Industries Levies and Charges Collection Amendment Regulations 2007 (No. 2) [F2007L00742]*.

* Explanatory statement tabled with legislative instrument.

19 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2006—Statement of compliance—Transport and Regional Services portfolio agencies.

20 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Forshaw) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Community Services (Senator Scullion), by leave, moved—That senators be discharged from and appointed to committees as follows:

Australian Crime Commission—Joint Statutory Committee—

Discharged—Senator Ludwig

Appointed—Senator Bishop

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating member: Senator Carol Brown.

Question put and passed.

21 SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

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.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Abetz) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, item 12, page 7 (after line 26), after paragraph 6(1)(e), insert:

(ea) while the employee was travelling between the employee's place of work and a place of education for the purpose of attending that place in accordance with:

- (i) a condition of the employee's employment by the Commonwealth or a licensee; or
- (ii) a request or direction of the Commonwealth or a licensee; or
- (iii) the approval of the Commonwealth or a licensee; or

Schedule 1, item 12, page 8 (line 7), omit "place.", substitute "place; or".

Schedule 1, item 12, page 8 (after line 7), after paragraph 6(1)(f), insert:

- (g) while the employee was travelling between the employee's place of work and another place for the purpose of:
 - (i) obtaining a medical certificate for the purposes of this Act; or
 - (ii) receiving medical treatment for an injury; or
 - (iii) undergoing a rehabilitation program provided under this Act; or
 - (iv) undergoing a medical examination or rehabilitation assessment in accordance with a requirement made under this Act.

On the motion of Senator Abetz the following amendment was debated and agreed to:
Schedule 1, page 14 (after line 9), after item 31, insert:

31A After paragraph 69(fa)

Insert:

- (fb) such other functions as are conferred on Comcare by the regulations;

On the motion of Senator Abetz the following amendment was debated and agreed to:
Schedule 1, item 47, page 17 (lines 25 and 26), omit "starting on the day after this Act receives the Royal Assent", substitute "starting on the day on which item 24 of this Schedule commences".

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

Clause 2, page 2 (table item 9), omit "Schedule 2", substitute "Schedules 2 and 3".

Page 22 (after line 2), at the end of the bill, add:

Schedule 3—Amendments relating to occupational health and safety

Occupational Health and Safety Act 1991

1 After section 23

Insert:

23A Unlicensed operation of major hazard facility

- (1) A person must not operate a major hazard facility if:
 - (a) the person is required by the regulations to have a licence to operate the facility; and
 - (b) the person does not have such a licence.

Note: A person who contravenes this provision may be subject to civil action (see Schedule 2).

- (2) For the purposes of subsection (1), a *major hazard facility* means a facility that is a major hazard facility within the meaning of the regulations.

2 Schedule 2 (heading)

Repeal the heading, substitute:

Schedule 2—Civil and criminal proceedings

3 After paragraph 2(1)(f) of Schedule 2

Insert:

- (fa) section 23A (unlicensed operation of major hazard facilities);

4 At the end of subclause 2(1) of Schedule 2 (before the note)

Add:

- ; (o) a provision of the regulations specified in the regulations to be a civil penalty provision.

5 Paragraph 2(3)(c) of Schedule 2

Repeal the paragraph, substitute:

- (c) any provision that the person who contravened that subclause breached or was involved in breaching;

6 Subclause 4(2) of Schedule 2 (after table item 7)

Insert:

- 7A section 23A (unlicensed operation of major hazard facility) 2,200 penalty units

7 Subclause 4(2) of Schedule 2 (at the end of the table)

Add:

- 16 a provision of the regulations specified in the regulations to be a civil penalty provision the amount specified for that provision in the regulations

8 Subclause 13(1) of Schedule 2 (paragraph (a) of the definition of *civil penalty proceedings*)

After “subclause 2(1)”, insert “(other than a contravention arising because of a breach of a provision of the regulations to which strict liability applies)”.

Senator Marshall moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Schedule 1, item 47, page 17 (line 24), after “rate”, insert “and the formula for determining the rate”.

Schedule 1, page 17 (after line 26), after item 47, insert:

47A Rate to be applied since 1994

- (1) The Minister must specify a rate according to a formula in an instrument made under subsection 21(5) of the *Safety, Rehabilitation and Compensation Act 1988* to apply to all eligible claimants since 1994.
- (2) The Minister must apply the formula mentioned in subitem (1) to each year since 1994 to determine a rate to be applied (the *catch-up rate*) for each of those years.

- (3) The difference between the rate already paid and the catch-up rate is now due and payable as compensation to all eligible claimants since 1994.

Debate ensued.

Question—That the requests be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 32

Senators—

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

Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

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

Question put.

The Senate divided—

AYES, 30

Senators—

Abetz	Coonan	Kemp	Ronaldson
Adams	Ferguson	Macdonald, Sandy	Scullion
Barnett	Fierravanti-Wells	Mason	Troeth
Bernardi	Fifield	McGauran	Trood
Brandis	Heffernan	Nash	Vanstone
Calvert	Humphries	Parry	Watson
Campbell, Ian	Johnston	Patterson	
Chapman	Joyce (Teller)	Payne	

NOES, 31

Senators—

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

Question negatived (*but see entry no. 23*).

Statements by leave: Senator Abetz, the Leader of the Australian Greens (Senator Bob Brown) and the Leader of the Opposition in the Senate (Senator Evans), by leave, made statements relating to the vote on the third reading of the bill.

22 AUSCHECK BILL 2006

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

Debate resumed.

Senator Ludwig moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for its failure to provide necessary security upgrades to protect Australians, including:

- (a) its careless roll-out of the Aviation Security Identification Card (ASIC) scheme, which flawed roll-out included the loss or theft of ASICs and a history of airport security bungling;
- (b) its delays in rolling out the Maritime Security Identification Card scheme and its careless and widespread use of single and continuing voyage permits for foreign vessels with foreign crew who do not undergo appropriate security checks;
- (c) permitting foreign flag of convenience ships to carry dangerous goods on coastal shipping routes without appropriate security checks; and
- (d) failing to:
 - (i) ensure ships provide details of crew and cargo 48 hours before arrival,
 - (ii) x-ray or inspect 90 per cent of containers,
 - (iii) establish and properly fund an Australian Coastguard, and
 - (iv) establish a Department of Homeland Security to better coordinate security in Australia”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

On the motion of the Minister for Justice and Customs (Senator Johnston) consideration of the bill in committee of the whole was made an order of the day for a later hour.

**23 SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION
AMENDMENT BILL 2006**

Statements by leave: Senators Parry, George Campbell and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the vote on the third reading of the bill (*see entry no. 21*).

Question—That this bill be now read a third time—put again, by leave.

The Senate divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Bill read a third time.

24 NOTICE

Senator Bartlett gave a notice of motion as follows: To move on 29 March 2007—That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 10 May 2007:

The impacts of the Trade Practices (Horticulture Code of Conduct) Regulations 2006 on growers, wholesalers, retailers and consumers, and whether the regulations should be amended, disallowed or retained.

25 AUSCHECK BILL 2006

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Justice and Customs (Senator Johnston) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 4, page 2 (line 8), before “In”, insert “(1)”.

Clause 4, page 3 (after line 4), at the end of the clause, add:

(2) To avoid doubt:

personal information, in relation to an individual, includes the following:

- (a) the number of an aviation security identification card or a maritime security identification card issued to the individual;
- (b) a photograph of the individual that appears on an aviation security identification card or a maritime security identification card issued to the individual.

Clause 13, page 9 (line 9), after “purposes”, insert “directly”.

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

Clause 5, page 3 (line 14), omit paragraph (d), substitute:

- (d) verification checks of documents relating to the identity of the individual.

Clause 8, page 4 (line 4) to page 6 (line 2), omit the clause, substitute:

8 Establishment of AusCheck scheme

The regulations may provide for the establishment of a scheme (the ***AusCheck scheme***) relating to the conduct and coordination of background checks of individuals, and the verification of documents:

- (a) for the purposes of the *Aviation Transport Security Act 2004* or regulations under that Act; and
- (b) for the purposes of the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act.

Question—That the bill, as amended, be agreed to—divided in respect of clause 10.

Clause 10 debated.

Question—That clause 10 stand as printed—put and negatived.

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

Clause 9, page 6 (line 23), at the end of subclause (1), add:

- ; (i) matters relating to the establishment and provision of an online verification service that will enable verification:
 - (i) that an aviation security identification card or a maritime security identification card has been issued to a particular individual and is in effect at a particular time; or

- (ii) that an individual who is in possession of an aviation security identification card or a maritime security identification card is the person to whom the card was issued.

Clause 13, page 9 (line 15), at the end of the clause, add:

- ; or (c) the collection, use or disclosure is for the purposes of providing an online verification service that will enable verification:
 - (i) that an aviation security identification card or a maritime security identification card has been issued to a particular individual and is in effect at a particular time; or
 - (ii) that an individual who is in possession of an aviation security identification card or a maritime security identification card is the person to whom the card was issued.

Clause 14, page 9 (lines 27 and 28), omit subparagraph (2)(b)(iii), substitute:

- (iii) the collection, correlation, analysis or dissemination of criminal intelligence or security intelligence by the Commonwealth, or by a Commonwealth authority that has functions relating to law enforcement or national security, for purposes relating to law enforcement or national security.

Clause 14, page 9 (after line 28), after subclause (2), insert:

- (2A) AusCheck scheme personal information about an individual may be used or disclosed for the purpose of verifying:
 - (a) that an aviation security identification card or a maritime security identification card has been issued to a particular individual and is in effect at a particular time; or
 - (b) that an individual who is in possession of such an identification card is the person to whom the card was issued.
- (2B) AusCheck scheme personal information used or disclosed for the purpose mentioned in subsection (2A) must be limited to personal information of a kind directly necessary for that purpose, and must only be used or disclosed to the extent necessary for that purpose.

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

Clause 17, page 14 (line 5), before “The”, insert “(1)”.

Clause 17, page 14 (after line 6), at the end of the clause, add:

- (2) If the operation of this section would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (3) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (4) In this section:
acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

Senator Ludwig moved the following amendment:

Page 14 (after line 6), after clause 17, insert:

17A Periodic reporting

- (1) The Secretary must, before the end of June and November in each year, give to the Minister a written report on the operation of AusCheck which includes but is not limited to the following specific details:
 - (a) the number and type of background checks conducted by AusCheck;
 - (b) the average time taken to conduct background checks;
 - (c) the specific provision(s) in legislation under which background checks have been conducted;
 - (d) the number of individuals who have received adverse background checks and the basis for those adverse assessments;
 - (e) the agencies to which information obtained by AusCheck has been shared and for what purposes.
- (2) The Minister must cause a copy of a report provided to the Minister under subsection (1) to be tabled in each House of the Parliament within 5 sitting days of that House after the Minister receives the report.

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

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

Clause 4, page 2 (line 7) to page 3 (line 4), insert:

aviation security identification card means an identification card issued under the *Aviation Transport Security Act 2004* or regulations under that Act.

Commonwealth authority means a body corporate established for a public purpose by or under a law of the Commonwealth.

maritime security identification card means an identification card issued under the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Johnston the report from the committee was adopted and the bill read a third time.

26 AIRPORTS AMENDMENT BILL 2006

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

Debate resumed.

Senator O'Brien moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for undermining public confidence in the Airports Act through planning approval decisions such as those relating to the Perth brickworks site, located opposite a residential area, and the Essendon direct factory outlet, proposed without regard to the impact on local road infrastructure”.

Debate ensued.

At 10 pm: Debate was interrupted while Senator Siewert was speaking.

27 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.43 pm till Wednesday, 28 March 2007 at 9.30 am.

28 ATTENDANCE

Present, all senators except Senators Ferris*, Kirk*, Lightfoot* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate