

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 72

MONDAY, 27 FEBRUARY 2006

Contents

1	Meeting of Senate	1867
2	Divisions on Thursdays—Temporary Order	1867
3	Energy Efficiency Opportunities Bill 2005	1867
4	Questions	1877
5	Family and Community Services—Aged Care—Answers to Questions	1877
6	Immigration—Australian Values—Answer to Question	1877
7	Petitions	1877
8	Notices	1878
9	Legal and Constitutional References Committee—Extension of Time to Report	1880
10	Order of Business—Rearrangement	1880
11	Leave of Absence	1880
12	Postponements	1881
13	Parliament—Parliament Drive—Bollards	1881
14	Urgency Motion—Communications—Telstra	1881
15	Employment, Workplace Relations and Education Legislation Committee— Additional Information—Budget Estimates 2005-06	1882
16	Government Documents	1882
17	Auditor-General—Audit Report No. 29 of 2005-06—Document	1882
18	Science and Technology—Genetically-modified Foods—Order for Production of Documents—Documents	1882
19	Law and Justice—Illegal Foreign Fishing—Document	1882
20	Commonwealth Conference of Speakers and Presiding Officers—Document ..	1883
21	Privileges—Standing Committee—126th Report	1883
22	Senators' Interests—Standing Committee—Annual report	1883
23	Community Affairs Legislation Committee—Additional Information— Budget Estimates 2005-06	1883
24	Public Works—Joint Statutory Committee—1st, 2nd and 3rd Reports of 2006	1883
25	Treaties—Joint Statutory Committee—71st Report	1884

26	Australian Parliamentary Delegation to Palau and the Federated States of Micronesia—Document.....	1884
27	Documents.....	1884
28	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document.....	1892
29	Departmental and Agency Contracts—Order for Production of Documents—Documents.....	1892
30	Committees—Changes in Membership.....	1893
31	Student Assistance Legislation Amendment Bill 2005 Financial Framework Legislation Amendment Bill (No. 2) 2005 Appropriation Bill (No. 3) 2005-2006 Appropriation Bill (No. 4) 2005-2006.....	1893
32	Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2006 Defence (Road Transport Legislation Exemption) Bill 2005 [2006] Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 [2006]	1894
33	Foreign Affairs, Defence and Trade—Joint Standing Committee—Change in Membership.....	1894
34	Notice of Motion Withdrawn.....	1894
35	Legal and Constitutional Legislation Committee—Report—Australian Citizenship Bill 2005 and Australian Citizenship (Transitionals and Consequential) Bill 2005	1894
36	Census Information Legislation Amendment Bill 2005	1894
37	Trade Practices Amendment (Personal Injuries and Death) Bill 2004	1895
38	Offshore Petroleum Bill 2005 Offshore Petroleum (Annual Fees) Bill 2005 Offshore Petroleum (Registration Fees) Bill 2005 Offshore Petroleum (Repeals and Consequential Amendments) Bill 2005 Offshore Petroleum (Royalty) Bill 2005 Offshore Petroleum (Safety Levies) Amendment Bill 2005.....	1896
39	Economics Legislation Committee—Report—Future Fund Bill 2005	1897
40	Adjournment	1897
41	Attendance.....	1897

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 DIVISIONS ON THURSDAYS—TEMPORARY ORDER

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—That the following operate as a temporary order until 30 June 2006:

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

Debate ensued.

Question put and passed.

3 ENERGY EFFICIENCY OPPORTUNITIES BILL 2005

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

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Milne:

Clause 3, page 2 (lines 4 to 17), omit the clause, substitute:

3 Object

- (1) The objects of this Act are to:
 - (a) facilitate the establishment of a national energy efficiency target; and
 - (b) promote the identification and implementation of measures to reduce energy consumption through energy efficiency.
- (2) In order to achieve its objects, this Act:
 - (a) requires the Minister to establish a taskforce of experts to report on the implementation of a national energy efficiency target; and
 - (b) requires corporations to undertake an assessment of their energy efficiency opportunities to a minimum standard in order to improve the way in which those opportunities are identified and evaluated; and
 - (c) requires corporations to publicly report on the outcomes of that assessment in order to demonstrate to the community that those businesses are effectively managing their energy; and
 - (d) requires corporations to implement identified energy efficiency measures contained in their energy assessment; and
 - (e) establishes an Energy Savings Fund.

Page 15 (after line 24), after Part 6, insert:

Part 6A—Implementation of identified energy efficiency measures**20A Requirement to implement identified energy efficiency measures**

- (1) A registered corporation required to lodge an assessment plan in accordance with Part 5 must identify as part of the plan a program of energy saving capital improvements (the *energy audit*) which have a payback period specified in subsection (5).
- (2) A portion of the saving identified in the energy audit required by subsection (1) must be made within three years from the commencement of this Act.
- (3) The regulations shall include provision for a registered corporation to delay the implementation of an energy audit lodged under subsection (1) if the registered corporation provides satisfactory evidence of an intention to implement the energy audit.
- (4) A registered corporation must provide an annual summary of the implementation of the energy audit of the previous year and a summary of the proposed implementation of the energy audit for the following year for the register to be maintained by the Secretary in accordance with section 12.
- (5) The regulations must set a sliding scale to progressively lower the duration of the energy payback period from not more than two years in the financial years 2006-2007 and 2007-2008 to not more than four years by the financial years 2010-2011 and 2011-2012.

Page 29 (after line 28), at the end of Part 8, add:

Division 7—Energy Efficiency Target Taskforce

38A Establishment of Energy Efficiency Target Taskforce

The Minister must before the expiration of 3 months after the commencement of this Act establish an Energy Efficiency Target Taskforce to inquire into and report on the establishment of a national energy efficiency target.

38B Membership

The Minister will appoint 4 members to the Energy Efficiency Target Taskforce with the following expertise:

- (a) one member representing industry;
- (b) one member representing conservation interests;
- (c) one member representing the Commonwealth who shall convene and chair the taskforce;
- (d) one member with expertise and qualifications in energy conservation.

38C Report of the Energy Efficiency Target Taskforce

- (1) The Taskforce is to report to the Minister within 18 months of the commencement of this Act.
- (2) The Minister must cause a copy of the report of the Taskforce to be tabled in each House of Parliament within 5 sitting days of receiving it.

Page 29 (after line 28), after Part 8, insert:

Part 8A—Energy Savings Fund

38D Establishment of Energy Savings Fund

The Energy Savings Fund is established by this section.

38E Purposes of Energy Savings Fund

- (1) The purposes of the Energy Savings Fund (the *Fund*) are to provide funding:
 - (a) to encourage energy savings; and
 - (b) to address peak demand for energy; and
 - (c) to stimulate investment in innovative energy savings measures; and
 - (d) to increase public awareness and acceptance of the importance of energy savings measures; and
 - (e) to encourage cost effective energy savings measures that reduce greenhouse gas emissions arising from the use of energy.
- (2) It is not a purpose of the Fund to provide funding for investment in low emission power generation, or any other kind of power generation, where the primary purpose of the generation is to generate energy for sale into the power grid.

38F Payments into Energy Savings Fund

There is payable into the Fund:

- (a) all money received from contributions required to be made to the Fund under section 38H; and
- (b) all money appropriated by Parliament for the purposes of the Fund; and
- (c) the proceeds of the investment of money in the Fund.

38G Payments out of Energy Savings Fund

- (1) There is payable from the Energy Savings Fund any money:
 - (a) approved by the Minister to fund all or any part of the cost of any energy savings measure that the Minister is satisfied promotes a purpose referred to in subsection 38E(1); and
 - (b) approved by the Minister to fund all or any part of the contributions that the Commonwealth is required to make for the purposes of national energy regulation; and
 - (c) required to meet administrative expenses related to the Fund; and
 - (d) required to meet administrative expenses of the Minister in connection with the Minister's functions under this Act.
- (2) In exercising the Minister's functions under paragraph (1)(a) (but without limiting the generality of that paragraph), the Minister may:
 - (a) approve selection criteria from time to time to be applied to determine the kinds of energy savings measures that will be eligible for funding from the Fund; and
 - (b) require a person or body seeking funding for an energy savings measure to do either or both of the following as a precondition to applying for or obtaining funding:
 - (i) to submit an energy savings action plan that includes details about the measure;
 - (ii) to provide any other information requested by the Minister about the measure; and

- (c) obtain and have regard to any advice, recommendations or other information provided to the Minister by a committee appointed by the Minister, or by any other person or body that the Minister considers relevant.

38H Minister may require registered corporations to make contributions

- (1) The Minister may by regulation require registered corporations to make an annual contribution for a specified financial year to the Fund.
- (2) A regulation made for the purposes of subsection (1):
 - (a) must specify the annual contributions payable by each registered corporation to which it applies (being an amount that does not exceed the maximum amount, if any, prescribed by the regulations); and
 - (b) may specify that an annual contribution may be paid by instalments during the financial year to which the regulation applies; and
 - (c) must specify the time or, in the case of an annual contribution that is payable by instalments, the times at which any contribution required under the regulation is to be made; and
 - (d) may be made before or within the first 3 months of the financial year to which it relates.

Debate resumed.

Senator Milne, by leave, moved the following amendment:

Clause 4, page 2 (after line 8), after the definition of *monitoring warrant*, insert:

payback period means the period of time it takes to recoup the cost of the initial capital outlay of an energy saving project.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 7

Senators—

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

NOES, 51

Senators—

Adams	Fielding	Macdonald, Ian	Ray
Barnett	Fierravanti-Wells	Macdonald, Sandy	Ronaldson
Brandis	Fifield	Marshall	Santoro
Brown, Carol	Forshaw	Mason	Scullion (Teller)
Campbell, George	Hill	McEwen	Sherry
Campbell, Ian	Hogg	McLucas	Stephens
Carr	Humphries	Moore	Sterle
Chapman	Hutchins	Nash	Troeth
Colbeck	Johnston	O'Brien	Trood
Crossin	Joyce	Parry	Watson
Eggleston	Kirk	Patterson	Webber
Ellison	Ludwig	Payne	Wortley
Faulkner	Lundy	Polley	

Question negatived.

On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) the following amendments, taken together by leave, were agreed to:

Clause 8, page 4 (lines 19 to 23), omit subclauses (1) and (2), substitute:

- (1) A controlling corporation's **group** consists of the following entities:
 - (a) the controlling corporation;
 - (b) the controlling corporation's subsidiaries covered by subsections (3) and (4) (if any);
 - (c) the joint ventures covered by subsection (5) (if any);
 - (d) the partnerships covered by subsection (6) (if any).

- (2) The **members** of the group are the entities mentioned in subsection (1).

Clause 8, page 5 (after line 10), at the end of the clause, add:

- (5) A joint venture is covered by this subsection if a member of the group (other than a joint venture or partnership) is a participant in the joint venture and the participants in the joint venture have either:
 - (a) nominated that member as the responsible entity for the joint venture in accordance with regulations made for the purposes of subsection (7); or
 - (b) not nominated an entity as the responsible entity for the joint venture in accordance with those regulations.
- (6) A partnership is covered by this subsection if a member of the group (other than a joint venture or partnership) is a partner in the partnership and the partners in the partnership have either:
 - (a) nominated that member as the responsible entity for the partnership in accordance with regulations made for the purposes of subsection (7); or
 - (b) not nominated an entity as the responsible entity for the partnership in accordance with those regulations.
- (7) The regulations may establish rules under which:
 - (a) participants in a joint venture may make, and revoke, nominations for the purposes of subsection (5); and
 - (b) partners in a partnership may make, and revoke, nominations for the purposes of subsection (6).

Clause 9, page 6 (line 8), omit "Note", substitute "Note 1".

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

Note 2: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 9, page 6 (lines 19 to 22), omit subclause (5), substitute:

- (5) The application must:
 - (a) identify the controlling corporation; and
 - (b) contain any other information required by the regulations; and
 - (c) be in the form (if any) specified in the regulations.
- (5A) Regulations made for the purposes of paragraph (5)(b) may only require the following information:
 - (a) information that is reasonably necessary for assessing applications made under this section;

- (b) information that would be required by subsection 12(4) to be entered on the Register if the controlling corporation were registered under Part 4.

Clause 10, page 6 (line 26) to page 7 (line 15), omit subclauses (1) and (2), substitute:

- (1) A controlling corporation's group meets the **energy use threshold** for a financial year if in that year the total energy used by the entities that are members of the group is more than 0.5 petajoules.

Clause 10, page 7 (lines 30 to 34), omit subclause (6).

Clause 11, page 8 (after line 11), at the end of subclause (2), add:

Note: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 11, page 8 (lines 14 to 17), omit subclause (4), substitute:

- (4) The application must:
 - (a) contain information required by the regulations; and
 - (b) be in the form (if any) specified in the regulations.
- (4A) Regulations made for the purposes of paragraph (4)(a) may only require information that is reasonably necessary for assessing applications made under this section.

Clause 12, page 9 (before line 5), before subclause (1), insert:

- (1A) The object of this section is to encourage compliance with this Act by providing for a register containing information about corporations registered under this Part and their compliance with this Act.

Clause 12, page 9 (line 9), after "contents of", insert "part or all of".

Clause 12, page 9 (after line 15), after subclause (4), insert:

- (4A) Regulations made for the purposes of paragraph (4)(b) may only require information that is reasonably necessary to further the object of this section.

Clause 14, page 9 (after line 26), at the end of subclause (1), add:

Note: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 14, page 9 (line 27) to page 10 (line 2), omit subclause (2), substitute:

- (2) The application must:
 - (a) contain information required by the regulations; and
 - (b) be in the form (if any) specified in the regulations.
- (2A) Regulations made for the purposes of paragraph (2)(a) may only require information that is reasonably necessary for assessing applications made under this section.

Clause 15, page 11 (lines 8 and 9), omit the note, substitute:

Note: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 18, page 13 (lines 28 and 29), omit subclause (7), substitute:

- (7) The assessment plan must set out the manner in which the controlling corporation intends to comply with subsection 22(1).
- (7A) Without limiting the scope of subsection (7), the assessment plan must set out:
 - (a) whether the controlling corporation intends to rely on section 22A in order to comply with its obligations under subsection 22(1); and
 - (b) if the controlling corporation intends to rely on section 22A in that way—the other members of the group that are intended to prepare a report in accordance with section 22A; and
 - (c) whether the controlling corporation intends to rely on section 22B in order to comply with its obligations under subsection 22(1); and
 - (d) if the controlling corporation intends to rely on section 22B in that way—the corporation that is intended to prepare a report in accordance with section 22B.

Clause 18, page 13 (line 30) to page 14 (line 7), omit subclause (8), substitute:

- (8) The regulations may:
 - (a) set out requirements for a proposal in relation to the following:
 - (i) the types of actions mentioned in subsection (4);
 - (ii) the deadlines for doing those actions;
 - (iii) matters that must be set out for the purposes of subsections (7) and (7A); and
 - (b) require particular information to be set out in the assessment plan.
- (9) Regulations made for the purposes of paragraph (8)(b) may only require information that:
 - (a) is reasonably necessary to assess the extent to which this Act achieves its objects; or
 - (b) is reasonably necessary for the administration of this Act.

Clause 19, page 14 (after line 11), at the end of subclause (1), add:

Note: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 20, page 15 (before line 7), before subclause (1), insert:

- (1A) The object of this section is to require registered corporations to undertake assessments of a kind mentioned in paragraph 3(2)(a).

Clause 20, page 15 (lines 7 to 11), omit subclauses (1) and (2), substitute:

- (1) A registered corporation must ensure the carrying out of the proposal in its approved assessment plan for assessing the opportunities for improving the energy efficiency of its group.
- (2) A registered corporation must ensure the carrying out of that proposal in accordance with requirements (if any) set out in the regulations.

Clause 20, page 15 (lines 19 and 20), omit paragraph (3)(d), substitute:

- (d) any other matter reasonably necessary to further the object of this section.

Clause 22, page 16 (before line 12), before subclause (1), insert:

- (1A) The object of this section is to create public reporting requirements of a kind mentioned in paragraph 3(2)(b).

Clause 22, page 16 (after line 27), after subclause (3), insert:

- (3A) Regulations made for the purposes of paragraph (3)(d) may only require information that is reasonably necessary to further the object of this section.

Clause 22, page 16 (lines 30 and 31), omit paragraph (4)(b), substitute:

- (b) be signed by a person who is the chair of the board of directors, the chief executive officer, the managing director, or an equivalent officer, of the registered corporation; and
- (c) include a statement by that person that the board of directors of the registered corporation has reviewed and noted the report.

Clause 22, page 17 (after line 3), at the end of the clause, add:

- (6) Despite subsection (5), the report need not be made available to the public at a time if, within the period of 12 months ending at that time, the registered corporation had made another report under this section available to the public.

Page 17 (after line 3), after clause 22, insert:

22A Public reporting—decentralised reporting

- (1) The registered corporation is taken to comply with subsection 22(1) in relation to a period mentioned in subsection 22(2) if:
 - (a) the registered corporation's approved assessment plan sets out, in accordance with paragraph 18(7A)(a), its intention to rely on this section in order to comply with its obligations under subsection 22(1); and
 - (b) the registered corporation prepares a report that describes the way in which only part of the proposal mentioned in paragraph 22(3)(a) was carried out during the period; and
 - (c) one or more other members of the group prepared a report or reports describing the way in which the remaining part or parts of the proposal were carried out during the period; and
 - (d) each report mentioned in paragraphs (b) and (c):
 - (i) meets the requirements in subsection 22(3) for the part or parts of the proposal to which the report relates; and
 - (ii) meets the requirements in subsection 22(4); and
 - (iii) has been made available to the public in accordance with subsection 22(5).

- (2) For the purposes of applying subsection (1) in relation to a report prepared by a member of the group other than the registered corporation:
 - (a) treat references in subsections 22(3) and (4) to the corporation, or the registered corporation, as references to the member of the group that prepared the report; and
 - (b) treat references in subsection 22(3) to the proposal in the approved assessment plan of the registered corporation as references to the part or parts of that proposal to which the report relates.

Page 17 (after line 3), after clause 22, insert:

22B Public reporting—reporting by manager of joint venture

- (1) Subsection (2) applies if:
 - (a) a joint venture is a member of the registered corporation's group; and
 - (b) the participants in the joint venture have nominated a member of the group (the *responsible entity*) as the responsible entity for the joint venture for the purposes of subsection 8(5); and
 - (c) a corporation (the *operator*) operates or manages the joint venture; and
 - (d) the registered corporation's approved assessment plan sets out, in accordance with paragraph 18(7A)(c), its intention to rely on this section in order to comply with its obligations under subsection 22(1); and
 - (e) the operator prepares a report that describes the way in which the part of the proposal mentioned in paragraph 22(3)(a) relating to the joint venture was carried out during the period; and
 - (f) the report is signed by the chief executive officer of the operator; and
 - (g) the report includes a statement by the chief executive officer of the operator that the board of directors of the responsible entity has reviewed and noted the report.
- (2) If this subsection applies:
 - (a) subsection 22A(1) applies in relation to the report prepared by the operator as if the operator were a member of the group; and
 - (b) for the purposes of applying subsection 22A(1) in relation to the report prepared by the operator:
 - (i) treat the reference in subsection 22(3) to the corporation as a reference to the operator; and
 - (ii) treat references in subsection 22(3) to the proposal in the approved assessment plan of the registered corporation as references to the part or parts of that proposal to which the report relates; and
 - (iii) disregard paragraphs 22(4)(b) and (c).

Clause 23, page 17 (lines 12 and 13), omit note 2, substitute:

Note 2: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 23, page 17 (after line 18), after subclause (3), insert:

- (3A) Regulations made for the purposes of paragraph (3)(b) may only require information that is reasonably necessary to:
- (a) administer this Act; or
 - (b) assess the extent to which this Act achieves its objects; or
 - (c) assess the benefits and costs of complying with this Act.

Clause 23, page 17 (after line 22), at the end of the clause, add:

- (6) Despite subsection (5), the report need not be given to the Secretary at a time if, within the period of 12 months ending at that time, the registered corporation had given the Secretary another report under this section.

Clause 25, page 19 (after line 11), at the end of subclause (2), add:

Note: Section 70 of the *Crimes Act 1914* creates an offence where Commonwealth officers (including persons performing services for or on behalf of the Commonwealth) disclose information in breach of a duty of confidentiality.

Clause 29, page 22 (line 32), omit the penalty, substitute:

Penalty: 10 penalty units.

Senator Milne moved the following amendments together by leave:

Heading to Part 3, page 6 (line 2), at the end of the heading, add “**energy use threshold**”.

Clause 10, page 6 (lines 26 to 28), omit subclause (1), substitute:

- (1) The **energy use threshold** will be prescribed by the regulations.
- (1A) The regulations must set a sliding scale for the energy use threshold of a minimum of 0.5 petajoules for a controlling corporation’s group for each financial year commencing in the 2006-2007 financial year reducing annually to a minimum of 0.2 petajoules for a controlling corporation’s group by the financial year 2011-2012.
- (1B) A controlling corporation’s group meets the energy use threshold for a financial year if in that year the total energy used by the controlling corporation’s group is more than the energy use threshold nominated for the relevant financial year as prescribed by subsection (1A).

Debate ensued.

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

Senator Milne moved the following amendment:

Page 30 (after line 26), at the end of Part 9, add:

42 Review of operation of Act

- (1) The Minister must cause an independent review of the operation of this Act to be undertaken as soon as possible after the fifth anniversary of the commencement of this Act.

- (2) The person who undertakes the review must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of Parliament within 12 months after the fifth anniversary of the commencement of this Act.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

At 2 pm—

4 QUESTIONS

Questions without notice were answered.

5 FAMILY AND COMMUNITY SERVICES—AGED CARE—ANSWERS TO QUESTIONS

Senator McLucas moved—That the Senate take note of the answers given by the Minister for Ageing (Senator Santoro) to questions without notice asked by Senators McLucas and Forshaw today relating to aged care.

Debate ensued.

Question put and passed.

6 IMMIGRATION—AUSTRALIAN VALUES—ANSWER TO QUESTION

The Leader of the Australian Democrats (Senator Allison) moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Allison today relating to comments made by the Prime Minister (Mr Howard) and the Treasurer (Mr Costello) concerning Australian values.

Question put and passed.

7 PETITIONS

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

Senator Stott Despoja, from 50 petitioners, requesting that the Senate take action to ensure that Austudy recipients are eligible for rent assistance.

Senator Webber, from 56 petitioners, requesting that the Senate take action to ensure that the proposed changes to industrial relations will not adversely affect Australian employees.

8 NOTICES

Notices of motion:

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes the call by the Treasurer (Mr Costello) for people applying for Australian citizenship who do not ‘share certain beliefs’ to be refused citizenship, and those Australians holding dual citizenship who do not ‘share certain beliefs’ to be stripped of their Australian citizenship; and
- (b) calls on the Treasurer to outline how that non-sharing is defined and how this could be framed in law. (*general business notice of motion no. 374*)

The Chair of the Community Affairs Legislation Committee (Senator Humphries): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 2 March 2006, from 3.30 pm to 7.30 pm, to take evidence for the committee’s inquiry into the provisions of the Aged Care (Bond Security) Bill 2005 and related bills. (*general business notice of motion no. 375*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on water policy initiatives be extended to the last sitting day in 2006. (*general business notice of motion no. 376*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 1 March 2006, from 4.30 pm to 6.30 pm, to take evidence for the committee’s inquiry into the administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak. (*general business notice of motion no. 377*)

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

- (a) recognises that:
 - (i) smoking continues to be a major cause of death and disability in Australia,
 - (ii) more than 25 per cent of adolescents aged 12 to 17 in Australia in 2004 smoked cigarettes at least weekly, and
 - (iii) research estimates that an adolescent who starts smoking today will smoke for a minimum of 16 years if male and 20 years if female;
- (b) notes that the tobacco industry depends on its ability to attract young people to use its products in order to encourage them to become addicted;
- (c) concurs with the Action on Smoking and Health Australia campaign that is calling on supermarkets to follow the lead of Coles in Tasmania by reducing its tobacco display to small rows of plain brand names and prices; and
- (d) calls on the Federal Government and state and territory governments to protect the health of Australian children and young people by requiring that:
 - (i) smoking-tobacco products are kept out of sight in all retail outlets,
 - (ii) quit smoking messages are placed at all points of retail for tobacco products, and

- (iii) tobacco sales through vending machines are banned. (*general business notice of motion no. 378*)

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

- (a) notes:
 - (i) that the International Atomic Energy Agency's board of governors will meet on 6 March 2006 to consider the resumption of aspects of Iran's nuclear program,
 - (ii) the recent media reports that suggest the United States of America (US) and Israel are considering a military strike on Iran, and
 - (iii) the recent report by the Oxford Research Group that found that as many as 10 000 people could die in such an attack; and
- (b) calls on the Government to:
 - (i) support diplomatic initiatives to prevent Iran from pursuing nuclear weapons,
 - (ii) encourage all parties to the Nuclear Non-Proliferation Treaty to pursue its requirements for nuclear disarmament, and
 - (iii) rule out Australian support for a military strike on Iran by the US or Israel. (*general business notice of motion no. 379*)

Senator Hurley: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report:

- (a) all actions carried out by the Government for assisting refugee and special humanitarian visa holders in their country of departure and managing the transition of refugees and humanitarian entrants from their country of departure to their settlement in Australia;
- (b) the processes used by the Department of Immigration and Multicultural Affairs to handle the migration of the family of Mr Richard Niyonsaba to Australia and the circumstances surrounding his death after arrival in Australia; and
- (c) recommendations for improvement in the processes for assisting refugees and humanitarian entrants in order to protect the health, safety and welfare of all future new arrivals to Australia.

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

- (a) notes:
 - (i) that on 23 February 2006 the Northern Territory Minister for Natural Resources, the Environment and Heritage, Ms Marian Scrymgour, recommended against the proposed expansion of the McArthur River mine proposed by Xstrata Plc.,
 - (ii) the potential impact on the environment, tourism and fisheries industries dependent on local ecosystems, should the mine be approved,
 - (iii) the strong opposition of local Indigenous communities to the contamination of traditional fishing grounds and living areas,
 - (iv) the impossibility of conducting open cut mining in a waterway without serious environmental consequences, and
 - (v) that Ms Scrymgour recommended against this proposal on the grounds that it failed to meet the tests of science or sustainability; and
- (b) commends Ms Scrymgour on this decision. (*general business notice of motion no. 380*)

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

(a) notes that:

- (i) India is not a signatory to the Nuclear Non-Proliferation Treaty,
- (ii) the President of the United States of America (US), George W Bush, will visit India in the week beginning 26 February 2006 to advance sales of US nuclear power technology to India, and
- (iii) the Prime Minister (Mr Howard) intends to visit India, where the Australian Government hopes to facilitate uranium export contracts; and

(b) calls on the Government to:

- (i) cease pressuring state and territory governments to permit the expansion of uranium mining, and
- (ii) cease activities that deliberately undermine the Nuclear Non-Proliferation Treaty. (*general business notice of motion no. 381*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 9 February 2006, withdrew business of the Senate notices of motion nos 1 and 2 standing in his name for 10 sitting days after today for the disallowance of the following instruments:

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*.

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*.

9 **LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Legal and Constitutional References Committee (Senator Crossin), by leave, moved—That the time for the presentation of the final report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 2 March 2006.

Question put and passed.

10 **ORDER OF BUSINESS—REARRANGEMENT**

Senator McGauran, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Brandis), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the Economics Legislation Committee on the provisions of the Future Fund Bill 2005, be postponed till a later hour.

Question put and passed.

11 **LEAVE OF ABSENCE**

Senator McGauran, by leave, moved—That leave of absence be granted to Senator Ferris for 27 February 2006, on account of parliamentary business overseas.

Question put and passed.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator O'Brien for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport References Committee, postponed till 28 February 2006.

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 27 March 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 2 March 2006.

General business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Discrimination against Women, postponed till 1 March 2006.

13 PARLIAMENT—PARLIAMENT DRIVE—BOLLARDS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 373—That the Senate directs that the use of the bollards in the slipway on the Senate side of Parliament Drive be restricted to periods of heightened security risk.

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

14 URGENCY MOTION—COMMUNICATIONS—TELSTRA

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Conroy advising that today he intended to move—That, in the opinion of the Senate, the following are matters of urgency:

- (a) Telstra's secret plans to remove at least 5 000 payphones throughout Australia, including nearly 1 300 phones in rural and regional Australia;
- (b) the revelations that under the current regulatory regime, Telstra would be able to remove approximately 25 000 of its 32 000 payphones;
- (c) the fact that the Minister was unaware of Telstra's plans before they were reported in the media;
- (d) Telstra's failure to reveal these plans under questioning on the issue during Senate estimates hearings; and
- (e) the fact that the Government's privatisation agenda is already resulting in telecommunications services throughout Australia being slashed.

The proposal was supported by 4 senators.

Senator Conroy moved the motion.

Debate ensued.

Question put and negatived.

**15 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION
COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06**

The Acting Deputy President (Senator Barnett) tabled the following document received on 9 February 2006:

Employment, Workplace Relations and Education Legislation Committee—Budget estimates 2005-06 (Supplementary)—Additional information received between 24 January and 9 February 2006—

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

16 GOVERNMENT DOCUMENTS

The Acting Deputy President (Senator Barnett) tabled the following documents received on the dates indicated:

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2005. [*Received 23 February 2006*]

Pooled Development Funds Registration Board—Report for 2004-05. [*Received 21 February 2006*]

17 AUDITOR-GENERAL—AUDIT REPORT NO. 29 OF 2005-06—DOCUMENT

The Acting Deputy President (Senator Barnett) tabled the following document received on 15 February 2006:

Auditor-General—Audit report no. 29 of 2005-06—Performance audit—Integrity of electronic customer records: Centrelink.

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

Pursuant to the order of the Senate of 7 February 2006, the Acting Deputy President (Senator Barnett) tabled the following documents received on 13 February 2006:

Science and Technology—Genetically-modified foods—Copy of application to Australia New Zealand Food Authority from Monsanto Australia Limited for the inclusion of corn containing the Cry3Bb1 gene by Monsanto in Standard 1.5.2 – Food derived from gene technology [5 vols].

19 LAW AND JUSTICE—ILLEGAL FOREIGN FISHING—DOCUMENT

The Acting Deputy President (Senator Barnett) tabled the following document:

Law and Justice—Illegal foreign fishing—Letter to the President of the Senate from the Speaker of the Legislative Assembly of the Northern Territory (Ms Aagaard) forwarding the text of a resolution, dated 17 February 2006.

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

Debate ensued.

Question put and passed.

20 COMMONWEALTH CONFERENCE OF SPEAKERS AND PRESIDING OFFICERS—DOCUMENT

The Acting Deputy President (Senator Barnett) tabled the following document:

Commonwealth Conference of Speakers and Presiding Officers, 18th, Nairobi, Kenya, 3 to 8 January 2006 and visit to the United Kingdom, 8 to 12 January 2006—Report by Senator the Honourable Paul Calvert, President of the Senate, dated February 2006.

21 PRIVILEGES—STANDING COMMITTEE—126TH REPORT

The Chair of the Standing Committee of Privileges (Senator Faulkner) tabled the following report:

Privileges—Standing Committee—126th report—Person referred to in the Senate (Professor Barbara Pocock), dated February 2006.

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

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

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

22 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT

The Chair of the Standing Committee of Senators' Interests (Senator Webber) tabled the following report:

Senators' Interests—Standing Committee—Report 1 of 2006: Annual report 2005, dated February 2006.

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

Statement by leave: Senator Webber, by leave, made a statement relating to the report.

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

Senator Patterson, 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—vols 6 and 7—Health and Ageing portfolio).

24 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST, 2ND AND 3RD REPORTS OF 2006

Senator Patterson, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

1st report of 2006—Proposed construction of Chancery, Phnom Penh, Cambodia, dated February 2006.

2nd report of 2006—Proposed construction of Chancery, Rangoon, Burma, dated February 2006.

3rd report of 2006—Proposed 171st Aviation Squadron relocation, Holsworthy Barracks, NSW, dated February 2006.

Senator Patterson, by leave, moved—That the Senate take note of the reports.

Question put and passed.

25 TREATIES—JOINT STATUTORY COMMITTEE—71ST REPORT

Senator Wortley, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Statutory Committee—71st report—Treaty tabled on 29 November 2005, dated February 2006.

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

Question put and passed.

26 AUSTRALIAN PARLIAMENTARY DELEGATION TO PALAU AND THE FEDERATED STATES OF MICRONESIA—DOCUMENT

Senator Patterson, by leave, tabled the following document:

Palau and the Federated States of Micronesia—Report of the Australian parliamentary delegation, 16 to 24 November 2005, dated February 2006.

27 DOCUMENTS

The following documents were tabled by the Clerk:

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

Anti-Personnel Mines Convention Act—Decision-Making Principles Governing the Retention of Anti-Personnel Mines by the Australian Defence Forces [F2006L00588]*.

Australian Capital Territory (Self-Government) Act—Select Legislative Instrument 2006 No. 39—Australian Capital Territory (Self-Government) Amendment Regulations 2006 (No. 1) [F2006L00453]*.

Australian Prudential Regulation Authority Act—

Australian Prudential Regulation Authority (confidentiality) determination No. 2 of 2006—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2006L00584]*.

Australian Prudential Regulation Authority instrument fixing charges No. 1 of 2006—Access to the NCPD by NCPD insurers during 2004-05 and 2005-06 [F2006L00530]*.

Aviation Transport Security Act—Select Legislative Instrument 2006 No. 40—Aviation Transport Security Amendment Regulations 2006 (No. 1) [F2006L00564]*.

Bankruptcy Act—Select Legislative Instrument 2006 No. 4—Bankruptcy Amendment Regulations 2006 (No. 1) [F2006L00521]*.

Broadcasting Services Act—Variation to Licence Area Plan Tasmania Television – No. 1 of 2006 [F2006L00583]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX03/06—Exemption – training and checking organisation, flight check system [F2006L00351]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A320/190 Amdt 1—Engine Pylon Spar Box Ribs [F2006L00449]*.

AD/A320/191—Ram Air Turbine – Carbon Blade [F2006L00384]*.

AD/A330/45 Amdt 2—Wing Rib 6 [F2006L00454]*.

AD/B737/2—Engine Fuel Supply – Leak Tests [F2006L00456]*.

AD/B747/339—Fuselage Lower Lobe Skin STA 741 to STA 1741 [F2006L00452]*.
AD/B767/218—Off-Wing Escape System [F2006L00451]*.
AD/B767/219—Aileron Control Override Quadrant [F2006L00370]*.
AD/BELL 412/40 Amdt 1—Main Rotor Yoke [F2006L00448]*.
AD/BELL 412/44 Amdt 1—Tail Rotor Blade Fwd Tip Weight Retention Block and Aft Tip Closure [F2006L00447]*.
AD/BELL 412/47—Hoist Cable Cut Electrical Circuit [F2006L00368]*.
AD/BELL 412/49—Rescue Hoist P/N BL10300-60 and P/N BL10300-59 [F2006L00446]*.
AD/BELL 412/50—Breeze-Eastern Rescue Hoist Assembly [F2006L00444]*.
AD/DHC-8/107—Outboard Flap Front Spar Attachment Fittings [F2006L00443]*.
AD/DHC-8/108—Horizontal Stabiliser Attachment Fittings [F2006L00442]*.
AD/DHC-8/109—Fuel Access Panel Attachment Anchor Nut [F2006L00441]*.
AD/DHC-8/110—Outer Wing Fuel Access Panel [F2006L00440]*.
AD/DHC-8/111—Fuselage Bottom Skin and VHF Antenna Support Structure [F2006L00439]*.
AD/DHC-8/112—Forward Engine Mount Assembly [F2006L00438]*.
AD/DO 328/39—Elevator Drain Holes [F2006L00437]*.
AD/DO 328/40—Flight Control Component Identification [F2006L00436]*.
AD/DO 328/41—Ground Spoiler [F2006L00435]*.
AD/DO 328/42—Rudder Spring Tab Bolt [F2006L00434]*.
AD/DO 328/43—Landing Gear Bolts [F2006L00433]*.
AD/DO 328/44—Aileron Elevator and Rudder Trim Tabs [F2006L00432]*.
AD/DO 328/45—Spring Tab Output Rod Hinge Bolt [F2006L00431]*.
AD/DO 328/46—Ground Spoiler Support Arms [F2006L00430]*.
AD/DO 328/47—Roll-Spoiler Actuator Lockplate [F2006L00429]*.
AD/DO 328/48—Rudder Spring Tab [F2006L00428]*.
AD/DO 328/49—Cockpit Seat Belt Buckle Centre Screw [F2006L00427]*.
AD/DO 328/50—MLG Longitudinal Beam [F2006L00426]*.
AD/DO 328/51—Cockpit Seat Restraint System [F2006L00422]*.
AD/DO 328/52—Landing Flap Arm Rivets [F2006L00421]*.
AD/DO 328/53—Drain Hole in the Outer Wing [F2006L00420]*.
AD/DO 328/54—Rudder Pedal Adjustment [F2006L00419]*.
AD/EC 120/15—Spherical Thrust Bearings [F2006L00457]*.
AD/EMB-120/41—Bleed Air System [F2006L00359]*.
AD/EMB-120/42—De-Ice System [F2006L00358]*.
AD/F50/93—Propeller Blade De-icer Boot [F2006L00354]*.
AD/F100/75—High Pressure Compressor [F2006L00355]*.
AD/F100/76—Main Landing Gear Outboard Door [F2006L00417]*.
AD/F2000/3—Main Net Straps at Frame 23 [F2006L00416]*.
AD/F2000/4—Engine Cowls [F2006L00415]*.
AD/F2000/5—Engine Nacelle Firewalls [F2006L00413]*.
AD/F2000/6—Horizontal Stabiliser Hinge [F2006L00411]*.

AD/F2000/7—Engine Nacelle Fail-Safe Fasteners [F2006L00409]*.
 AD/F2000/8—Overwing Emergency Exit [F2006L00406]*.
 AD/GAZELLE/20 Amdt 1—Tail Gearbox (TGB) Support Tripod [F2006L00404]*.
 AD/GBK 117/8 Amdt 3—Tail Boom Vertical Fin Spar [F2006L00401]*.
 AD/HS 125/177—Hydraulic Over-Temperature Switch Fuse [F2006L00458]*.
 AD/ROBIN/32 Amdt 1—Wing Internal Inspection [F2006L00523]*.

106—

AD/CFE 738/1—High Pressure Rotor Components [F2006L00365]*.
 AD/CFE 738/2—Fan Rotor Discs [F2006L00459]*.
 AD/CFE 738/3—High Pressure Turbine Stage 1 Aft Cooling Plate and Stage 2 Disc [F2006L00363]*.
 AD/CFE 738/4—Stage 2 High Pressure Turbine Aft Cooling Plate [F2006L00362]*.

107—

AD/APU/20—Hamilton Sundstrand Compressor Impeller Assemblies [F2006L00382]*.
 AD/PMC/47 Amdt 2—McCauley Threaded Propellers [F2006L00455]*.

Class Rulings—

Addendum—CR 2005/93.
 CR 2006/4-CR 2006/6.

Corporations Act—

ASIC Class Orders—

[CO 06/68] [F2006L00473]*.
 [CO 06/105] [F2006L00590]*.
 [CO 06/106] [F2006L00591]*.

Select Legislative Instrument 2006 No. 41—Corporations Amendment Regulations 2006 (No. 1) [F2006L00547]*.

Customs Act—

Tariff Concession Orders—

0513656 [F2006L00597]*.
 0514334 [F2006L00492]*.
 0514732 [F2006L00574]*.
 0514785 [F2006L00598]*.
 0515069 [F2006L00400]*.
 0515323 [F2006L00373]*.
 0515342 [F2006L00410]*.
 0515343 [F2006L00375]*.
 0515403 [F2006L00377]*.
 0515404 [F2006L00489]*.
 0515406 [F2006L00380]*.
 0515684 [F2006L00387]*.
 0515716 [F2006L00389]*.
 0515953 [F2006L00392]*.
 0515954 [F2006L00395]*.
 0515957 [F2006L00494]*.
 0515958 [F2006L00496]*.

0515968 [F2006L00498]*.
0515969 [F2006L00399]*.
0515970 [F2006L00402]*.
0515971 [F2006L00403]*.
0515972 [F2006L00405]*.
0515973 [F2006L00414]*.
0515974 [F2006L00559]*.
0515975 [F2006L00407]*.
0515976 [F2006L00386]*.
0515977 [F2006L00408]*.
0515978 [F2006L00490]*.
0516024 [F2006L00522]*.
0516025 [F2006L00378]*.
0516027 [F2006L00554]*.
0516028 [F2006L00548]*.
0516029 [F2006L00381]*.
0516030 [F2006L00385]*.
0516032 [F2006L00499]*.
0516033 [F2006L00500]*.
0516034 [F2006L00501]*.
0516035 [F2006L00510]*.
0516036 [F2006L00509]*.
0516037 [F2006L00573]*.
0516038 [F2006L00388]*.
0516039 [F2006L00511]*.
0516040 [F2006L00572]*.
0516042 [F2006L00512]*.
0516043 [F2006L00513]*.
0516046 [F2006L00599]*.
0516047 [F2006L00514]*.
0516049 [F2006L00515]*.
0516050 [F2006L00516]*.
0516051 [F2006L00538]*.
0516052 [F2006L00555]*.
0516053 [F2006L00556]*.
0516054 [F2006L00412]*.
0516055 [F2006L00383]*.
0516064 [F2006L00376]*.
0516065 [F2006L00557]*.
0516066 [F2006L00504]*.
0516067 [F2006L00507]*.
0516068 [F2006L00372]*.
0516069 [F2006L00391]*.
0516324 [F2006L00558]*.
0516325 [F2006L00488]*.
0516326 [F2006L00506]*.
0516327 [F2006L00505]*.
0516328 [F2006L00503]*.
0516372 [F2006L00570]*.
0516373 [F2006L00571]*.
0516374 [F2006L00502]*.

0516375 [F2006L00393]*.
0516376 [F2006L00600]*.
0516377 [F2006L00394]*.
0516378 [F2006L00396]*.
0516387 [F2006L00398]*.
0516516 [F2006L00581]*.
0516517 [F2006L00508]*.
0516518 [F2006L00487]*.
0516520 [F2006L00579]*.
0516603 [F2006L00493]*.
0516605 [F2006L00495]*.
0516607 [F2006L00549]*.
0516608 [F2006L00539]*.
0516609 [F2006L00491]*.
0516610 [F2006L00577]*.
0516611 [F2006L00486]*.
0516612 [F2006L00497]*.
0516645 [F2006L00540]*.
0516646 [F2006L00551]*.
0516647 [F2006L00541]*.
0516648 [F2006L00542]*.
0516649 [F2006L00552]*.
0516745 [F2006L00575]*.
0516747 [F2006L00576]*.
0516760 [F2006L00568]*.
0516761 [F2006L00567]*.
0516881 [F2006L00580]*.
0516882 [F2006L00578]*.
0516883 [F2006L00553]*.
0516885 [F2006L00569]*.
0516887 [F2006L00565]*.
0516888 [F2006L00566]*.
0516889 [F2006L00543]*.

Tariff Concession Revocation Instruments—

3/2006 [F2006L00418]*.
4/2006 [F2006L00544]*.
5/2006 [F2006L00545]*.
6/2006 [F2006L00546]*.
7/2006 [F2006L00601]*.
8/2006 [F2006L00602]*.

Customs Administration Act—Select Legislative Instrument 2006 No. 5—Customs Administration Amendment Regulations 2006 (No. 1) [F2006L00484]*.

Defence Act—Defence Force Regulations—Declaration of Defence practice areas, dated 15 December 2005.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates under regulation 5A, dated 12 January [2]; and 9 February [2] 2006.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens, dated—

1 February 2006 [F2006L00369]*.

2 February 2006 [F2006L00374]*.

Extradition Act—Select Legislative Instrument 2006 No. 6—Extradition (Suppression of the Financing of Terrorism) Regulations 2006 [F2006L00527]*.

Financial Management and Accountability Act—

Adjustment of Appropriations on Change of Agency Functions—Direction No. 13 of 2005-2006 [F2006L00593]*.

Financial Management and Accountability Net Appropriation Agreement (Australian Competition and Consumer Commission) Variation 2006 [F2006L00470]*.

Fisheries Levy Act—Select Legislative Instrument 2006 No. 3—Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2006 (No. 1) [F2006L00519]*.

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Southern and Eastern Scalefish and Shark Fishery Gear Requirement Direction for the Commonwealth Trawl Sector – 2006 [F2006L00520]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 85 – 2006 [F2006L00469]*.

Higher Education Support Act—

Declaration of percentage of Commonwealth supported places to be provided by Table A providers for a course of study in medicine, dated 23 February 2006 [F2006L00631]*.

Higher Education Provider Approval (No. 2 of 2006)—SAE Investments (Aust) Pty Ltd [F2006L00450]*.

Income Tax Assessment Act 1997—Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2006 (No. 1) [F2006L00563]*.

Insurance Act—Insurance (prudential standard) determinations Nos—

1 of 2006—Prudential Standard GPS 220 – Risk Management [F2006L00474]*.

2 of 2006—Prudential Standard GPS 230 – Reinsurance Management [F2006L00475]*.

3 of 2006—Prudential Standard GPS 310 – Audit and Actuarial Reporting and Valuation [F2006L00476]*.

Migration Act—Select Legislative Instrument 2006 No. 10—Migration Amendment Regulations 2006 (No. 1) [F2006L00471]*.

Military Rehabilitation and Compensation Act—Military Rehabilitation and Compensation (Pay-related Allowances) Determination 2006 (No. 1) [F2006L00463]*.

Mutual Assistance in Criminal Matters Act—Select Legislative Instrument 2006 No. 7—Mutual Assistance in Criminal Matters (Suppression of the Financing of Terrorism) Regulations 2006 [F2006L00529]*.

National Transport Commission Act—Select Legislative Instruments 2006 Nos—

11—National Transport Commission (Road Transport Legislation – Alternative Compliance Schemes) Regulations 2006 [F2006L00256]*.

- 12—National Transport Commission (Road Transport Legislation – Australian Road Rules) Amendment Regulations 2006 (No. 1) [F2006L00241]*.
- 13—National Transport Commission (Road Transport Legislation – Australian Road Rules) Regulations 2006 [F2006L00240]*.
- 14—National Transport Commission (Road Transport Legislation – Compliance and Enforcement Bill) Regulations 2006 [F2006L00254]*.
- 15—National Transport Commission (Road Transport Legislation – Dangerous Goods Act) Amendment Regulations 2006 (No. 1) [F2006L00277]*.
- 16—National Transport Commission (Road Transport Legislation – Dangerous Goods Act) Regulations 2006 [F2006L00276]*.
- 17—National Transport Commission (Road Transport Legislation – Dangerous Goods Regulations) Amendment Regulations 2006 (No. 1) [F2006L00275]*.
- 18—National Transport Commission (Road Transport Legislation – Dangerous Goods Regulations) Regulations 2006 [F2006L00274]*.
- 19—National Transport Commission (Road Transport Legislation – Driver Licensing) Regulations 2006 [F2006L00273]*.
- 20—National Transport Commission (Road Transport Legislation – Driving Hours Regulations) Regulations 2006 [F2006L00250]*.
- 21—National Transport Commission (Road Transport Legislation – Heavy Vehicles Registration Act) Amendment Regulations 2006 (No. 1) [F2006L00290]*.
- 22—National Transport Commission (Road Transport Legislation – Heavy Vehicles Registration Act) Regulations 2006 [F2006L00289]*.
- 23—National Transport Commission (Road Transport Legislation – Heavy Vehicles Registration Regulations) Regulations 2006 [F2006L00243]*.
- 24—National Transport Commission (Road Transport Legislation – Heavy Vehicle Standards Regulations) Amendment Regulations 2006 (No. 1) [F2006L00239]*.
- 25—National Transport Commission (Road Transport Legislation – Heavy Vehicle Standards Regulations) Regulations 2006 [F2006L00238]*.
- 26—National Transport Commission (Road Transport Legislation – Higher Mass Limits) Regulations 2006 [F2006L00272]*.
- 27—National Transport Commission (Road Transport Legislation – Mass and Loading Regulations) Amendment Regulations 2006 (No. 1) [F2006L00262]*.
- 28—National Transport Commission (Road Transport Legislation – Mass and Loading Regulations) Regulations 2006 [F2006L00258]*.
- 29—National Transport Commission (Road Transport Legislation – Oversize and Overmass Vehicles Regulations) Regulations 2006 [F2006L00245]*.
- 30—National Transport Commission (Road Transport Legislation – Restricted Access Vehicles Regulations) Regulations 2006 [F2006L00248]*.
- 31—National Transport Commission (Road Transport Legislation – Road Transport Charges Act) Amendment Regulations 2006 (No. 1) [F2006L00284]*.
- 32—National Transport Commission (Road Transport Legislation – Road Transport Charges Act) Regulations 2006 [F2006L00282]*.
- 33—National Transport Commission (Road Transport Legislation – Road Transport Charges Regulations) Amendment Regulations 2006 (No. 1) [F2006L00281]*.

- 34—National Transport Commission (Road Transport Legislation – Road Transport Charges Regulations) Regulations 2006 [F2006L00279]*.
- 35—National Transport Commission (Road Transport Legislation – Vehicles and Traffic Act) Amendment Regulations 2006 (No. 1) [F2006L00287]*.
- 36—National Transport Commission (Road Transport Legislation – Vehicles and Traffic Act) Regulations 2006 [F2006L00286]*.
- 37—National Transport Commission (Road Transport Legislation – Vehicle Standards) Amendment Regulations 2006 (No. 1) [F2006L00267]*.
- 38—National Transport Commission (Road Transport Legislation – Vehicle Standards) Regulations 2006 [F2006L00264]*.
- Occupational Health and Safety (Commonwealth Employment) Act—Select Legislative Instruments 2006 Nos—
 - 8—Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No. 1) [F2006L00532]*.
 - 9—Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2006 (No. 2) [F2006L00531]*.
- Payment Systems (Regulation) Act—Standard—The Setting of Wholesale ('Interchange') Fees in the Designated Credit Card Schemes [F2006L00468]*.
- Privacy Act—
 - Determination No. 2006-1A giving general effect to Temporary Public Interest Determination No. 2006-1 [F2006L00425]*.
 - Temporary Public Interest Determination No. 2006-1 [F2006L00424]*.
- Product Rulings—
 - Addendum—
 - PR 2003/26.
 - PR 2004/7.
 - PR 2006/1-PR 2006/4.
- Quarantine Act—Quarantine Amendment Proclamation 2006 (No. 1) [F2006L00329]*.
- Radiocommunications Act—Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Amendment Notice 2006 (No. 1) [F2006L00342]*.
- Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2006 (No. 1) [F2006L00343]*.
- Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2006 (No. 1) [F2006L00344]*.
- Remuneration Tribunal Act—Determination 2006/01: Remuneration and Allowances for Holders of Public Office [F2006L00560]*.
- Seafarers Rehabilitation and Compensation Act—
 - Guide to the Assessment of the Degree of Permanent Impairment (Second edition) [F2006L00534]*.
 - Revocation of the Guide to the Assessment of the Degree of Permanent Impairment (First edition) [F2006L00535]*.
- Seas and Submerged Lands Act—
 - Seas and Submerged Lands (Historic Bays) Proclamation 2006 [F2006L00526]*.

Seas and Submerged Lands (Territorial Sea Baseline) Proclamation 2006 [F2006L00525]*.

Seat of Government (Administration) Act—Ordinance 2006 No. 1—Companies Ordinances Repeal Ordinance 2006 [F2006L00467]*.

Superannuation Industry (Supervision) Act—Decision to refuse to consider any further RSE Licence Applications, dated 2 February 2006 [F2006L00326]*.

Sydney Airport Curfew Act—Dispensation Report 01/06 [26 dispensations].

Taxation Determination—Erratum—TD 2006/1.

Taxation Ruling—Notice of Withdrawal—TR 2003/12.

Therapeutic Goods Act—

Therapeutic Goods (Emergency) Exemption 2006 (No. 1) [F2006L00537]*.

Therapeutic Goods (Listing) Notice 2006 (No. 1) [F2006L00472]*.

Therapeutic Goods (Listing) Notice 2006 (No. 2) [F2006L00589]*.

Veterans' Entitlements Act—

Veterans' Entitlements Income (Exempt Lump Sum – Payment to Victims of Bali Bombing) Determination No. R6 of 2006 [F2006L00482]*.

Veterans' Entitlements Income (Exempt Lump Sum – Queensland Indigenous Reparation Payment) Determination No. R5 of 2006 [F2006L00479]*.

Veterans' Entitlements Income (Exempt Lump Sum – South Australian Fishery Payment) Determination No. R4 of 2006 [F2006L00477]*.

Veterans' Entitlements Income (Exempt Lump Sum – Superannuation Co-contribution Amounts) Determination No. R7 of 2006 [F2006L00480]*.

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

Anti-Terrorism Act (No. 2) 2005—Item 22 of Schedule 1—16 February 2006 [F2006L00345].*

* Explanatory statement tabled with legislative instrument.

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

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2005—Statement of compliance—Department of Foreign Affairs and Trade.

29 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2005—Letters of advice—

Communications, Information Technology and the Arts portfolio agencies.

Finance and Administration portfolio agencies.

Foreign Affairs and Trade portfolio agencies.

Industry, Tourism and Resources portfolio agencies.

30 **COMMITTEES—CHANGES IN MEMBERSHIP**

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

The Minister for the Arts and Sport (Senator Kemp), by leave, moved—That senators be discharged from and appointed to committees as follows:

Australian Crime Commission—Joint Statutory Committee—

Appointed—Senator Ian Macdonald

Community Affairs Legislation Committee—

Discharged—Senator Fielding

Appointed—Participating member: Senator Fielding

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

Appointed—Substitute member: Senator Stephens to replace Senator Marshall for the committee's inquiry into the economic impact of salinity in the Australian environment.

Question put and passed.

31 **STUDENT ASSISTANCE LEGISLATION AMENDMENT BILL 2005**

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 2) 2005

APPROPRIATION BILL (NO. 3) 2005-2006

APPROPRIATION BILL (NO. 4) 2005-2006

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

Message no. 279, dated 9 February 2006—A Bill for an Act to amend legislation relating to assistance for students, and for related purposes.

Message no. 281, dated 9 February 2006—A Bill for an Act to amend Commonwealth financial management legislation and other financial and reporting provisions, and for other purposes.

Message no. 285, dated 16 February 2006—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 286, dated 16 February 2006—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for the Arts and Sport (Senator Kemp) 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 Kemp moved—That these bills be now read a second time.

On the motion of Senator Kemp the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Kemp moved—That Appropriation Bill (No. 3) 2005-2006 and Appropriation Bill (No. 4) 2005-2006 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

**32 DEFENCE LEGISLATION AMENDMENT (AID TO CIVILIAN AUTHORITIES) BILL 2006
DEFENCE (ROAD TRANSPORT LEGISLATION EXEMPTION) BILL 2005 [2006]
THERAPEUTIC GOODS AMENDMENT (REPEAL OF MINISTERIAL RESPONSIBILITY
FOR APPROVAL OF RU486) BILL 2005 [2006]**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 282, dated 13 February 2006—Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2006.

Message no. 284, dated 16 February 2006—Defence (Road Transport Legislation Exemption) Bill 2005 [2006].

Message no. 287, dated 16 February 2006—Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 [2006].

**33 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
CHANGE IN MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as follows:

Message no. 280, dated 9 February 2006—Dr Southcott in place of Mr Turnbull.

34 NOTICE OF MOTION WITHDRAWN

Business of the Senate notice of motion no. 1, standing in the name of the Chair of the Economics References Committee (Senator Stephens) proposing the reference of a matter to the Economics References Committee, was called on but not moved. The notice of motion was withdrawn under standing order 83(2).

**35 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—
AUSTRALIAN CITIZENSHIP BILL 2005 AND AUSTRALIAN CITIZENSHIP
(TRANSITIONALS AND CONSEQUENTIALS) BILL 2005**

Pursuant to order, Senator Patterson, at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Legislation Committee—Provisions of the Australian Citizenship Bill 2005 and the Australian Citizenship (Transitionals and Consequentials) Bill 2005—Report, dated February 2006, Hansard record of proceedings [2 vols], additional information and submissions [67].

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

36 CENSUS INFORMATION LEGISLATION AMENDMENT BILL 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.

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

In the committee

Bill, taken as a whole by leave, debated and agreed to.
Bill to be reported without amendment.

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

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

37 TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2004

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Conroy moved the following amendment:

Schedule 1, page 5 (after line 27), after item 7, insert:

7A Paragraph 87E(1)(a)

After “Division”, insert “1,”.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the report from the committee was adopted and the bill read a third time. All Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

38 **OFFSHORE PETROLEUM BILL 2005****OFFSHORE PETROLEUM (ANNUAL FEES) BILL 2005****OFFSHORE PETROLEUM (REGISTRATION FEES) BILL 2005****OFFSHORE PETROLEUM (REPEALS AND CONSEQUENTIAL AMENDMENTS) BILL 2005****OFFSHORE PETROLEUM (ROYALTY) BILL 2005****OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT BILL 2005**

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Senator Milne moved the following amendments together by leave in respect of the Offshore Petroleum Bill 2005:

Clause 6, page 17 (after line 7), after the definition of *location*, insert:

marine protected area means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources, managed through legal or other effective means.

Clause 77, page 76 (line 5), at the end of paragraph (1)(b), add “or a marine protected area”.

Clause 77, page 76 (after line 11), at the end of the clause, add:

(3) Subsection (2) does not authorise exploration for petroleum in a marine protected area.

Debate ensued.

Senator Colbeck moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Kirk) reported that the committee had considered the bills, made progress and asked leave to sit again.

Ordered, on the motion of Senator Colbeck, that the committee have leave to sit again on the next day of sitting.

39 ECONOMICS LEGISLATION COMMITTEE—REPORT—FUTURE FUND BILL 2005

Pursuant to order, Senator Patterson, at the request of the Chair of the Economics Legislation Committee (Senator Brandis), tabled the following report and documents:

Economics Legislation Committee—Provisions of the Future Fund Bill 2005—Report, dated February 2006, Hansard record of proceedings [2 vols], additional information and submissions [4].

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

At 9.50 pm—

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.28 pm till Tuesday, 28 February 2006 at 12.30 pm.

41 ATTENDANCE

Present, all senators except Senators Bishop*, Ferris* and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate