

2004-06

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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 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Law Reform Commission—Report—No. 102—Uniform evidence law, December 2005.

High Court of Australia—Report for 2004-05.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2004-05.

Treaties—*Bilateral*—Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of Bermuda [as authorised by] the Government of the United Kingdom of Great Britain and Northern Ireland on the exchange of information with respect to taxes (Washington, 10 November 2005).

Protocol amending the Agreement between the Government of Australia and the Government of New Zealand for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Melbourne, 15 November 2005).

3 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

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

(a) on Wednesday, 8 February 2006:

- (i) the hours of meeting shall be 9.30 am to 11 pm,
- (ii) the routine of business from not later than 4.30 pm shall be general business order of the day no. 47 (Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005)—second reading speeches only, and
- (iii) at 11 pm, the Senate shall adjourn without any question being put; and

(b) on Thursday, 9 February 2006:

- (i) general business order of the day no. 47 (Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005) have precedence over all other business till 1 pm and from not later than 3.45 pm to 5 pm, and
- (ii) at the conclusion of (i), the routine of business shall be:
 - (A) consideration of government documents under general business,
 - (B) consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1), and
 - (C) adjournment.

Question put and passed.

**4 DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES)
BILL 2005 [2006]**

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

Debate resumed.

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

Bill read a second time.

On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) consideration of the bill in committee of the whole was made an order of the day for a later hour.

5 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY FOR APPROVAL OF RU486) BILL 2005

Pursuant to order, the Chair of the Community Affairs Legislation Committee (Senator Humphries) tabled the following report:

Community Affairs Legislation Committee—Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—Report, dated February 2006.

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

**6 DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES)
BILL 2005 [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 the Environment and Heritage (Senator Ian Campbell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 2, item 3, page 24 (after line 30), at the end of section 51CB, add:

- (5) If the infrastructure, or the part of the infrastructure, is in a State or a self-governing Territory:
 - (a) the authorising Ministers may make the declaration referred to in subsection (1) whether or not the Government of the State or the self-governing Territory requests the making of the declaration; and

(b) if the Government of the State or the self-governing Territory does not request the making of the declaration referred to in subsection (1), an authorising Minister must, subject to subsection (6), consult that Government about the making of the declaration.

(6) However, paragraph (5)(b) does not apply if the authorising Ministers are satisfied that, for reasons of urgency, it is impracticable to comply with the requirements of that paragraph.

Schedule 3, item 1, page 27 (line 21), after “section 51A”, insert “or 51AA (as the case requires)”.

Schedule 4, item 1, page 33 (after line 29), after subsection 51CA(2), insert:

Expedited call out by an authorising Minister and another Minister

(2A) An authorising Minister, together with the Deputy Prime Minister, the Minister for Foreign Affairs or the Treasurer, may make an order of a kind that the Governor-General is empowered to make under section 51A, 51AA, 51AB, 51B or 51C if the Ministers are satisfied that:

- (a) because a sudden and extraordinary emergency exists, it is not practicable for an order to be made under that section; and
- (b) the Prime Minister is unable to be contacted for the purposes of considering whether to make, and making, an order under subsection (1) of this section; and
- (c) the remaining authorising Minister is unable to be contacted for the purposes of considering whether to make, and making, an order under subsection (2) of this section; and
- (d) the circumstances referred to in subsection 51A(1), 51AA(1), 51AB(1), 51B(1) or 51C(1) (as the case requires) exist.

Schedule 4, item 1, page 34 (line 7), after “subsection (2)”, insert “or (2A)”.

Schedule 4, item 1, page 34 (line 8), omit “authorising”.

Schedule 4, item 1, page 34 (line 13), omit “authorising”.

Schedule 4, item 1, page 34 (line 18), omit “authorising”.

Schedule 4, item 1, page 34 (line 28), omit “authorising”.

Schedule 4, item 1, page 34 (line 29), omit “authorising”.

Schedule 4, item 1, page 35 (line 28), omit “authorising”.

Senator Bartlett moved the following amendments together by leave:

Schedule 2, item 5, page 26 (line 24), omit “greater indignity than is reasonable and necessary in the circumstances”, substitute “to any form of treatment which contravenes the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment”.

Schedule 3, item 3, page 32 (after line 13), after subsection (2B), insert:

(2C) Despite subsections (1) and (2B), in exercising any powers in accordance with Division 3B, a member of the Defence Force must not, in using force against a person, subject the person to any form of treatment which contravenes the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, item 5 and Schedule 3, item 3.

Schedule 2, item 5 and Schedule 3, item 3 debated.

Question—That Schedule 2, item 5 and Schedule 3, item 3 stand as printed—put.

The committee divided—

AYES, 54

Senators—

Abetz	Faulkner	Lightfoot	Polley
Adams	Ferguson	Ludwig	Ray
Barnett	Ferris	Lundy	Ronaldson
Bishop	Fielding	Macdonald, Ian	Santoro
Boswell	Fierravanti-Wells	Mason	Scullion
Brandis	Fifield	McEwen	Stephens
Brown, Carol	Forshaw	McGauran	Sterle
Campbell, Ian	Hogg	McLucas	Troeth
Carr	Humphries	Moore	Trood
Chapman	Hurley	Nash	Webber
Colbeck	Hutchins	O'Brien	Wong
Conroy	Johnston	Parry	Wortley
Crossin	Joyce	Patterson	
Eggleston (Teller)	Kirk	Payne	

NOES, 8

Senators—

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

Items agreed to.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendments together by leave:

Schedule 4, item 1, page 37 (after line 11), after section 51CA, insert:

51CB Parliamentary disallowance of call outs

An order made in accordance with section 51A, 51AA, 51AB, 51B, 51C or 51CA is a disallowable legislative instrument for the purposes of the *Legislative Instrument Act 2003*.

Schedule 4, item 1, page 37 (after line 11), after section 51CA, insert:

51CC Parliament to sit following making of a call out order

If an order is made in accordance with section 51A, 51AA, 51AB, 51B, 51C or 51CA, each House of the Parliament must sit within 6 days of the order being made.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 7

Senators—

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

NOES, 40

Senators—

Adams	Faulkner	Kirk	Patterson
Bishop	Ferris	Ludwig	Polley
Brandis	Fielding	Lundy	Ray
Brown, Carol	Fierravanti-Wells	Macdonald, Ian	Santoro
Campbell, Ian	Fifield	Mason	Stephens
Carr	Forshaw	McEwen	Sterle
Chapman	Hill	McGauran	Trood
Conroy	Hogg	McLucas	Webber
Crossin	Hurley	Moore	Wong
Eggleston (Teller)	Hutchins	O'Brien	Wortley

Question negatived.

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

Schedule 6, item 13, page 47 (line 13), at the end of section 51WA, add:

Note: It is not intended that this section or Act restrict or limit the power of State or Territory police to investigate any criminal acts done, or purported to be done, by Defence Force members when operating under Part IIIAAA of this Act.

Bill, as amended, debated and agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Ian Campbell the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 33

Senators—

Bishop	Fielding	Ludwig	Patterson
Brandis	Fierravanti-Wells	Lundy	Polley
Brown, Carol	Fifield	Marshall	Stephens
Campbell, Ian	Forshaw	Mason	Trood
Carr	Hogg	McEwen	Webber
Chapman	Hurley	McLucas	Wortley
Crossin	Hutchins	Moore	
Eggleston (Teller)	Kirk	Nash	
Faulkner	Lightfoot	O'Brien	

NOES, 7

Senators—

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

Question agreed to.

Bill read a third time.

7 MATTERS OF PUBLIC INTEREST

Leave was granted for matters of public interest to be called on before 12.45 pm.
Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 MINISTERS—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.

10 ELECTORAL MATTERS—POLITICAL DONATIONS—ANSWER TO QUESTION

Senator Murray moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Murray today relating to political donations.

Question put and passed.

11 PETITIONS

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

The President and Senators McGauran, Ronaldson and Watson, from 12, 30, 50 and 30 petitioners, respectively, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator Adams, from 3 235 petitioners, requesting that the Senate support the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005.

Senator Ludwig, from 1 724 petitioners, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

12 NOTICES

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

(a) notes that:

- (i) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee's 34th session was held in New York from 16 January to 3 February 2006,
- (ii) the 34th session examined the Australian Government's combined fourth and fifth periodic reports on 30 January 2006, and the Australian non-government organisation (NGO) shadow report on the Implementation of CEDAW, prepared by the Women's Rights Action Network Australia and endorsed by more than 100 organisations, on 23 January 2006,

- (iii) the shadow report acknowledged that there ‘have been clear improvements in the status of women during this reporting cycle’, but a number of challenges remain for women in Australia, particularly in the areas of violence against women, leadership and political participation, law and justice, housing and utilities, health, education, and economic security and employment, and
- (iv) the shadow report makes a number of recommendations in each of these areas, noting changes which must be implemented if CEDAW is to be fully realised in Australia;
- (b) congratulates all those involved in contributing to and compiling the Australian NGO shadow report; and
- (c) calls on the Government to implement the recommendations contained in the shadow report before the Australian Government presents its combined fifth and sixth periodic reports to the CEDAW Committee in 2008. (*general business notice of motion no. 368*)

Senator Humphries: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2006, from 10.30 am to 12.30 pm, to take evidence for the committee’s review of Auditor-General’s reports. (*general business notice of motion no. 369*)

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Future Fund Bill 2005 be extended to 28 February 2006. (*general business notice of motion no. 370*)

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

- (1) That the 2005-06 additional estimates hearings by legislation committees be scheduled as follows:
 - Monday, 13 February and Tuesday, 14 February and, if required, Friday, 17 February (*Group A*)
 - Wednesday, 15 February and Thursday, 16 February and, if required, Friday, 17 February (*Group B*).
- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.
- (3) That committees meet in the following groups:
 - Group A:**
 - Environment, Communications, Information Technology and the Arts
 - Finance and Public Administration
 - Legal and Constitutional
 - Rural and Regional Affairs and Transport
 - Group B:**
 - Community Affairs
 - Economics
 - Employment, Workplace Relations and Education
 - Foreign Affairs, Defence and Trade.
- (4) That the committees report to the Senate on 28 March 2006 in respect of the 2005-06 additional estimates.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

Community Affairs

Families, Community Services and Indigenous Affairs
Health and Ageing

Economics

Treasury
Industry, Tourism and Resources

Employment, Workplace Relations and Education

Employment and Workplace Relations
Education, Science and Training

Environment, Communications, Information Technology and the Arts

Environment and Heritage
Communications, Information Technology and the Arts

Finance and Public Administration

Parliament
Prime Minister and Cabinet
Finance and Administration
Human Services

Foreign Affairs, Defence and Trade

Foreign Affairs and Trade
Defence (including Veterans' Affairs)

Legal and Constitutional

Attorney-General
Immigration and Multicultural Affairs

Rural and Regional Affairs and Transport

Transport and Regional Services
Agriculture, Fisheries and Forestry.

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

- (a) notes the final report of the Commission for Reception, Truth and Reconciliation in East Timor, which:
 - (i) provides a comprehensive analysis of Indonesia's occupation of East Timor and the effect of this occupation on the Timorese people,
 - (ii) reinforces the right of the people of Timor-Leste to self-determination and challenges the role of the Australian Government in delaying the recognition of that right,
 - (iii) records the unlawful killings, enforced disappearances, forced displacement, detention, starvation and torture of the Timorese by Indonesian forces,

- (iv) calls for reparations from Indonesia and other members of the international community such as Australia, ‘who looked the other way’ and thus ‘bear a portion of responsibility’ for the atrocities committed, and
 - (v) was delivered to the United Nations by Xanana Gusmao, the President of Timor-Leste on 20 January 2006; and
- (b) calls on the Australian Government to:
- (i) acknowledge its role in denying the people of Timor-Leste their right to self-determination and prolonging their suffering at the hands of Indonesian forces,
 - (ii) offer reparations to the Government of Timor-Leste in accordance with the recommendations made in the report,
 - (iii) encourage the Indonesian Government to ensure the delivery of reparations to the people of Timor-Leste, and
 - (iv) recognise the importance of reparations in assisting Timor-Leste to heal the wounds of occupation and rebuild a stable, democratic and well-functioning civil society. (*general business notice of motion no. 371*)

13 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2006, from 9.30 am to 11 am, to take evidence for the committee’s inquiry into the provisions of the Future Fund Bill 2005.

Question put and passed.

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2006

The Chair of the Selection of Bills Committee (Senator Ferris) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2006

1. The committee met in private session on Tuesday, 7 February 2006 at 4.19 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Aged Care (Bond Security) Bill 2005, the Aged Care (Bond Security) Levy Bill 2005 and the Aged Care Amendment (2005 Measures No. 1) Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 27 March 2006;
 - (b) the *provisions* of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 27 March 2006; and
 - (c) the *provisions* of the Family Law Amendment (Shared Parental Responsibility) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 27 March 2006.

3. The committee resolved to recommend—That the following bills *not* be referred to committees:

Bankruptcy Legislation Amendment (Anti-avoidance) Bill 2005
 Financial Framework Legislation Amendment Bill (No. 2) 2005
 Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Bill 2005 [2006]
 Jurisdiction of Courts (Family Law) Bill 2005 [2006]
 Jurisdiction of the Federal Magistrates Court Legislation Amendment Bill 2005 [2006]
 Ministers of State Amendment Bill 2005
 Tax Laws Amendment (2005 Measures No. 6) Bill 2005.

The committee recommends accordingly.

4. The committee *deferred* consideration of the following bill to the next meeting:

Bill deferred from meeting of 7 December 2005
 OHS and SRC Legislation Amendment Bill 2005.

Jeannie Ferris
 Chair
 8 February 2006.

Senator Ferris moved—That the report be adopted.

Question put and passed.

15 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for 9 February 2006, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 27 February 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault of children in Australia, postponed till 9 February 2006.

16 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ATTENDANCE OF WITNESS

Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 365—That the Senate directs that the Chief Executive Officer of Telstra, Mr Sol Trujillo, appear and give evidence in relation to his administration of Telstra, at the estimates hearing of the Environment, Communications, Information Technology and the Arts Legislation Committee, at a time specified by the committee.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 38

Senators—

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

Question negatived.

17 SCIENCE AND TECHNOLOGY—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION—SHEEP STUDY—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 360—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.

Question put and negatived.

18 ADMINISTRATION—GOVERNMENT APPOINTMENTS

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 358—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.

Question put and negatived.

19 FOREIGN AFFAIRS—WEST PAPUA

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 367—That the Senate—

(a) notes:

- (i) that elections for regional government in West Papua have again been delayed by the Indonesian Government,
- (ii) reports of increasing human rights violations by the Indonesian military and militias in West Papua,
- (iii) the recent arrival of 43 asylum seekers in Australia seeking refuge from persecution in West Papua, and
- (iv) the renewal of joint training and cooperation between the Australian Defence Forces and the Indonesian Kopassus special forces; and

- (b) calls on the Australian Government to:
- (i) suspend joint training and cooperation with the Indonesian special forces until a thorough and independent investigation of their involvement in human rights abuses in West Papua has concluded,
 - (ii) not sign on to any agreement between Australia and Indonesia that requires Australia to recognise Indonesian sovereignty over West Papua and remain silent about human rights abuses that occur in West Papua at the hands of the Indonesian military and militias,
 - (iii) work towards restoring human rights to the West Papuans,
 - (iv) facilitate a meeting between the Indonesian Government and the West Papuan independence movement, and
 - (v) respect the rights of the West Papuans to determine their own future.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 46

Senators—

Adams	Ferris (Teller)	Lightfoot	Patterson
Brandis	Fielding	Ludwig	Polley
Brown, Carol	Fierravanti-Wells	Lundy	Ronaldson
Calvert	Fifield	Macdonald, Ian	Santoro
Campbell, George	Forshaw	Marshall	Sherry
Carr	Heffernan	McEwen	Sterle
Colbeck	Hogg	McGauran	Trood
Conroy	Humphries	McLucas	Webber
Crossin	Hurley	Moore	Wong
Ellison	Hutchins	Nash	Wortley
Faulkner	Johnston	O'Brien	
Ferguson	Kirk	Parry	

Question negatived.

**20 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
LEAVE TO MEET DURING SITTING**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 363—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a meeting during the sitting of the Senate on Wednesday, 8 February 2006, from 4.30 pm, to be briefed by a panel of experts in relation to the committee's inquiry into water policy initiatives.

Question put and passed.

21 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE 2005-06—DOCUMENTS

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

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2006 [Appropriation Bill (No. 3) 2005-2006].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2006 [Appropriation Bill (No. 4) 2005-2006].

Statement of savings expected in annual appropriations made by Act No. 72 of 2005 (*Appropriation Act (No. 1) 2005-2006*) and Act No. 73 of 2005 (*Appropriation Act (No. 2) 2005-2006*).

Senator Ellison, by leave, moved—That—

- (a) the documents, together with the final budget outcome 2004-05 (*see entry no. 29, 5 October 2005*) and the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2005 (*see entry no. 2, 7 February 2006*), be referred to legislation committees for examination and report; and
- (b) consideration of the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2005 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the additional estimates.

Question put and passed.

22 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2005-06—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS

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

Estimates of proposed additional expenditure for 2005-06—Portfolio additional estimates statements—Portfolios and executive departments—

Agriculture, Fisheries and Forestry portfolio.

Attorney-General's portfolio.

Communications, Information Technology and the Arts portfolio.

Defence portfolio.

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

Environment and Heritage portfolio.

Families, Community Services and Indigenous Affairs portfolio.

Finance and Administration portfolio.

Foreign Affairs and Trade portfolio.

Health and Ageing portfolio.

Human Services.

Immigration and Multicultural Affairs portfolio.

Industry, Tourism and Resources portfolio.

Prime Minister and Cabinet portfolio.

Transport and Regional Services portfolio.

Treasury portfolio.

Veterans' Affairs.

23 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 1 OF 2006

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 1 of 2006, dated 8 February 2006.

24 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06

Senator Ferris, at the request of the Chair of the Community Affairs Legislation Committee (Senator Humphries), tabled additional information received by the committee (Budget estimates 2005-06—Volume 5—Family and Community Services portfolio).

25 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06

Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following additional information received by the committee:

Environment, Communications, Information Technology and the Arts Legislation Committee—

Budget estimates 2005-06—Communications, Information Technology and the Arts portfolio—

Volume 1 (Indexes of questions on notice).

Volume 5 (Sports).

Budget estimates 2005-06 (Supplementary)—Environment and Heritage portfolio—volume 2.

26 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—REPORT—ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005 [2006]

Pursuant to order, Senator Ferris, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts Legislation Committee—Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005—Report, dated February 2006 and submissions [7].

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

27 SCIENCE AND TECHNOLOGY—GENETICALLY-MODIFIED FOODS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the order of the Senate of 7 February 2006 for the production of raw data submitted to Food Standards Australia New Zealand (FSANZ) for all applications for genetically-modified foods and, pursuant to that order, tabled the following documents:

Science and Technology—Genetically-modified foods—Copies of—

Amended final report, 'An acute oral toxicity study in mice with E. coli produced Cry3Bb1.11098 (Q349R) protein', 2001.

Applications to Australia New Zealand Food Authority—

Amend the Australian Food Standard Code, to include all food products and food ingredients derived from a genetically modified, insect tolerant maize, referred to as ‘Bt-11 maize’, dated April 1999 [3 vols].

Inclusion of corn containing the YIELDGARD gene by Monsanto in Standard A18 – Food derived from gene technology—Supporting information to initial submission dated 7 August 1997, dated 23 April 1999 [6 vols].

Variation to the Food Standard – A18 to include canola varieties (InVigor and LibertyLink) with tolerance to glufosinate-ammonium, dated March 1999 [3 vols].

28 DOCUMENTS

The following documents were tabled by the Clerk:

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

Appropriation Act (No. 3) 2003-2004—Determination to Reduce Appropriation Upon Request—Determination No. 2 of 2005-2006 [F2006L00327].*

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA EX04/06—Exemption – use of mobile phones and PDAs when loading fuel [F2006L00325]*.

CASA 14/06—Permission and direction – helicopter special operations [F2006L00334]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/F2000/2—Third Crewmember Oxygen Mask Box [F2006L00322]*.

AD/S-PUMA/64—CPI 503 Emergency Locator Transmitter [F2006L00324]*.

Class Ruling CR 2006/3.

Customs Act—Tariff Concession Order 0515414 [F2006L00295]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2005/54—Post indexes – implementation of price review.

2005/55—Overseas conditions of service – household help.

2005/56—Housing assistance – amendment.

2005/57—Overseas conditions of service – travel costs.

2005/58—Remote location leave and travel.

2005/59—Housing assistance – amendment.

2006/1—Disturbance and vehicle allowances – amendment.

2006/2—Overseas conditions of service – post indexes.

2006/3—Maternity leave – amendment.

2006/4—Overseas conditions of service – benchmark schools in Singapore and Vanuatu.

2006/5—Army completion bonus scheme – intelligence categories.

Federal Magistrates Act—Select Legislative Instrument 2006 No. 1—Federal Magistrates Court (Bankruptcy) Rules 2006 [F2006L00313]*.

Higher Education Support Act—Funding agreements, dated—

- 7 November 2005—
 - Murdoch University.
 - University of Wollongong.
- 8 November 2005—
 - Australian Maritime College
 - University of Canberra.
- 11 November 2005—
 - Australian Catholic University.
 - Swinburne University of Technology.
 - The University of Queensland.
- 14 November 2005—The University of Adelaide.
- 15 November 2005—
 - Curtin University of Technology.
 - University of Western Sydney.
- 21 November 2005—
 - Southern Cross University.
 - The University of New England.
- 25 November 2005—James Cook University.
- 29 November 2005—
 - Batchelor Institute of Indigenous Tertiary Education.
 - The University of New South Wales.
- 2 December 2005—
 - Charles Sturt University.
 - Edith Cowan University.
 - The University of Sydney.
 - Victoria University.
- 5 December 2005—La Trobe University.
- 8 December 2005—
 - The Flinders University of South Australia.
 - Monash University.
 - University of Ballarat.
 - University of Technology, Sydney.
- 12 December 2005—
 - University of South Australia.
 - University of Tasmania.
 - The University of Western Australia.
- 13 December 2005—Tabor College.
- 14 December 2005—
 - The Australian National University.
 - Christian Heritage College.
- 15 December 2005—
 - Macquarie University.
 - Royal Melbourne Institute of Technology University.
- 16 December 2005—
 - Avondale College.
 - Central Queensland University.
- 19 December 2005—The University of Newcastle.
- 21 December 2005—The University of Notre Dame Australia.

4 January 2006—Charles Darwin University.

6 January 2006—Deakin University.

20 January 2006—The University of Melbourne.

Judiciary Act—Legal Services Directions 2005 [F2006L00320]*.

Life Insurance Act—Life Insurance (prudential rules) determination No. 1 of 2006—Prudential Rules No. 26 – Collection of Statistics [F2006L00311]*.

National Health Act—Determinations—

HIB 03/2006 [F2006L00331]*.

HIB 04/2006 [F2006L00332]*.

Privacy Act—Revocation of the General Insurance Information Privacy Code, dated 31 January 2006 [F2006L00321]*.

Product Ruling—Addendum—PR 2004/32.

* Explanatory statement tabled with legislative instrument.

29 JOINT COMMITTEES—CHANGES IN MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 272, dated 7 February 2006—

Electoral Matters—Joint Standing Committee—Mr Lindsay in place of Mr ADH Smith

Public Accounts and Audit—Joint Statutory Committee—Mr ADH Smith in place of Mr Baldwin.

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

Allotment of time: The Leader of the Australian Democrats (Senator Allison), also on behalf of Senators Moore, Nash and Troeth, by leave, moved—

- (1) That the time allotted for the remaining stages of the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 be as follows:

Second reading	commencing immediately to 11 pm today; and from not later than 10 am to 1 pm on Thursday, 9 February 2006
Committee of the whole	from not later than 3.45 pm to 4.25 pm on Thursday, 9 February 2006
Third reading	from not later than 4.25 pm to 4.45 pm on Thursday, 9 February 2006.

- (2) That this order operate as an allocation of time under standing order 142.

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

Order of the day read for the adjourned debate on the motion of Senators Nash, Troeth, Allison and Moore—That this bill be now read a second time.

Debate resumed.

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

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—Petitioning document from 7 677 signatories relating to ministerial restrictions on the drug RU486 and other similar drugs.

Debate continued.

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

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005—Petitioning document from 7 677 signatories relating to ministerial restrictions on the drug RU486 and other similar drugs.

Debate continued.

At 11 pm: Debate was interrupted.

31 ADJOURNMENT

Pursuant to order, the Senate adjourned at 11 pm till Thursday, 9 February 2006 at 9.30 am.

32 ATTENDANCE

Present, all senators except Senator Kemp (on leave).

HARRY EVANS
Clerk of the Senate