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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 9.30 am.

2 ABSENCE OF PRESIDENT

The Clerk informed the Senate of the temporary absence of the President (Senator the Honourable Paul Calvert). The Deputy President (Senator Hogg) took the chair and read prayers.

3 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Research Council—Strategic plan 2006-08.

Dairy Produce Act 1986—Funding contract with Dairy Australia Limited—Report for 2004-05.

Northern Territory Fisheries Joint Authority—Report for 2004-05.

Public Sector Superannuation Scheme (PSS) and the Commonwealth Superannuation Scheme (CSS)—Report on the long term cost of the Public Sector Superannuation Scheme and the Commonwealth Superannuation Scheme prepared by Mercer Human Resource Consulting Pty Limited using data as at 30 June 2005.

4 TAX LAWS AMENDMENT (PERSONAL TAX REDUCTION AND IMPROVED DEPRECIATION ARRANGEMENTS) BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Kemp)—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.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 1, page 3 (table items 1 to 4), omit the table items, substitute:

1	exceeds \$7,500 but does not exceed \$25,000	15%
2	exceeds \$25,000 but does not exceed \$75,000	30%
3	exceeds \$75,000 but does not exceed \$125,000	40%
4	exceeds \$125,000	47%

Schedule 1, item 2, page 3 (table items 1 to 4), omit the table items, substitute:

1	does not exceeds \$25,000	29%
2	exceeds \$25,000 but does not exceed \$75,000	30%
3	exceeds \$75,000 but does not exceed \$125,000	40%
4	exceeds \$125,000	47%

Debate ensued.

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

Senator Murray moved the following amendments together by leave:

Schedule 1, item 1, page 3 (table items 1 to 4), omit the table items, substitute:

1	exceeds \$6,000 but does not exceed \$25,000	15%
2	exceeds \$25,000 but does not exceed \$75,000	30%
3	exceeds \$75,000 but does not exceed \$150,000	40%
4	exceeds \$150,000	47%

Schedule 1, item 2, page 3 (table items 1 to 4), omit the table items, substitute:

1	does not exceeds \$25,000	29%
2	exceeds \$25,000 but does not exceed \$75,000	30%
3	exceeds \$75,000 but does not exceed \$150,000	40%
4	exceeds \$150,000	47%

Schedule 1, after item 1, page 3 (before line 9), insert:

1A Clause 1 of Part I of Schedule 7

Omit “clauses 2 and 3”, substitute “clauses 2, 3 and 4”.

Schedule 1, after item 2, page 4 (before line 2), insert:

2A At the end of Part I of Schedule 7

Add:

Indexation of the ordinary taxable income of the taxpayer in item 1

4. The amount of the ordinary taxable income of the taxpayer in item 1 of the table in clause 1 is indexed for each year of tax after the year of tax commencing on 1 July 2006 in accordance with the CPI indexation method as follows.

The amounts specified in item 1 of the table in clause 1 are to be increased by the indexation factor worked out using the following formula:

$$\frac{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the current year}}{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the previous year}}$$

where:

CPI quarter means a period of 3 months ending 31 March, 30 June, 30 September or 31 December.

index number means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the 4th decimal place is more than 4.

Calculations:

- (a) are to be made using only the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and
- (b) are to disregard index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the reference base).

If an amount worked out under the formula is not a multiple of \$5, the amount is to be rounded as follows:

- (c) if the amount exceeds the nearest lower multiple of \$5 by \$2.50 or more—round the amount up to the nearest higher multiple of \$5;
- (d) in any other case—round the amount down to the nearest lower multiple of \$5.

Indexed amounts for each year of tax must be notified in the *Gazette* before the commencement of that year.

Debate ensued.

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

Senator Milne moved the following amendments together by leave:

Page 2 (after line 11), after clause 3, insert:

4 Application of improved depreciation arrangements

The improved depreciation arrangements specified in Schedule 5 of this Act apply when findings of mandatory energy efficiency opportunities assessments required by Part 6 of the *Energy Efficiency Opportunities Act 2006* are implemented as specified in item 3A of Schedule 5 of this Act.

Schedule 5, page 13 (after line 1), before item 3, insert:

2A After section 40-70

Insert:

40-71 No entitlement to improved depreciation unless energy audit findings implemented

The provisions providing for improved depreciation arrangements in Schedule 5 of the *Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) Act 2006* do not apply to a corporation required to register in accordance with Part 3 of the *Energy Efficiency Opportunities Act 2006* unless that corporation has implemented the findings of an energy efficiency opportunity assessment required by Part 6 of the *Energy Efficiency Opportunities Act 2006*.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

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

Question put.

The Senate divided—

AYES, 55

Senators—

Abetz	Faulkner	Kemp	Payne
Adams	Ferguson	Lightfoot	Polley
Barnett	Ferris	Ludwig	Ronaldson
Bernardi	Fielding	Macdonald, Ian	Scullion (Teller)
Bishop	Fierravanti-Wells	Macdonald, Sandy	Stephens
Boswell	Fifield	Marshall	Sterle
Brandis	Forshaw	Mason	Troeth
Brown, Carol	Heffernan	McEwen	Trood
Campbell, George	Hogg	McGauran	Vanstone
Carr	Humphries	McLucas	Watson
Chapman	Hurley	Moore	Webber
Colbeck	Hutchins	Nash	Wong
Conroy	Johnston	Parry	Wortley
Crossin	Joyce	Patterson	

NOES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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Question agreed to.

Bill read a third time.

5 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) BILL 2006

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

Debate resumed.

At 1.15 pm: Debate was interrupted.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2.30 pm—

7 QUESTIONS

Questions without notice were answered.

Document: The Minister for the Environment and Heritage (Senator Ian Campbell) tabled the following document:

Environment—Coal mining—Copy of letter from the Federal member for Charlton (Ms Hoare) to the Minister for the Environment and Heritage (Senator Ian Campbell), dated 29 May 2006.

Further questions without notice were answered.

8 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister for the Environment and Heritage (Senator Ian Campbell) for an explanation of answers not being provided to questions on notice nos 1708 and 1709 (notice given 21 April 2006) relating to the Asia-Pacific Partnership on Clean Development and Climate.

The minister was not present and an explanation was not provided.

Senator Allison moved—That the Senate take note of the minister's failure to provide either an answer or an explanation.

Debate ensued.

Question put and passed.

9 EMPLOYMENT—SKILLS SHORTAGES—IMMIGRATION—DETENTION PRACTICES—ANSWERS TO QUESTIONS

Senator Ludwig moved—That the Senate take note of the answers given by the Minister for Immigration and Multicultural Affairs (Senator Vanstone) to questions without notice asked by Opposition senators today relating to skills shortages and to detention practices.

Debate ensued.

Question put and passed.

10 FOREIGN AFFAIRS—GUANTANAMO BAY—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 Justice and Customs (Senator Ellison) to a question without notice asked by Senator Allison today relating to Guantanamo Bay.

Question put and passed.

11 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 20 petitioners, requesting that the Senate reject the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

The President, 3 petitions similar in wording, each from 1 petitioner, requesting that the Senate support a national plan of action to eliminate violence against women.

12 NOTICES

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson): To move on the next day of sitting—That—

- (a) the Defence sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 9.30 am to 11.15 am, to take evidence for the committee's review of the Defence annual report 2004-05; and
- (b) the Trade sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 11.45 am to 4 pm, to take evidence for the committee's review of the Australia-New Zealand Closer Economic Relations Trade Agreement. (*general business notice of motion no. 444*)

The Chair of the Employment, Workplace Relations and Education References Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on Pacific region seasonal contract labour be extended to 18 October 2006. (*general business notice of motion no. 445*)

Senator Watson: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sitting of the Senate as follows:

- (a) on Friday, 16 June 2006, from 9.30 am to 3.30 pm, to take evidence for the committee's inquiry into certain taxation matters;
- (b) on Thursday, 22 June 2006, from 10 am to noon, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation; and
- (c) on Friday, 23 June 2006, from 10 am to 4 pm, to take evidence for the committee's review of Auditor-General's reports. (*general business notice of motion no. 446*)

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 June 2006, from 4.30 pm, to take evidence for the committee's inquiry into the implementation of recommendations on Australia's military justice system. (*general business notice of motion no. 447*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Bartlett): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 June 2006, from 9 am, to take evidence for the committee's inquiry into Australia's national parks. (*general business notice of motion no. 448*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 20 June 2006—That the Senate—

(a) notes that:

- (i) microcredit is a particularly effective and sustainable means of eradicating poverty,
- (ii) microcredit borrowers, particularly women, generate income that allows them to feed, clothe, educate and care for the health of their children,
- (iii) to date, 66.6 million people in the world have been reached with microcredit services,
- (iv) Goal 1 of the Millennium Development Goals (MDG) seeks to eradicate poverty, while its 2015 target is to reduce by half the number of people living on less than \$1 per day,
- (v) if the new Microcredit Summit goal of having 175 million of the world's poorest families receiving microcredit was reached by 2015, then nearly half the MDG target would be met,
- (vi) Australia spent \$14.5 million on microcredit in the 2005-06 aid budget which is 0.6 per cent of the aid budget, and
- (vii) the United States of America, which has funded microcredit longer than most donor countries, has established an international benchmark for microcredit spending, being 1.25 per cent of the aid budget; and

(b) urges the Government to:

- (i) agree to support the new Microcredit Summit goal of having 175 million of the world's poorest receiving microcredit by 2015 as a means of achieving the MDGs, and
- (ii) increase the proportion of money it allocates to microcredit to 1.25 per cent of the aid budget. (*general business notice of motion no. 449*)

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 30 November 2006. (*general business notice of motion no. 450*)

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

- (a) recognises that unregulated high seas bottom trawling is inconsistent with international law as recognised in the United Nations (UN) Convention on the Law of the Sea;
- (b) commends the Government for its initiatives in developing long-term governance arrangements to address destructive fishing practices such as illegal, unregulated and unreported fishing and high sea bottom trawling;
- (c) calls on the Government to report on its actions to inform a review of progress and future recommendations to address the destructive impacts on deep sea ecosystems, as requested by the UN, and which was to have been provided by 1 May 2006;
- (d) notes that:
 - (i) these governance measures will take time to develop and implement and the need, therefore, for interim short-term measures, such as a global moratorium on high seas bottom trawling, and

- (ii) the UN General Assembly will consider a proposal for a global moratorium on high seas bottom trawling in October or November 2006; and
- (e) calls on the Government to support interim measures to address the destructive impacts of bottom trawling on deep sea ecosystems while long-term governance measures are put in place. (*general business notice of motion no. 451*)

Senator Bartlett: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Migration Act 1958* to return excised offshore places to Australia's migration zone, and for related purposes. ***Migration Legislation Amendment (Migration Zone Excision Repeal) Bill 2006***. (*general business notice of motion no. 452*)

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

No. 1—That the Airworthiness Directive Part 39 - 105 - AD/750XL/6: Centre Console Wiring Loom, made under subregulation 39(1) of the Civil Aviation Safety Regulations 1998, be disallowed.

No. 2—That the Civil Aviation Order 82.1 Amendment Order (No. 2) 2006, made under paragraph 28BA(1)(b) of the *Civil Aviation Act 1988*, be disallowed.

No. 3—That Instrument No. CASA 49/06, made under subregulations 42ZC(6) and 308(1) of the Civil Aviation Regulations 1988, be disallowed.

Senator Scullion, by leave, made a statement relating to the notices of motion.

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

- (a) notes:
 - (i) the increasing conflict in West Papua and the systematic abuse of the human rights of West Papuans by the Indonesian military and police,
 - (ii) that many of the same officers that orchestrated the violence during the Indonesian occupation of East Timor are now in West Papua, and
 - (iii) that, despite the extensive evidence of crimes against humanity in East Timor under Indonesian occupation, no members of the Indonesian military have been prosecuted;
- (b) expresses concern at ongoing Australian military cooperation with Indonesia while these human rights abuses continue; and
- (c) calls on the Government to suspend negotiations on a new security treaty with Indonesia until Indonesian military members involved in human rights abuses are prosecuted. (*general business notice of motion no. 453*)

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

- (a) notes that:
 - (i) Thursday, 15 June 2006 is World Elder Abuse Awareness Day, aimed at promoting a better understanding of abuse and neglect of older persons,
 - (ii) the United Nations International Plan of Action on Ageing recognises the significance of elder abuse as a public health and human rights issue,
 - (iii) no community or country in the world, including Australia, is immune from this costly public health and human rights crisis, and
 - (iv) Australia's seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity; and
- (b) calls on the Government to support initiatives that will ensure:

- (i) the safety of elder Australians in their homes, in aged care facilities, and in the wider community, and
- (ii) that elder Australians have access to adequate food, housing standards and medical care. (*general business notice of motion no. 454*)

13 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 5 OF 2006

Senator Scullion, at the request of the Chair of the Selection of Bills Committee (Senator Ferris), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 5 OF 2006

1. The committee met in private session on Tuesday, 13 June 2006 at 4.24 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Petroleum Resource Rent Tax Assessment Amendment Bill 2006 and Petroleum Resource Rent Tax (Instalment Transfer Interest Charge Imposition) Bill 2006 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 June 2006; and
 - (b) the *provisions* of the Tax Laws Amendment (2006 Measures No. 3) Bill 2006 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 June 2006.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Australia-Japan Foundation (Repeal and Transitional Provisions) Bill 2006
 - Defence Force (Home Loans Assistance) Amendment Bill 2006
 - Energy Legislation Amendment Bill 2006
 - Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Bill 2006
 - Fisheries Legislation Amendment (Foreign Fishing Offences) Bill 2006
 - Health Legislation Amendment (Private Health Insurance) Bill 2006
 - New Business Tax System (Untainting Tax) Bill 2006
 - Plant Health Australia (Plant Industries) Funding Amendment Bill 2006
 - Royal Commissions Amendment Bill 2006
 - Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2006
 - Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) Bill 2006
 - Therapeutic Goods Amendment Bill (No. 3) 2006.

The committee recommends accordingly.

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

Bills deferred from meeting of 10 May 2006

Intellectual Property Laws Amendment Bill 2006
Protecting Children from Junk Food Advertising Bill 2006.

Bills deferred from meeting of 13 June 2006

Aboriginal Land Rights (Northern Territory) Amendment Bill 2006
 Education Services for Overseas Students Legislation Amendment (2006
 Measures No. 1) Bill 2006.

Jeannie Ferris
 Chair
 14 June 2006.

Senator Scullion moved—That the report be adopted.

Question put and passed.

14 LEAVE OF ABSENCE

Senator Scullion, by leave, moved—That leave of absence be granted to Senator Ronaldson on 13 June 2006 on account of family matters, and to Senator Santoro from 13 June to 16 June 2006, on account of government business overseas.

Question put and passed.

15 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of Senator Milne for today, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts References Committee, postponed till 20 June 2006.

General business notice of motion no. 415 standing in the names of Senators Stott Despoja and Bartlett for today, proposing the introduction of the Same-Sex Marriages Bill 2006, postponed till 15 June 2006.

16 FOREIGN AFFAIRS—GUANTANAMO BAY

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 443 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the suicide of three prisoners at Guantanamo Bay, none of whom, despite years in captivity, had been charged or brought before a court;
- (b) recognises that Australian citizen David Hicks has been detained in the prison for more than 4 years without trial;
- (c) calls on the Government to take active measures to influence the United States Administration to close Guantanamo Bay and return Mr Hicks to Australia; and
- (d) takes urgent action to ensure that Mr Hicks receives a full and fair trial that meets international standards of human rights and justice.

Question put.

The Senate divided—

AYES, 27

Senators—

Allison	Conroy	Marshall	Polley
Bartlett	Crossin	McEwen	Siewert
Bishop	Forshaw	McLucas	Stephens
Brown, Bob	Hurley	Milne	Sterle
Brown, Carol	Hutchins	Moore	Wong
Campbell, George	Kirk (Teller)	Murray	Wortley
Carr	Ludwig	Nettle	

NOES, 33

Senators—

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

Question negatived.

17 ENVIRONMENT—NUCLEAR WASTE REPOSITORIES

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 442—That the Senate—

(a) notes that:

- (i) in 2001, the United States (US) Environmental Protection Agency (EPA) established radiation standards for the proposed Yucca Mountain nuclear waste repository, setting a dose limit of 15 millirem per year for the public outside the site for a period of 10 000 years after closure,
- (ii) the standards were challenged in the Federal Court which found the timeframe of the EPA's standards was inconsistent with the recommendations of the US National Academy of Science,
- (iii) in 2005 the EPA proposed a revised rule of two dose standards that would apply after closure of the site, namely 15 millirem per year for the first 10 000 years and 350 millirem per year for the period between 10 000 to one million years, and
- (iv) the revised standards require the Department of Energy to demonstrate Yucca Mountain can safely contain wastes, considering the effects of earthquakes, volcanic activity, climate change and container corrosion, for over one million years;

(b) recognises that establishing regulations that apply to the next one million years is absurd; and

(c) opposes and condemns the development of such nuclear waste repositories on Australian soil.

Question put.

The Senate divided—

AYES, 28

Senators—

Allison	Conroy	Marshall	Polley
Bartlett	Crossin	McEwen	Siewert
Bishop	Forshaw	McLucas	Stephens
Brown, Bob	Hurley	Milne	Sterle
Brown, Carol	Hutchins	Moore	Webber
Campbell, George	Kirk (Teller)	Murray	Wong
Carr	Ludwig	Nettle	Wortley

NOES, 32

Senators—

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

Question negatived.

18 **HEALTH—TOBACCO**

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 437—That the Senate—

- (a) recognises that according to the recently released report, *Counting the costs of tobacco and the benefits of reducing smoking prevalence in Victoria*:
 - (i) the total social costs of smoking in Victoria in the 1998-99 financial year were approximately \$5.05 billion,
 - (ii) of the total Victorian costs, approximately 45 per cent were avoidable,
 - (iii) as a result of Victorian smoking, federal smoking-attributable expenditures exceeded smoking attributable revenues by approximately \$160 million in the 1998-99 financial year, and
 - (iv) under the most conservative method of estimation, the benefits of the reduction in smoking prevalence would be \$2 034 million, or \$10 291 for each person prevented from smoking by anti-smoking interventions; and
- (b) calls on the Government to increase the proportion of smoking-related revenue that is allocated to anti-smoking interventions.

Question put.

The Senate divided—

AYES, 28

Senators—

Allison	Conroy	Ludwig	Polley
Bartlett	Crossin	Marshall	Siewert
Bishop	Fielding	McEwen	Stephens
Brown, Bob	Forshaw	McLucas	Sterle
Brown, Carol	Hurley	Milne	Webber
Campbell, George	Hutchins	Murray	Wong
Carr	Kirk (Teller)	Nettle	Wortley

NOES, 30

Senators—

Adams	Eggleston	Kemp	Patterson
Barnett	Ferris	Lightfoot	Payne
Bernardi	Fierravanti-Wells	Macdonald, Ian	Scullion (Teller)
Boswell	Fifield	Macdonald, Sandy	Troeth
Brandis	Heffernan	Mason	Trood
Calvert	Humphries	McGauran	Watson
Chapman	Johnston	Nash	
Colbeck	Joyce	Parry	

Question negated.

19 FOREIGN AFFAIRS—JAPAN—WHALING

Senator Siewert amended general business notice of motion no. 434 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the recent release of the *Report of the International Panel of Independent Legal Experts on: Special Permit (“Scientific”) Whaling under International Law* on 12 May 2006 in Paris, and the report *Slaughtering Science: The case against Japanese whaling in the Antarctic* on 25 May 2006;
- (b) calls on the Government to urgently consider legal proceedings against this ‘unlawful’ whaling; and
- (c) notes the Government regards its continued strong diplomatic action as having the best chance of success.

Question put and passed.

20 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Scullion, at the request of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Ian Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 435—That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 June 2006, from 5.45 pm, to take evidence for the committee’s inquiry into amphetamines and other synthetic drugs.

Question put and passed.

21 FOREIGN AFFAIRS—IRAN—BAHÁ’Í COMMUNITY

Senator Scullion, at the request of Senator Humphries and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 436—That the Senate—

- (a) notes the reference by the United Nations Special Rapporteur on Freedom of Religion and Belief to a confidential document which shows that Iranian authorities continue to identify and monitor the lives of Bahá’ís living in Iran;
- (b) recognises the right of all people to worship freely without fear of persecution;
- (c) expresses its concern that the Government of the Islamic Republic is monitoring the activities of the Bahá’í community in Iran and that Iranian newspapers and radio stations have been conducting an intense anti-Bahá’í campaign, similar to those that occurred in 1955 and 1979 in the lead up to Government campaigns of persecution against the Bahá’í community; and

- (d) calls on the Government of the Islamic Republic to cease its monitoring of the Bahá'í community and to desist from any campaign of persecution against Iranian Bahá'ís.

Question put and passed.

22 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—9TH AND 10TH REPORTS OF 2006

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

Public Works—Joint Statutory Committee—

9th report of 2006—Proposed HMAS *Cairns* redevelopment, Cairns, Queensland, dated June 2006.

10th report of 2006—Proposed construction of housing for Defence at Fairview Rise, Ipswich, Queensland, dated June 2006.

Senator Scullion moved—That the Senate take note of the reports.

Question put and passed.

23 SCRUTINY OF BILLS—STANDING COMMITTEE—3RD REPORT AND ALERT DIGEST NO. 5 OF 2006

Senator Kirk, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

3rd report of 2006, dated 14 June 2006.

Alert Digest No. 5 of 2006, dated 14 June 2006.

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

24 AUDITOR-GENERAL—AUDIT REPORT NO. 46 OF 2005-06—DOCUMENT

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

Auditor-General—Audit report no. 46 of 2005-06—Performance audit—Commonwealth State Housing Agreement follow-up audit: Department of Families, Community Services and Indigenous Affairs.

Senator Carr, by leave, moved—That the Senate take note of the document.

Debate ensued.

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

25 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE ASIA PACIFIC PARLIAMENTARY FORUM—DOCUMENT

Senator Sterle, by leave, tabled the following document:

Asia Pacific Parliamentary Forum—14th annual meeting, Jakarta, Indonesia, 15 to 20 January 2006 and visit to Papua New Guinea, 21 to 25 January 2006—Report of the Australian parliamentary delegation, dated May 2006.

Senator Sterle, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

26 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 52—Zoo Expansion (Part Block 1502 Belconnen) [F2006L01820]*.

Australian Capital Territory (Self-Government) Act—Disallowance of the *Civil Unions Act 2006* (ACT) [F2006L01810]*.

Australian National University Act—

Fees Statute 2006—Fees Rules 2006 [F2006L01771]*.

Liquor Statute 2006 [F2006L01776]*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 107—AD/PARA/16 Amdt 1—Techno 240-B Reserve Parachute [F2006L01801]*.

Class Rulings CR 2006/47-CR 2006/50.

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

2006/23—Deployment allowance – Timor-Leste.

2006/24—Compassionate travel – amendment.

2006/25—Member with dependants (separated) – amendment.

2006/26—Uniform allowance.

2006/27—Removals, travel and meals – amendment.

Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2006/13 – Energy Special Account Variation 2006 [F2006L01818]*.

2006/15 – Administered Payments and Receipts for Other Entities – Australian Trade Commission Special Account Establishment 2006 [F2006L01824]*

2006/16 – Other Trust Moneys – Australian Trade Commission Special Account Establishment 2006 [F2006L01825]*.

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery (Specified Non-Quota Species) Temporary Order 2006 [F2006L01794]*.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 10/01 – Steering Column) 2006 [F2006L01783]*.

Vehicle Standard (Australian Design Rule 23/01 – Passenger Car Tyres) 2006 [F2006L01788]*.

Vehicle Standard (Australian Design Rule 33/00 – Brake Systems for Motorcycles and Mopeds) 2006 [F2006L01787]*.

Product Rulings PR 2006/103-PR 2006/108.

Taxation Determination 2006/19.

Taxation Rulings—Old Series—Notices of Withdrawal—IT 336, IT 337, IT 2044, IT 2045, IT 2094, IT 2114, IT 2279, IT 2284, IT 2306 and IT 2431.

* Explanatory statement tabled with legislative instrument.

27 NOTICE

Senator Ludwig, by leave and also on behalf of Senators Nettle and Stott Despoja, gave a notice of motion as follows: To move on the next day of sitting—That the instrument made by the Governor-General on 13 June 2006 under subsection 35(2) of the *Australian Capital Territory (Self-Government) Act 1988*, disallowing the *Civil Unions Act 2006* (ACT), be disallowed.

28 FUEL TAX BILL 2006**FUEL TAX (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2006**

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

Message no. 340, dated 14 June 2006—A Bill for an Act about fuel tax and fuel tax credits, and for related purposes.

Message no. 341, dated 14 June 2006—A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the *Fuel Tax Act 2006*, and for other purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

Explanatory memorandum: Senator Abetz tabled a revised explanatory memorandum relating to the bills.

On the motion of Senator Abetz the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

29 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2006

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 343, dated 14 June 2006—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

30 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

22 May 2006—Message No. 12—

Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006 (Act No. 41, 2006)

General Insurance Supervisory Levy Imposition Amendment Act 2006 (Act No. 42, 2006)

Health and Other Services (Compensation) Amendment Act 2006 (Act No. 43, 2006)

Protection of the Sea (Powers of Intervention) Amendment Act 2006 (Act No. 44, 2006)

Defence Housing Authority Amendment Act 2006 (Act No. 45, 2006)

Family Law Amendment (Shared Parental Responsibility) Act 2006 (Act No. 46, 2006)

Student Assistance Legislation Amendment Act 2006 (Act No. 47, 2006).

29 May 2006—Message No. 13—*Superannuation Legislation Amendment Act (No. 1) 2006* (Act No. 48, 2006).

1 June 2006—Message No. 14—*Australian Broadcasting Corporation Amendment Act 2006* (Act No. 49, 2006).

31 WORKPLACE RELATIONS REGULATIONS—PROPOSED DISALLOWANCE

Senator Wong, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Workplace Relations Regulations 2006, as contained in Select Legislative Instrument 2006 No. 52 and made under the *Workplace Relations Act 1996* and the *Workplace Relations Amendment (Work Choices) Act 2005*, be disallowed.

Debate ensued.

At 6.50 pm: Debate was interrupted while Senator Marshall was speaking.

32 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (*see entry no. 2*) was considered:

Northern Territory Fisheries Joint Authority—Report for 2004-05. Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

The following orders of the day relating to government documents were considered:

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2005 to 28 February 2006. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 November 2005 to 28 February 2006. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2004-05. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Interactive Gambling Act 2001—Report for 2005 on the operation of the prohibition on interactive gambling advertisements. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 January to 31 March 2006. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Local Government (Financial Assistance) Act 1995—Report for 2004-05 on the operation of the Act. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Roads to Recovery Act 2000—Roads to recovery programme—Report for 2004-05 on the operation of the Act. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 86 to 90 and 94 to 98 relating to government documents were called on but no motion was moved.

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.35 pm till Thursday, 15 June 2006 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senators Lundy*, Santoro*, Sherry* and Stott Despoja (* on leave).

HARRY EVANS
Clerk of the Senate