

2004-05

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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## 1 MEETING OF SENATE

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

## 2 PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Allison, from 12 petitioners, requesting that the Senate support the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003 [2004].

Senator Allison, from 2 193 petitioners, requesting that the Senate oppose the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005.

Senator Bartlett, from 533 petitioners, requesting that the Senate take action to end the export of live animals from Australia to the Middle East.

Senator Ronaldson, from 233 petitioners, requesting that the Senate undertake an inquiry and review into proposed changes to industrial relations.

Senators Webber and Wong, 2 petitions similar in wording, from 273 and 1 705 petitioners, respectively, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

## 3 NOTICES

*Notices of motion:*

Senator Murray: To move on the second sitting day of 2006—That the Senate, having expressed its view on 7 December 2005 that all appointments made by the Government to public boards, authorities and agencies should have regard to specific principles and criteria, calls on the Government to establish and publish principles and criteria governing all appointments to public boards, authorities and agencies. (*general business notice of motion no. 358*)

Senator Stott Despoja: To move on the next day of sitting—That there be laid on the table, no later than the conclusion of question time on 7 February 2006, all of the raw data submitted to Food Standards Australia New Zealand (FSANZ) for all applications for the genetically-modified foods or foods derived from genetically-modified organisms for:

- (a) insect-resistant corn MON810 from Monsanto Australia Ltd (Monsanto), FSANZ application number A346;
- (b) insect-resistant, glufosinate-ammonium tolerant corn line Bt-11 from Syngenta, FSANZ application number A386;
- (c) insect-resistant corn MON863 from Monsanto, FSANZ application number A484; and
- (d) glufosinate-ammonium tolerant canola Topas and glufosinate-ammonium tolerant canola with fertility traits, from Aventis CropScience Pty Ltd, FSANZ application number A372. (*general business notice of motion no. 359*)

Senator Stott Despoja: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than the conclusion of question time on 7 February 2006, all data including analyses, any reports and conference papers relating to the sheep study (NLRD 309/2002, 20 February 2002) conducted by the Commonwealth Scientific and Industrial Research Organisation on the effect of transgenic peas on the immune response of sheep. (*general business notice of motion no. 360*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move on 15 sitting days after today—

No. 1—That the Aviation Transport Security Amendment Regulations 2005 (No. 2), as contained in Select Legislative Instrument 2005 No. 222 and made under the *Aviation Transport Security Act 2004*, be disallowed.

No. 2—That the Civil Aviation (Fees) Amendment Regulations 2005 (No. 1), as contained in Select Legislative Instrument 2005 No. 224 and made under the *Civil Aviation Act 1988*, be disallowed.

Senator Watson, by leave, made a statement relating to the notice of motion.

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 and 2 standing in his name for 11 sitting days after today for the disallowance of the following instruments:

Building and Construction Industry Improvement Regulations 2005, as contained in Select Legislative Instrument 2005 No. 204 and made under the *Building and Construction Industry Improvement Act 2005*.

Guide to the Assessment of the Degree of Permanent Impairment [second edition], made under subsection 28(1) of the *Safety, Rehabilitation and Compensation Act 1988*.

Senator Watson, by leave, made a statement relating to the notice of intention.

#### 4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 15 OF 2005

Senator McGauran, at the request of the Acting Chair of the Selection of Bills Committee (Senator Eggleston), tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 15 OF 2005

1. The committee met in private session on Wednesday, 7 December 2005 at 4.34 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Australian Sports Anti-Doping Authority Bill 2005 and the Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Bill 2005 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 7 February 2006;
  - (b) the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 7 February 2006; and

- (c) the *provisions* of the Future Fund Bill 2005 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 February 2006.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:  
 Defence (Road Transport Legislation Exemption) Bill 2005  
 Statute Law Revision Bill (No. 2) 2005

*The committee recommends accordingly.*

4. The committee *deferred* consideration of the following bills to the next meeting:
- Bills deferred from meeting of 7 December 2005*  
 Bankruptcy Legislation Amendment (Anti-avoidance) Bill 2005  
 Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005  
 Jurisdiction of Courts (Family Law) Bill 2005  
 Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005  
 OHS and SRC Legislation Amendment Bill 2005  
 Tax Laws Amendment (2005 Measures No. 6) Bill 2005.

Alan Eggleston  
 Acting Chair  
 8 December 2005.

Senator McGauran moved—That the report be adopted.

Question put and passed.

**5 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the disallowance of Schedule 7 of the Migration Amendment Regulations 2005 (No. 8), postponed till 7 February 2006.

**6 THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005**

Senator Nash, also on behalf of Senator Troeth, the Leader of the Australian Democrats (Senator Allison) and Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 356—That the following bill be introduced:

A Bill for an Act to repeal Ministerial responsibility for approval of RU486, and for related purposes.

Question put and passed. The Leader of the Family First Party (Senator Fielding), by leave, recorded his vote for the noes.

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

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

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

**7 FINANCE—BOARD OF THE RESERVE BANK OF AUSTRALIA—APPOINTMENT—  
PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Sherry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 357—That there be laid on the table by the Minister representing the Treasurer, no later than 2.30 pm on Thursday, 8 December 2005, all correspondence in relation to the nomination and appointment of Mr Robert Gerard to the Board of the Reserve Bank of Australia, from 1 January 2003 until 1 December 2005, between:

- (a) the Department of the Treasury and the Treasurer (Mr Costello);
- (b) the Department of the Prime Minister and Cabinet and the Prime Minister (Mr Howard); and
- (c) the Attorney-General (Mr Ruddock) and the Treasurer.

Question put.

The Senate divided—

**AYES, 32**

Senators—

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

**NOES, 34**

Senators—

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

Question negatived.

**8 DAYS OF MEETING**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the days of meeting of the Senate for 2006 be as follows:

**Autumn sittings:**

Tuesday, 7 February to Thursday, 9 February  
 Monday, 27 February to Thursday, 2 March  
 Monday, 27 March to Thursday, 30 March

**Budget sittings:**

Tuesday, 9 May to Thursday, 11 May

**Winter sittings:**

Tuesday, 13 June to Thursday, 15 June  
 Monday, 19 June to Thursday, 22 June

**Spring sittings:**

Tuesday, 8 August to Thursday, 10 August  
 Monday, 14 August to Thursday, 17 August  
 Monday, 4 September to Thursday, 7 September  
 Monday, 11 September to Thursday, 14 September

**Spring sittings (2):**

Monday, 9 October to Thursday, 12 October  
 Monday, 16 October to Thursday, 19 October  
 Monday, 6 November to Thursday, 9 November  
 Monday, 27 November to Thursday, 30 November  
 Monday, 4 December to Thursday, 7 December.

*Statement by leave:* Senator Bartlett, by leave, made a statement relating to the motion. Senator Bartlett, by leave, moved the following amendment:

After “Monday, 27 February to Thursday, 2 March”, insert “Monday, 6 March to Thursday, 9 March”.

*Statement by leave:* Senator Ludwig, by leave, made a statement relating to the motion.

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

Main question put and passed.

**9 THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005—STATEMENTS BY LEAVE**

The Leader of The Nationals in the Senate (Senator Boswell) and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the introduction of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005.

**10 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 353—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 February 2006, from 4.30 pm to 9 pm, to take evidence for the committee's inquiry into the economic impact of salinity in the Australian environment.

Question put and passed.

**11 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 354—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the economic impact of salinity in the Australian environment be extended to 28 March 2006.

Question put and passed.

**12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That, recognising that 3 December 2005 marks the International Day of People with DisAbility, the following matter be referred to the Community Affairs References Committee for inquiry and report by 17 August 2006:

An examination of the funding and operation of the Commonwealth-State/Territory Disability Agreement (CSTDA), including:

- (a) an examination of the intent and effect of the three CSTDAs to date;
- (b) the appropriateness or otherwise of current Commonwealth/state/territory joint funding arrangements, including an analysis of levels of unmet needs and in particular the unmet need for accommodation services and support;
- (c) an examination of the ageing/disability interface with respect to health, aged care and other services including the problems of jurisdictional overlap and inefficiency; and
- (d) an examination of alternative funding, jurisdiction and administrative arrangements including relevant examples from overseas.

Question put and negatived.



**13 SCIENCE AND TECHNOLOGY—NUCLEAR POWER**

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. 355—That the Senate—

- (a) supports the statement by 18 prominent academics and medical professionals calling on the Government and all Australians to secure a healthy future for our children, grandchildren and generations to come by rejecting any role for nuclear power in Australia, opposing any expansion of uranium exports, vigorously pursuing the real, sustainable solutions to climate change, free of nuclear dangers, improving energy efficiency, managing energy demand, and massively investing in benign, renewable energy technologies;
- (b) notes that their primary concerns with an expansion of nuclear power and uranium exports are:
  - (i) the failure of nuclear power to address climate change—nuclear power generation requires substantial fossil fuel inputs and takes many years to scale up and if nuclear power were used to generate all electricity currently consumed globally, we would exhaust all known recoverable supplies of uranium in just 9 years,
  - (ii) the increased risk of proliferation of nuclear weapons—the potential for use of nuclear weapons remains the greatest immediate threat to global health, and this risk is growing,
  - (iii) the potential misuse of Australian uranium—no absolute guarantees can be made that Australian uranium will not find its way into nuclear weapons,
  - (iv) the growing dangers of nuclear terrorism—there is clear evidence that in recent years terrorist groups have tried to acquire radioactive materials and nuclear weapons, constructing a simple nuclear weapon is technically easy if fissile material were obtained from the large existing stockpiles and the use of a radiological, or ‘dirty’, bomb is probably inevitable,
  - (v) the risk of nuclear accidents—as nuclear technology becomes more widespread, the chance of critical contamination of the environment becomes greater as no technology is immune from human or technical error, and serious nuclear accidents continue to occur, and
  - (vi) the unsolved problem of nuclear waste—the problem of nuclear waste is intractable; a burden irresponsibly imposed on countless future generations and no nation has in place a satisfactory plan to deal with the tens of tonnes of high-level radioactive waste produced by each nuclear power plant each year; and
- (c) calls on the Government to:
  - (i) abandon research and plans to establish a nuclear power industry in Australia,
  - (ii) abandon plans to expand uranium mining and export in Australia,
  - (iii) take practical action to drive greater investment in clean renewable energy, energy efficiency and gas, and
  - (iv) increase research into ways to improve energy efficiency and to manage energy demand throughout industry and domestic power use.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 50

Senators—

Adams	Ferguson	Lundy	Santoro
Barnett	Fielding	Marshall	Scullion
Boswell	Fierravanti-Wells	Mason	Sherry
Brandis	Fifield	McEwen	Stephens
Brown, Carol	Forshaw	McGauran (Teller)	Sterle
Calvert	Humphries	McLucas	Troeth
Campbell, George	Hurley	Moore	Trood
Carr	Johnston	Nash	Watson
Chapman	Joyce	Parry	Webber
Conroy	Kemp	Patterson	Wong
Crossin	Kirk	Payne	Wortley
Ellison	Lightfoot	Polley	
Faulkner	Ludwig	Ronaldson	

Question negatived.

#### 14 COMMUNICATIONS—RADIO ADELAIDE

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 349—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.

Question put and negatived.

#### 15 DEATH PENALTY

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 350—That the Senate—

- (a) notes that:
  - (i) 13 Australians face the death penalty in Vietnam, Kuwait and Indonesia,
  - (ii) Australia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty on 2 October 1990, and
  - (iii) the protocol gives effect to Article 6 of the ICCPR which refers to the abolition of the death penalty and gives effect to an international commitment to abolish the death penalty by ratifying states; and
- (b) calls on the Government to lead an international campaign for the ratification and implementation of the optional protocol by all remaining states, in particular, those states such as Singapore, Vietnam, China and Indonesia that continue to use the death penalty.

Question put and passed.

**16 NINE 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:

Commonwealth Radioactive Waste Management Bill 2005 and Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005

Indigenous Education (Targeted Assistance) Amendment Bill 2005

Health Insurance Amendment (Medicare Safety-nets) Bill 2005

National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005

Tax Laws Amendment (2005 Measures No. 4) Bill 2005

Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005

Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 2) 2005

Tax Laws Amendment (2005 Measures No. 5) Bill 2005,

and moved—That these bills be considered urgent bills.

*Proposed suspension of standing orders:* Senator Conroy, at the request of the Leader of the Opposition in the Senate (Senator Evans) and pursuant to contingent notice, moved—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

Debate ensued.

Question put.

The Senate divided—

**AYES, 32**

Senators—

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

**NOES, 34**

Senators—

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

Question negatived.

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

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

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

Commonwealth Radioactive Waste Management Bill 2005 and Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005	commencing immediately until noon on 8 December 2005
Indigenous Education (Targeted Assistance) Amendment Bill 2005	commencing immediately after the preceding item until 1.45 pm on 8 December 2005
Health Insurance Amendment (Medicare Safety-nets) Bill 2005	from not later than 4.15 pm until 6.30 pm on 8 December 2005
National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005	from 7.30 pm until 11 pm on 8 December 2005
Tax Laws Amendment (2005 Measures No. 4) Bill 2005	
Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005	
Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 2) 2005	
Tax Laws Amendment (2005 Measures No. 5) Bill 2005	

*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.

**17 COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT BILL 2005  
COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENTS)  
BILL 2005**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck)—  
That these bills be now read a second time—and on the amendment moved by Senator Stephens in respect of the Commonwealth Radioactive Waste Management Bill 2005—

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

- (a) its extreme, arrogant and unnecessary approach to the nuclear waste dump;
- (b) misleading Australians about the necessity for the bill despite believing that the Government already has the power under existing laws to site and establish a nuclear waste dump;
- (c) breaking its promise not to locate a nuclear waste dump in the Northern Territory;
- (d) overriding many federal legal protections including the *Environment Protection and Biodiversity Conservation Act 1999*, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, the *Native Title Act 1993*, and the *Lands Acquisition Act 1989*;
- (e) destroying existing or possible rights of Indigenous people to the proposed nuclear waste dump sites in the Northern Territory;
- (f) trampling over Northern Territorians and other communities by overriding any existing or future state or territory law or regulation that prohibits or interferes with the selection of Commonwealth land as a site, the establishment of a nuclear waste dump, and the transportation of nuclear waste across the highways and by-ways of Australia;
- (g) refusing to hear the concerns of Northern Territorians and imposing nuclear waste on local communities without consultation or building trust and inclusiveness;
- (h) misleading Australians by falsely claiming that unless the nuclear waste dump site is selected urgently, medical isotope production will cease;
- (i) destroying any recourse to procedural fairness provisions for anyone wishing to challenge the Minister’s decision to put a nuclear waste dump in the Northern Territory; and
- (j) disregarding the recommendations of the International Atomic Energy Commission on good social practices like consultation and transparency in relation to nuclear waste”.

Debate resumed.

*Limitation of debate:* The time allotted for the consideration of the remaining stages of the bills expired.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

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

The Senate divided—

AYES, 35

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

Bills read a second time.

The following amendments circulated by Senator Scullion in respect of the Commonwealth Radioactive Waste Management Bill 2005 were agreed to:

Clause 3A, page 4 (after line 7), after subclause (1), insert:

- (1A) The Chief Minister of the Northern Territory must not nominate land under subsection (1) unless the Chief Minister has, at least 3 months before making the nomination, given written notice to the Land Council for the area in which the land is situated of the Chief Minister's intention to nominate the land.

Clause 3B, page 4 (after line 27), after paragraph (1)(f), insert:

- (fa) if the land is nominated by the Chief Minister of the Northern Territory and there is a registered native title claimant (within the meaning of the *Native Title Act 1993*) in relation to the land or any part of it—contain evidence of the consent to the nomination by the claimant; and
- (fb) if:
- (i) the land is nominated by the Chief Minister of the Northern Territory; and
  - (ii) the land or any part of it is the subject of an application of the kind mentioned in paragraph 50(1)(a) of the *Aboriginal Land Rights (Northern Territory) Act 1976* that was made before 5 June 1997; and
  - (iii) the traditional land claim the subject of that application has not been finally disposed of;
- contain evidence of the matters mentioned in subsection (1B); and

Clause 3B, page 5 (after line 11), after subclause (1), insert:

- (1A) The reference in paragraph (1)(f) to persons holding interests in land includes any registered native title body corporate (within the meaning of the *Native Title Act 1993*) in relation to the land or any part of it.
- (1B) For the purposes of paragraph (1)(fb), the nomination must contain evidence that:
- (a) the Land Council for the area in which the land is situated has consulted with the traditional Aboriginal owners of the land; and
  - (b) the traditional Aboriginal owners understand the nature and effect of the proposed nomination and the things that might be done on or in relation to the land under this Act if the Minister approves the nomination; and
  - (c) the traditional Aboriginal owners as a group have consented to the nomination being made (that consent as a group being determined in accordance with section 77A of the *Aboriginal Land Rights (Northern Territory) Act 1976*); and
  - (d) the Land Council has consulted with any Aboriginal community or group that may be affected by the proposed nomination and the community or group has had adequate opportunity to express its view to the Land Council, and that the Chief Minister of the Northern Territory has considered any such view.

The following amendments circulated by the Australian Greens in respect of the Commonwealth Radioactive Waste Management Bill 2005 were considered:

Clause 3, page 2 (lines 22 and 23), omit “include high level radioactive material or spent nuclear fuel”, substitute “include:

- (a) high level radioactive material; or
- (b) spent nuclear fuel; or
- (c) any controlled material imported or transported into Australia from a place outside Australia, excepting controlled material imported or transported in connection with fabrication or reprocessing of Australian research reactor fuel.”.

Clause 3C, page 5 (line 15), omit “in his or her absolute discretion”, substitute “subject to subsection (1A)”.

Clause 3C, page 5 (after line 17), after subsection (1), insert:

- (1A) Where there is evidence of risk of damage to or interference with a sacred site in accordance with paragraph 3B(1)(e), the Minister must not make an approval in accordance with subsection (1).

Clause 7, page 9 (line 6), omit “in his or her absolute discretion”, substitute “subject to subsection 3C(1A)”.

Clause 12, page 13 (line 6), after “may”, insert “subject to subsection 13(2)”.

Clause 13, page 14 (lines 1 and 2), omit “no effect to the extent that it would apart from this section, regulate, hinder or prevent transport authorised by section 12”, substitute “full effect according to its terms”.

Question—That the amendments be agreed to—put.

The Senate divided—

#### AYES, 30

Senators—

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

#### NOES, 34

Senators—

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

Question negatived.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put.



The Senate divided—

AYES, 34

Senators—

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

NOES, 29

Senators—

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

Question agreed to.

Bills read a third time.

**18 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2005**

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

Debate resumed.

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*Document:* The Leader of the Australian Democrats (Senator Allison), by leave, tabled the following document:

Indigenous Education (Targeted Assistance) Amendment Bill 2005—Petitioning document from 34 signatories relating to proposed changes to the funding of Tauondi College.

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Debate continued.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

On the motion of Senator Kirk the following amendment was agreed to:

Schedule 1, page 3 (after line 10), at the end of the Schedule, add:

***Skilling Australia's Workforce Act 2005***

**4 After section 10**

Insert:

**10A Condition of grant—skilling Indigenous Australians**

Where appropriations are expended in accordance with this Act to provide targeted financial assistance to advance the education of Indigenous persons, the appropriation must be expended in a manner which advances the objectives set out in sections 5, 6, 7, 8 and 9 of the *Indigenous Education (Targeted Assistance) Act 2000*.

Senator Kirk, also on behalf of the Leader of the Australian Democrats (Senator Allison), moved the following amendment:

Page 2 (after line 5), after clause 3, add:

**4 Accountability for advertising expenditure**

- (1) No money may be expended for any public education or advertising project in relation to any program established under this Act, where the cost of the project is estimated or contracted to be \$100,000 or more, unless a statement has been presented to the Senate in accordance with this section.
- (2) The statement must be presented by the minister to the Senate or, if the Senate is not sitting when the statement is ready for presentation, to the President of the Senate in accordance with the procedures of the Senate.
- (3) The statement must indicate in relation to the proposed project:
  - (a) the purpose and nature of the project; and
  - (b) the intended recipients of the information to be communicated by the project; and
  - (c) who authorised the project; and
  - (d) the manner in which the project is to be carried out; and
  - (e) who is to carry out the project; and
  - (f) whether the project is to be carried out under a contract; and
  - (g) whether such contract was let by tender; and
  - (h) the estimated or contracted cost of the project; and
  - (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
  - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the non-conformity.
- (4) In subsection (3), *Audit and JCPAA guidelines* means the guidelines set out respectively in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: Community Education and Information Programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for government advertising*.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the report from the committee was adopted and the bill read a third time.

*Suspension of sitting:* On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.38 pm till 2 pm.

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At 2 pm—

## 19 QUESTIONS

A question without notice was answered.

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*Proposed suspension of standing orders:* The Leader of the Opposition in the Senate (Senator Evans), pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Evans moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion of censure of the Government for its abuse of Senate processes.

Debate ensued.

Question put.

The Senate divided—

### AYES, 33

Senators—

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

### NOES, 36

Senators—

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

Question negatived.

*Leave refused:* Senator Evans sought leave to make a statement.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Evans, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Evans making a statement.

Debate ensued.

*Closure:* The Minister for Justice and Customs (Senator Ellison) moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 36

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 33

Senators—

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

## NOES, 36

Senators—

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

Question negatived.

**20 SENATE PROCESSES—ANSWER TO QUESTION**

Senator Carr moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Evans) today relating to Senate processes.

Debate ensued.

Question put and passed.

**21 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REFERENCE**

Senator Troeth, by leave, moved business of the Senate notice of motion no. 4—That when a bill for an Act to repeal ministerial responsibility for approval of RU486 is introduced into the Senate, the bill be referred immediately to the Community Affairs Legislation Committee for inquiry and report by the second sitting day in 2006.

Question put and passed.

**22 TRANSFER OF NOTICE OF MOTION**

Senator Ludwig, at the request of Senator Wong and pursuant to standing order 78, indicated Senator Wong's objection to the withdrawal of the following notice of motion:

Business of the Senate notice of motion no. 2 standing in the name of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) for 11 sitting days after today, for the disallowance of the Guide to the Assessment of the Degree of Permanent Impairment [second edition], made under subsection 28(1) of the *Safety, Rehabilitation and Compensation Act 1988*.

Senator Wong's name was put on the notice of motion.

**23 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—EXPOSURE DRAFT OF CORPORATIONS AMENDMENT BILL (NO. 2) 2005**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Corporations and Financial Services—Joint Statutory Committee—Report—Inquiry into the exposure draft of the Corporations Amendment Bill (No. 2) 2005—Government response.

**24 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING**

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

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 8 December 2005.

**25 COMMONWEALTH OMBUDSMAN—MONITORING OF CONTROLLED OPERATIONS—REPORT FOR 2004-05—DOCUMENT**

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

Commonwealth Ombudsman—Monitoring of controlled operations—Report for 2004-05, prepared pursuant to Part 1AB, Division 2A of the *Crimes Act 1914*, on the Ombudsman’s activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police.

**26 PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Parliamentarians’ travel paid by the Department of Finance and Administration—1 January to 30 June 2005, dated December 2005.

**27 FORMER PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Former parliamentarians’ travel paid by the Department of Finance and Administration—1 January to 30 June 2005, dated December 2005.

**28 PARLIAMENTARIANS’ OVERSEAS STUDY TRAVEL—DOCUMENT**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Parliamentarians’ overseas study travel reports—1 January to 30 June 2005, dated December 2005.

**29 FORMER GOVERNORS-GENERAL TRAVEL COSTS—DOCUMENT**

The Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) tabled the following document:

Expenditure on travel by former Governors-General paid by the Department of the Prime Minister and Cabinet—1 January to 30 June 2005.

**30 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—FINAL REPORT—REMOVAL, SEARCH FOR AND DISCOVERY OF MS VIVIAN SOLON**

Senator Ludwig, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins), tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—The removal, search for and discovery of Ms Vivian Solon—Final report, dated December 2005 and documents presented to the committee.

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

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

Debate ensued.

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

31 **INDUSTRIAL RELATIONS—PROPOSED CHANGES—DOCUMENT**

Senator Wong, by leave, tabled the following document:

Industrial relations—Proposed changes—Petitioning document from 178 signatories relating to proposed changes to industrial relations.

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*At 4.15 pm—*

32 **HEALTH INSURANCE AMENDMENT (MEDICARE SAFETY-NETS) BILL 2005**

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

Debate resumed.

Senator McLucas moved the following amendment:

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

- (a) its deceit and failure to come clean on what was known, and when, about the safety net blow-out;
- (b) its inaction on the policy prior to the election even though the relevant ministers were advised of the cost blow out;
- (c) the decision to proceed with a \$20 million Medicare advertising campaign prior to the election, even though the cost of the safety net was already blowing out;
- (d) the policy’s inflationary effect on specialist fees;
- (e) the policy’s bias toward high income earners who have a greater capacity to undertake discretionary health spending;
- (f) the failure to release on an ongoing basis Medicare safety net data by electorate (this has only been released once during the 2004 election); and
- (g) the ongoing fiscal unsustainability of the policy and its continuing growth in cost”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Schedule 1, page 3 (after line 13), after item 3, insert:

**3A Subsection 10AA(7) (at the end of the definition of spouse)**

Add “including a same-sex partner and a person who lives with the person on a genuine domestic basis although not legally married to the person”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Family and Community Services (Senator Patterson) the report from the committee was adopted.

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

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—

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



NOES, 33

Senators—

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

Question agreed to.

Bill read a third time.

33 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/B737/272—Thrust Reverser Ground Logic [F2005L03965]\*.
- AD/B747/163 Amdt 3—Fuselage Internal Structure [F2005L03916]\*.
- AD/B747/290 Amdt 1—Trailing Edge Flap Actuator Attach Fittings – 2 [F2005L03915]\*.
- AD/B767/18 Amdt 1—Off-Wing Escape Slide System [F2005L03913]\*.
- AD/BELL 206/160 Amdt 1—High Forward and High Aft Crosstubes [F2005L03912]\*.
- AD/DO 328/5—Landing Gear Uplocks [F2005L03960]\*.
- AD/DO 328/6—Engine Control Cable Heating Tubes [F2005L03959]\*.
- AD/DO 328/10—DC Power Unit 1VE Bus Bar [F2005L03955]\*.
- AD/DO 328/21—Ground Spoiler Actuator [F2005L03941]\*.
- AD/DO 328/32—Honeywell GP-300 Guidance and Display Controller [F2005L03927]\*.
- AD/DO 328/36—Passenger Seat Frame Attach Caps [F2005L03902]\*.
- AD/ECUREUIL/115—Tail Rotor Drive Shaft Rivets [F2005L03925]\*.
- AD/F100/53 Amdt 2—Main Landing Gear Sliding Member [F2005L03899]\*.
- AD/GENERAL/56 Amdt 3—Cable Operated Control Systems – Duplicate Inspection [F2005L03897]\*.

106—

- AD/RB211/34—High Pressure Compressor [F2005L03920]\*.
- AD/TAY/12 Amdt 5—Low Pressure Compressor Ice Impact Panels [F2005L03919]\*.

107—

- AD/PHZL/82—Hub Certified Service Life [F2005L03924]\*.
- AD/PHZL/83—Propeller Hub Cracks [F2005L03923]\*.
- AD/PHZL/85—Propeller Blade Thrust Bearing [F2005L03921]\*.

Parliamentary Service Act—Determination No. 1 of 2005—Parliamentary Librarian – Remuneration and Other Conditions of Employment.

Sydney Airport Curfew Act—Dispensation Reports—  
 12/05 [5 dispensations].  
 13/05 [10 dispensations].

Veterans' Entitlements Act—Determination of Warlike Service (North East Thailand (including Ubon)), dated 28 November 2005 [F2005L03896]\*.

\* Explanatory statement tabled with legislative instrument.

#### 34 PUBLICATIONS—STANDING COMMITTEE—9TH REPORT

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

##### PUBLICATIONS COMMITTEE 9TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 9 November 2005, recommends that the following be printed:

Aboriginal Land Commissioner—Report for 2004-05.

Administrative Appeals Tribunal—Report for 2004-05.

Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2004-05.

Anindilyakwa Land Council—Report for 2004-05.

Australian Customs Service—Report for 2004-05.

Australian Industry Development Corporation—Report for 2004-05.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2004-05.

Australian Institute of Health and Welfare—Australia's welfare—Report for 2005.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05—Erratum.

Australian Sports Commission—Report for 2004-05.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2004-05.

Department of Defence—Report for 2004-05.

Department of Family and Community Services—Report for 2004-05—Corrigenda.

Equal Opportunity for Women in the Workplace Agency—Report for 2004-05.

Federal Court of Australia—Report for 2004-05.

Federal Magistrates Court of Australia—Report for 2004-05.

Fisheries Research and Development Corporation—Report for 2004-05.

*Freedom of Information Act 1982*—Report for 2004-05 on the operation of the Act.

Human Rights and Equal Opportunity Commission—  
 Report for 2004-05.

Report no. 31—Inquiry into a complaint by Mr Zacharias Manongga, Consul for the Northern Territory, Consul of the Republic of Indonesia that the human rights of Indonesian fishers detained on vessels in Darwin Harbour were breached by the Commonwealth of Australia.

Indigenous Business Australia—Report for 2004-05.

Industry Research and Development Board—Report for 2004-05.  
 Migration Agents Registration Authority—Report for 2004-05.  
 National Capital Authority—Report for 2004-05.  
*Native Title Act 1993*—Native title representative bodies—Reports for 2004-05—  
     Aboriginal Legal Rights Movement Inc.  
     Carpentaria Land Council Aboriginal Corporation.  
     Central Land Council.  
     North Queensland Land Council Aboriginal Corporation.  
     Northern Land Council.  
 Office of the Official Secretary to the Governor-General—Report for 2004-05.  
 Office of the Privacy Commissioner—Report for 2004-05 on the operation of the *Privacy Act 1988*.  
 Official Establishments Trust—Report for 2004-05.  
 Private Health Insurance Ombudsman—Report for 2004-05.  
 Tiwi Land Council—Report for 2004-05.  
 Torres Strait Regional Authority—Report for 2004-05.  
 Wet Tropics Management Authority—Report for 2004-05.

Senator John Watson  
 Chairman  
 8 December 2005.

Senator McGauran, by leave, moved—That the report be adopted.

Question put and passed.

**35 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—406TH REPORT**

Senator McGauran, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—406th report—Developments in aviation security since the committee's June 2004 report 400: *Review of aviation security in Australia*—An interim report, dated November 2005.

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

Question put and passed.

**36 ANGLO-AUSTRALIAN TELESCOPE AGREEMENT AMENDMENT BILL 2005  
 OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT)  
 AMENDMENT (PROMOTING SAFER WORKPLACES) BILL 2005**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 262, dated 7 December 2005—A Bill for an Act to amend the *Anglo-Australian Telescope Agreement Act 1970*, and for related purposes.

Message no. 268, dated 8 December 2005—A Bill for an Act to amend the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Colbeck moved—That these bills be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Colbeck moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**37 ANTI-TERRORISM BILL (NO. 2) 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT**

**(WELFARE TO WORK AND OTHER MEASURES) BILL 2005**

**TAX LAWS AMENDMENT (LOSS RECOUPMENT RULES AND OTHER MEASURES)**

**BILL 2005**

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

Message no. 266, dated 7 December 2005—Anti-Terrorism Bill (No. 2) 2005.

Message no. 264, dated 7 December 2005—Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005.

Message no. 263, dated 7 December 2005—Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005.

*Statement by leave:* Senator Sherry, by leave, made a statement relating to the Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005.

**38 HIGHER EDUCATION LEGISLATION AMENDMENT (2005 MEASURES NO. 3)**

**BILL 2005**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 265, dated 7 December 2005—Higher Education Legislation Amendment (2005 Measures No. 3) Bill 2005.

**39 PARLIAMENTARY LIBRARY—JOINT STANDING COMMITTEE—APPOINTMENT**

The following message from the House of Representatives was reported:

Message no. 267, dated 7 December 2005—Agreeing to the Senate resolution establishing the Joint Standing Committee on the Parliamentary Library.

**40 ALLOTMENT OF TIME—VARIATION**

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That the allotment of time agreed to earlier today (*see entry no. 16*) be varied to provide that the time for consideration of the remaining stages of the National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Bill 2005 commence immediately till 6.30 pm and continue after 7.30 pm, in accordance with the earlier order.

Question put and passed.

41 **NATIONAL HEALTH AMENDMENT (BUDGET MEASURES—PHARMACEUTICAL BENEFITS SAFETY NET) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (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.

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Schedule 1, page 4 (after line 5), before item 1, insert:

**1A Subsection 4(1) (definition of *de facto* spouse)**

Repeal the definition, substitute:

*de facto spouse* means a person who is living with another person on a bona fide domestic basis although not legally married to that other person, including a same sex partner.

Debate ensued.

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

Bill further debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary (Trade) (Senator Sandy Macdonald) the report from the committee was adopted and the bill read a third time.

42 **TAX LAWS AMENDMENT (2005 MEASURES NO. 4) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That 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.

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*In the committee*

Bill taken as a whole by leave.

Senator Sherry moved the following amendments together by leave:

Schedule 1, item 2, page 4 (lines 19 to 24), omit subsection 61-470(1), substitute:

- (1) Subject to subsection (1A), you are entitled to a \*tax offset for an income year for \*approved child care provided in the income year if:
- (a) you are an individual; and
  - (b) there is at least 1 \*child care base week for you and a particular child in the income year.
- (1A) If you have an entitlement to a \*tax offset in respect of \*approved child care provided in 2004-05, your entitlement can only be claimed in respect of the 2005-2006 income year.

Schedule 1, item 2, page 4 (lines 25 to 28), omit the note, substitute:

Example: If there is at least 1 child care base week for you and a child in the 2005-2006 income year, you are entitled to a tax offset for the child for that income year.

Schedule 1, item 2, page 4 (lines 31 and 32), omit paragraph 61-470(2)(a), substitute:

- (a) the week starts on a Monday in the income year (whether or not it finishes in the income year); and

Schedule 1, item 2, page 7 (line 28), omit “a child care offset year”, substitute “an income year”.

Schedule 1, item 2, page 7 (line 30) to page 8 (line 19), omit the method statement, substitute:

*Method statement*

- Step 1.* For each child in relation to whom you are entitled to the \*tax offset for the income year, work out amounts in accordance with steps 2, 3 and 4.
- Step 2.* Work out the total amount of your \*approved child care fees for the child in each \*child care base week for you and the child in the income year.
- Step 3.* Work out the total amount of your \*entitlement to child care benefit for \*approved child care for the child in each \*child care base week for you and the child in the income year.
- Step 4.* Work out the lesser of the following amounts (the *child offset*) for the child:
- (a) the amount worked out using the formula:  

$$30\% \times (\text{Step 2 amount} - \text{Step 3 amount})$$
  - (b) the \*child care offset limit for the income year.
- Step 5.* Total the child offsets for each of those children. The result is the amount of your \*tax offset for the income year.

Schedule 1, item 2, page 9 (lines 17 to 25), omit section 61-495, substitute:

**61-495 Component of formula—*child care offset limit***

The *child care offset limit* for approved child care provided in the 2004-2005 income year is \$4000. The limit is indexed annually.

Note: Subdivision 960-M shows you how to index amounts.

Schedule 1, item 2, page 9 (lines 29 and 30), omit “a child care offset year”, substitute “an income year”.

Schedule 1, item 2, page 10 (line 6), omit “child care offset year”, substitute “income year”.

Schedule 1, item 2, page 10 (line 9), omit “child care offset year”, substitute “income year”.

Schedule 1, item 2, page 10 (lines 13 to 15), omit subsection 61-496(5), substitute:

- (5) If you die during a year in respect of which you would be entitled to claim a \*tax offset, the reference to your \*spouse in subsection (2) is taken to be a reference to your spouse just before your death.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, items 12 and 13.

Schedule 1, items 12 and 13 debated.

Question—That Schedule 1, items 12 and 13 stand as printed—put.

The committee divided—

AYES, 36

Senators—

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

Items agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

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

**43 TAX LAWS AMENDMENT (SUPERANNUATION CONTRIBUTIONS SPLITTING)  
BILL 2005**

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

Debate resumed.

Senator Sherry moved the following amendment:

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

- (a) notes that this legislation is yet another example of piecemeal and ad hoc reform to our taxation and superannuation system; and
- (b) calls on the Government to initiate fundamental reform of our superannuation system that deals with major issues such as:
  - (i) improving the incentive to save by reducing the tax burden on superannuation contributions, particularly for middle income Australians who miss out on the co-contribution and surcharge tax abolition,
  - (ii) lifting the compensation and coverage for fund members whose savings are lost as a result of theft and fraud and/or non-payment of entitlements,
  - (iii) finding and consolidating the more than 5.4 million lost accounts containing \$8.2 billion, and
  - (iv) reducing the costly new paperwork, red tape burden of the Financial Services Reform Act and so-called choice on the financial services industry and employers”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Murray moved the following amendment:

Schedule 1, page 3 (after line 5), before item 1, insert:

**1A Subsection 6(1) (definition of spouse)**

Repeal the definition, substitute:

*spouse*, in relation to a person:



- (a) includes another person, who although not legally married to the person, lives with the person on a bona fide domestic basis as the husband or wife of the person;
- (b) includes a person in an interdependency relationship as defined in section 27AAB.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted and the bill read a third time.

**44 TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 2) 2005**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

**45 TAX LAWS AMENDMENT (2005 MEASURES NO. 5) BILL 2005**

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

Debate resumed.

Senator Sherry moved the following amendment:

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

- (a) the mismanagement of the legislative program by continuing to introduce tax bills with significant errors and anomalies requiring costly and cumbersome legislative correction;
- (b) creating uncertainty for the small business sector by again changing debt equity provisions; and
- (c) failing to bring forward a cognate bill to deal with all necessary changes to the consolidation regime”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Main question put and passed.

Bill read a second time.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

46 **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 11.33 pm till Friday, 9 December 2005 at 9.30 am.

47 **ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate