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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 ANTI-TERRORISM LEGISLATION—PERSONAL EXPLANATION

Senator Brandis, by leave, made a personal explanation relating to newspaper articles of 4 December 2005 concerning anti-terrorism legislation.

3 ANTI-TERRORISM BILL (NO. 2) 2005

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.

Explanatory memorandum: The Minister for Justice and Customs (Senator Ellison) tabled a correction to the explanatory memorandum relating to the bill.

Debate resumed.

At 2 pm: Debate was interrupted.

4 QUESTIONS

Questions without notice were answered.

5 FAMILY AND COMMUNITY SERVICES—WELFARE—PROPOSED CHANGES—ANSWERS TO QUESTIONS

Senator Wong moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked by Senators McEwen, Wortley and George Campbell today relating to proposed changes to welfare legislation.

Debate ensued.

Question put and passed.

6 ANTI-TERRORISM LEGISLATION—ANSWER TO QUESTION

Senator Nettle moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Nettle today relating to anti-terrorism legislation.

Question put and passed.

7 DEATH OF FORMER SENATOR THE HONOURABLE PETER FRANCIS SALMON COOK

The President informed the Senate of the death, on 3 December 2005, of the Honourable Peter Francis Salmon Cook, a senator for the state of Western Australia from 1983 to 2005.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 3 December 2005, of the Honourable Peter Francis Salmon Cook, former federal minister and senator for Western Australia,

and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

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

Question passed.

8 NOTICES

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 7 December 2005. (*general business notice of motion no. 345*)

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

(a) notes:

- (i) the Australian National University study of 795 students over the age of 15 that found that almost 30 per cent had unwanted sex as a result of being affected by alcohol or drugs and fewer than half regularly used condoms,
- (ii) 67 per cent had sexual intercourse and 12 per cent had been with three or more partners in the previous 6 months,
- (iii) more than 10 per cent tested positive for the human papilloma virus, which can cause genital warts or cervical cancer,
- (iv) almost 4 per cent said they had previously been diagnosed with a sexually transmitted disease, approximately 2 per cent tested positive for herpes simplex 2 which causes genital herpes and 1 per cent had chlamydia, and
- (v) the remarks by Professor Frank Bowden, coordinator of the trial, that teenagers were starting to know about sexually transmitted diseases but are remarkably ignorant of contraception; and

(b) urges the Government to:

- (i) work with the states to develop a national curriculum of sex and sexual health education and consider the need for better screening of sexually transmitted diseases, and
- (ii) support the development of the human papilloma virus vaccine with a view to its widespread use. (*general business notice of motion no. 346*)

Senator Murray: To move on the next day of sitting—The Senate calls on the Government, with regard to appointments by the Government to boards, authorities and agencies, to establish and publish principles and criteria governing public appointments, including that:

- (a) no minister should be involved in an appointment where he or she has a financial or personal interest;
- (b) all appointments should be on merit;
- (c) except in limited circumstances, political affiliation should not be a criterion for appointment;
- (d) the balance of skills on any board should be clearly specified; and

- (e) as are relevant to the appointment, explicit declarations be made by appointees with respect to conflicts of interest, ethical matters, and personal or business affairs. (*general business notice of motion no. 347*)

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

- (a) notes strong public concern that the checks on appointments to the Board of the Reserve Bank of Australia (RBA) may be inadequate; and
- (b) asks the Government, unless the matters are already on the public record, to ensure that any appointee to the Board of the RBA be required to declare whether the appointee has any personal, family, professional, business or entity involvement with tax havens, or material disputes with the Australian Taxation Office that are, or could be, the subject of administrative or judicial penalty. (*general business notice of motion no. 348*)

The Minister for the Arts and Sport (Senator Kemp) and Senator Lundy: To move on the next day of sitting—That the Senate—

- (a) congratulates the Australian Hockeyroos for their outstanding performance in the Champions Trophy held in Canberra from 26 November to 4 December 2005, demonstrating that the Hockeyroos are well on their way to once again becoming world champions in women's hockey;
- (b) commends the hosts, Hockey Australia and Hockey ACT, and their many volunteers for facilitating such a tremendous event;
- (c) commends the Australian Capital Territory Government for contributing \$4.5 million towards the development of hockey facilities in the Australian Capital Territory allowing Hockey ACT to bid for and stage a magnificent event;
- (d) congratulates all those involved in ensuring that the profile of women's hockey in Australia continues to grow; and
- (e) acknowledges the important contribution of the Australian Sports Commission and the Australian Institute of Sport in developing the Australian Hockeyroos and in supporting Hockey Australia to implement successful hockey participation programs which provide increased opportunities for young Australians to participate in hockey.

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

- (a) Adelaide University Union is no longer able to fund student radio services on Radio Adelaide (formerly 5UV);
- (b) 5UV and Radio Adelaide played a key role in the media and cultural development of students in South Australia; and
- (c) 5UV was the first community radio licence to be granted in Australia in 1972 and student radio began in 1975. (*general business notice of motion no. 349*)

9 THREE BILLS—DECLARATION OF URGENCY—ALLOTMENT OF TIME

Declaration of urgency: The Minister for Justice and Customs (Senator Ellison) declared the following bills to be urgent bills:

Anti-Terrorism Bill (No. 2) 2005

Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005,

and moved—That these bills be considered urgent bills.

Statements by leave: The Leader of the Opposition in the Senate (Senator Evans), the Minister for Defence (Senator Hill), the Leader of the Australian Greens (Senator Bob Brown) and Senator Bartlett, by leave, made statements relating to the declaration of urgency.

Question—That these bills be considered urgent bills—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

Allison	Evans	Lundy	Sherry
Bartlett	Faulkner	Marshall	Siewert
Bishop	Fielding	McEwen	Stephens
Brown, Bob	Forshaw	McLucas	Sterle
Brown, Carol	Hogg	Moore	Stott Despoja
Campbell, G (Teller)	Hurley	Murray	Webber
Carr	Kirk	Nettle	Wortley
Crossin	Ludwig	Polley	

Question agreed to.

Allotment of time: Senator Ellison moved—That the time allotted for consideration of the remaining stages of these bills be as follows:

Anti-Terrorism Bill (No. 2) 2005

second reading debate—
commencing immediately until
8.30 pm today

remaining stages—on 6 December
2005 from 12.30 pm until 2 pm and
from not later than 4.30 pm until
6.30 pm

Employment and Workplace Relations
Legislation Amendment (Welfare to
Work and Other Measures) Bill 2005 and
Family and Community Services
Legislation Amendment (Welfare to
Work) Bill 2005

second reading debate—from
8.30 pm until 11 pm today
remaining stages—on 6 December
2005 from 7.30 pm until 11 pm

Closure: Senator Ellison moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That the motion for the allotment of time be agreed to—put and passed.

10 ANTI-TERRORISM BILL (NO. 2) 2005

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.

Limitation of debate: The time allotted for the second reading of the bill expired.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 55

Senators—

Adams	Evans	Ludwig	Polley
Barnett	Faulkner	Lundy	Ronaldson
Bishop	Ferguson	Macdonald, Sandy	Santoro
Boswell	Fielding	Marshall	Scullion
Brandis	Fierravanti-Wells	Mason	Sherry
Calvert	Fifield	McEwen	Stephens
Carr	Forshaw	McGauran (Teller)	Sterle
Chapman	Hogg	McLucas	Troeth
Colbeck	Humphries	Moore	Trood
Conroy	Hurley	Nash	Vanstone
Coonan	Johnston	O'Brien	Watson
Crossin	Joyce	Parry	Wong
Eggleston	Kemp	Patterson	Wortley
Ellison	Lightfoot	Payne	

NOES, 7

Senators—

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

Question agreed to.

Bill read a second time.

11 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT**(WELFARE TO WORK AND OTHER MEASURES) BILL 2005****FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (WELFARE TO WORK) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That these bills be now read a second time.

Debate resumed.

Senator Wong moved the following amendment in respect of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) failing to allow the Parliament and the Australian people proper scrutiny of the bill;
- (b) ignoring the concerns raised in the Senate’s inquiry into this bill;
- (c) after nine long years, failing to implement real welfare reform that tackles the reason someone is not working and delivers practical solutions;

- (d) simply dumping people from one welfare payment to a lower welfare payment;
- (e) making extreme cuts to the household budgets of vulnerable Australian families;
- (f) decreasing the rewards for moving from welfare to work, to the extent that people may actually end up poorer from work than they would have been on welfare;
- (g) failing to provide any modelling to support their case for putting people on a lower welfare payment to help them gain work;
- (h) failing its own test of welfare reform by failing to address the growing number of people on welfare;
- (i) failing to provide adequate assistance for people moving from welfare to work, particularly for making insufficient investment in vocational education and training;
- (j) failing to guarantee in legislation that welfare recipients can meet their Newstart obligations by improving their job skills through training, and restricting access to the Pensioner Education Supplement;
- (k) implementing an unduly punitive compliance system;
- (l) failing to provide that parents can legitimately decline a job where the costs of child care would wipe out their income or worse; and
- (m) providing insufficient protections for vulnerable Australians in legislation, and relying too much on guidelines”.

Debate ensued.

Limitation of debate: The time allotted for the second reading of the bills expired.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Question—That these bills be now read a second time—put.

The Senate divided—

AYES, 36

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Bills read a second time.

12 **ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 11.40 pm till Tuesday, 6 December 2005 at 12.30 pm.

13 **ATTENDANCE**

Present, all senators except Senators Ferris*, Hutchins, Milne and Ray* (* on leave).

HARRY EVANS
Clerk of the Senate