

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 92

WEDNESDAY, 9 AUGUST 2006

Contents

1	Meeting of Senate	2425
2	Government Documents	2425
3	Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006	2425
4	Aboriginal Land Rights (Northern Territory) Amendment Bill 2006	2425
5	Matters of Public Interest	2426
6	Questions	2426
7	Minister for the Environment and Heritage—Proposed Censure	2427
8	Motions to Take Note of Answers	2428
9	Petitions	2428
10	Notices	2428
11	Selection of Bills—Standing Committee—Report No. 7 of 2006	2430
12	Postponement	2431
13	Sport—Australian Football—Commonwealth Support	2431
14	Culture and the Arts—Australian Book Industry Awards—Australian Literature	2432
15	Death Penalty	2432
16	Treaties—Joint Standing Committee—Proposed Reference	2433
17	Foreign Affairs—Lebanon and Israel	2433
18	Immigration—Afghani Asylum Seekers	2433
19	Foreign Affairs—Mr David Hicks	2434
20	Economics Legislation Committee—Extension of Time to Report	2435
21	Foreign Affairs—Japanese ‘Comfort Women’	2435
22	Foreign Affairs—International Day of Peace	2436
23	Culture and the Arts—Australian Book Industry Awards—Books Alive Initiative	2436
24	Foreign Affairs—Burma	2437
25	Employment, Workplace Relations and Education Legislation Committee— Additional Information—Additional Estimates 2005-06	2438
26	Scrutiny of Bills—Standing Committee—5th Report and Alert Digest No. 7 of 2006	2438

27	Urgency Motion Withdrawn.....	2438
28	Documents.....	2438
29	Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill 2006	2441
30	Defence—Australian Defence Force Commitment to Afghanistan— Ministerial Statement—Document	2441
31	Government Documents—Consideration	2441
32	Adjournment	2441
33	Attendance.....	2442

1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Meat and Livestock Industry Act 1997—Report for 2004-05 in relation to compliance with the funding agreement between the Commonwealth of Australia and Australian Livestock Export Corporation Ltd (LiveCorp).

Higher Education Funding Act 1988—Report on determinations made under the Act in respect of 2004.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2006.

3 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT (ANTARCTIC SEALS AND OTHER MEASURES) BILL 2006

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Environment and Heritage (Senator Ian Campbell) and pursuant to notice, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend legislation relating to environment and heritage, and for related purposes.

Question put and passed.

Senator Ellison presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Ellison tabled an explanatory memorandum relating to the bill.

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

4 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2006

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

Proposed instruction to committee of the whole: The Leader of the Opposition in the Senate (Senator Evans), also on behalf of Senators Bartlett and Siewert, pursuant to contingent notice, moved—That it be an instruction to the committee of the whole that:

- (1) The Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 be divided into two bills, as follows:
 - (a) a Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for other purposes; and
 - (b) a Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, to restrict certain entitlements of traditional Aboriginal land owners and for other purposes.
- (2) The first bill consist of the enacting words, clauses 1, 2 and 3 and Schedule 1, all items except: item 46, section 19A; items 50 and 51; item 52, section 21A; item 65, section 28C; items 172 to 186; and item 192, subsections 67A(12) to (17) of the original bill, renumbered as necessary; and that the second bill consist of: Schedule 1, item 46, section 19A; items 50 and 51; item 52, section 21A; item 65, section 28C; items 172 to 186; and item 192, subsections 67A(12) to (17) of the original bill, renumbered as necessary.
- (3) The following amendments be made to the second bill:
 - (a) title, insert the title as shown in paragraph (1)(b) of this order;
 - (b) after the title, insert the words of enactment; and
 - (c) after the words of enactment, insert the following clauses:
 - 1 Short title**
This Act may be cited as the *Aboriginal Land Rights (Northern Territory) Amendment Act (No. 2) 2006*.
 - 2 Commencement**
This Act commences on the day on which it receives the Royal Assent.
 - 3 Schedule(s)**
Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (4) That the bills as amended by this order be printed.

Debate ensued.

At 12.45 pm: Debate was interrupted while Senator Crossin was speaking.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald) the sitting of the Senate was suspended at 1.55 pm till 2 pm.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

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

Environment—Victoria—Bald Hills—Proposed wind farm—Copy of wind power station survey leaflet by Mr Zahra, MP.

Further questions without notice were answered.

7 MINISTER FOR THE ENVIRONMENT AND HERITAGE—PROPOSED CENSURE

The Leader of the Opposition in the Senate (Senator Evans), by leave, moved—That the Senate censures the Minister for the Environment and Heritage (Senator Ian Campbell) for:

- (a) abusing his powers under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (b) undermining the administration of the Act; and
- (c) exposing the Commonwealth to legal and financial risk.

Debate ensued.

Document: Senator Ian Campbell tabled the following document:

Environment—Victoria—Bald Hills—Proposed wind farm—Local Community Input into Renewable Energy Developments Bill 2003—Copy of private member's bill introduced by Mr Zahra, MP.

Debate continued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 37

Senators—

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

Question negatived.

8 MOTIONS TO TAKE NOTE OF ANSWERS

Motions to take note of answers were called on but no motion was moved.

9 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senator McLucas, from 15 and 59 petitioners, respectively, requesting that the Senate reject the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

Senator Hogg, from 1 400 petitioners, requesting that the Senate take action to ensure that enough medical professionals are trained to maintain the quality care provided by hospitals and other health services.

10 NOTICES

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

(a) notes that:

- (i) record high prices of petrol in Australia are likely to increase due to recent wars in the Middle East, a diminishing number of significant oil reserves being discovered in the past decade and world-wide demand that is expected to exceed production sometime between 2010 and 2025,
- (ii) Australian oil production has diminished and currently around 65 per cent of all oil consumed is imported, and
- (iii) oil used in transport produces 17 per cent of Australia's greenhouse gas emissions;

(b) notes also that:

- (i) oil companies are still reluctant to market biofuels and are unlikely to meet their Biofuels Action Plan targets for uptake in the 2006-07 financial year, and
- (ii) the Government has consistently undermined alternative fuels, imposing excise commencing in 2012, cutting excise on diesel, forcing onerous testing on small biodiesel producers and providing billions of dollars to the automobile industry without leveraging fuel efficiency or alternative fuel conversions; and

- (c) urges the Government to:
- (i) release the report of its June 2006 review of the Biofuels Action Plan,
 - (ii) keep excise off alternative fuels,
 - (iii) mandate a proportion of petrol and diesel to be blended with at least 10 per cent biofuel,
 - (iv) fund compressed natural gas refuelling stations,
 - (v) provide incentives to motorists and automobile manufacturers to take up alternative fuel and fuel efficient vehicles, and
 - (vi) invest in better public transport, bike and walk ways and freight rail. (*general business notice of motion no. 480*)

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

- (a) condemns the Howard Government for its failure to address the widely acknowledged affordability crisis in Australia's rental and home ownership markets; and
- (b) calls on the Howard Government to show leadership on this critical issue by working with state, territory and local governments, industry, business and the not-for-profit sector to develop a national housing strategy. (*general business notice of motion no. 481*)

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

Temporary Business Long Stay (subclass 457) visas, with particular reference to:

- (a) the general efficiency and effectiveness of the visa;
- (b) the safeguards in place to ensure the integrity of the system;
- (c) the Government's performance as administrator of the visa system;
- (d) the role of domestic and international labour hire firms and agreements;
- (e) the potential for displacement of Australian workers;
- (f) the difference between the pay and conditions of visa holders and the relevant rates in the Australian labour market;
- (g) the Government's labour market testing required before visa approval;
- (h) the Government's requirements of Regional Certifying Bodies for visa certification;
- (i) the interaction of this visa with the Work Choices legislation; and
- (j) any other related matter.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following operate as a temporary order until 30 June 2007:

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.

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

- (a) recognises that the global price of oil is likely to continue to rise because of dwindling global supply, ongoing demand including from the rapidly growing economies of China and India, limited and inflexible refining capacity, interrupted supply because of climate change related storms and infrastructure damage in addition to geo-political factors;
- (b) endorses the development of a national strategy to reduce Australia's dependence on oil; and

(c) calls on the Government to:

- (i) establish a Council of Australian Governments process to begin redesigning Australian cities with a view to investing in public transport to reduce car dependence,
- (ii) introduce mandatory vehicle fuel efficiency standards for all new motor vehicles, and
- (iii) invest in the development of alternative fuels. (*general business notice of motion no. 482*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls for an immediate ceasefire in Lebanon. (*general business notice of motion no. 483*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 15 August 2006—That clause 2.2 of Determination 2006/11: Remuneration and Allowances for Holders of Public Office and Members of Parliament, made pursuant to subsections 5(2A), 7(1), 7(3), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2006

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

SELECTION OF BILLS COMMITTEE REPORT NO. 7 OF 2006

1. The committee met in private session on Tuesday, 8 August 2006 at 4.18 pm.
2. The committee resolved to recommend—That the Migration Amendment (Visa Integrity) Bill 2006 be ***referred immediately*** to the Legal and Constitutional Legislation Committee for inquiry and report by 11 September 2006.
3. The committee resolved to recommend—That the following bills ***not*** be referred to committees:
 - Protecting Children from Junk Food Advertising Bill 2006
 - Protection of the Sea (Harmful Anti-fouling Systems) Bill 2006
 - Migration Legislation Amendment (Temporary Protection Visas Repeal) Bill 2006
 - Privacy (Extension to Political Acts and Practices) Amendment Bill 2006
 - Privacy Legislation Amendment Bill 2006.

The committee recommends accordingly.

4. The committee considered a proposal to refer the Australian Capital Territory (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006 to the Legal and Constitutional Legislation Committee, but was unable to reach agreement on whether the bill should be referred.
5. The committee ***deferred*** consideration of the following bills to its next meeting:
 - International Tax Agreements Amendment Bill (No. 1) 2006
 - Tax Laws Amendment (2006 Measures No. 4) Bill 2006
 - Tax Laws Amendment (Repeal of Inoperative Provisions) Bill 2006.

Jeannie Ferris
Chair
9 August 2006.

Senator Ferris moved—That the report be adopted.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

At the end of the motion, add “and, in respect of the Australian Capital Territory (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006, the bill be referred to the Legal and Constitutional Legislation Committee for inquiry and report by 10 October 2006”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Main question put and passed.

12 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 468 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to the Tarkine wilderness World Heritage values, postponed till 10 August 2006.

13 SPORT—AUSTRALIAN FOOTBALL—COMMONWEALTH SUPPORT

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Arts and Sport (Senator Kemp) and Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the Senate—

- (a) congratulates the Australian Socceroos on their historic performance at the 2006 World Cup in Germany;
- (b) also congratulates the outstanding results achieved by the Matildas recently on their qualification for the 2007 World Cup in China;

- (c) congratulates the Football Federation of Australia for undertaking a comprehensive reform agenda in the sport of football, including the implementation of the recommendations of the Crawford report;
- (d) acknowledges the important contribution of the Australian Sports Commission to the reform program and supports its development of young football players, particularly through the Australian Institute of Sport football program; and
- (e) notes the commitment held by many Australians to football and supports the Commonwealth in its endeavours to support football in Australia.

Question put and passed.

14 CULTURE AND THE ARTS—AUSTRALIAN BOOK INDUSTRY AWARDS—AUSTRALIAN LITERATURE

Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Allison) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 474—That the Senate—

- (a) notes that:
 - (i) *The Secret River* by author Ms Kate Grenville, has been awarded the Australian Literary Fiction Book of the Year 2006 and overall Australian Book of the Year 2006 in the Australian Book Industry Awards and the Commonwealth Writers Prize, and
 - (ii) *Far From a Still Life: Margaret Olley* by author Ms Meg Stewart, has been awarded Australian Biography of the Year 2006; and
- (b) congratulates Ms Grenville and Ms Stewart for their outstanding contributions to Australian literature.

Question put and passed.

15 DEATH PENALTY

Senator Stott Despoja, also on behalf of Senators Humphries, Nettle and Payne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 472—That the Senate—

- (a) notes that:
 - (i) 11 July 2006 was the 15th anniversary of the entry into force of the United Nations' Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,
 - (ii) 57 countries have signed and ratified the Second Optional Protocol, including Australia, and
 - (iii) while Australia has ratified the Second Optional Protocol, this Parliament has not yet adopted the Protocol into domestic law;
- (b) reaffirms its opposition to capital punishment; and
- (c) on a bipartisan level, calls for the Australian Government, the Federal Parliament and the parliaments of the states and territories to work together to adopt the Second Optional Protocol into domestic law with binding force over the Commonwealth, the states and the territories.

Question put and passed.

16 TREATIES—JOINT STANDING COMMITTEE—PROPOSED REFERENCE

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. 469—That the following matter be referred to the Joint Standing Committee on Treaties for inquiry and report by 15 August 2006:

The proposed security treaty or pact with Indonesia, with particular reference to:

- (a) the long-term defence and security implications for Australia;
- (b) the rights of West Papuans;
- (c) Australia's international treaty obligations; and
- (d) any related matters.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 51

Senators—

Adams	Ellison	Ludwig	Ray
Barnett	Ferguson	Lundy	Ronaldson
Bernardi	Ferris (Teller)	Marshall	Scullion
Bishop	Fierravanti-Wells	Mason	Sherry
Brandis	Fifield	McEwen	Stephens
Brown, Carol	Forshaw	McLucas	Sterle
Calvert	Heffernan	Moore	Troeth
Campbell, George	Hurley	Nash	Trood
Chapman	Hutchins	O'Brien	Watson
Colbeck	Johnston	Parry	Webber
Conroy	Joyce	Patterson	Wong
Crossin	Kirk	Payne	Wortley
Eggleston	Lightfoot	Polley	

Question negatived.

17 FOREIGN AFFAIRS—LEBANON AND ISRAEL

Senator Nettle requested that general business notice of motion no. 478 standing in her name for today, relating to Lebanon and Israel, be taken as formal.

Statement by leave: Senator George Campbell, by leave, made a statement relating to the matter.

Postponement: Senator Nettle did not proceed with her request for formality and, by leave, moved—That general business notice of motion no. 478 be postponed till the next day of sitting.

Question put and passed.

18 IMMIGRATION—AFGHANI ASYLUM SEEKERS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 479—That the Senate—

- (a) notes that the report by the Edmund Rice Centre into returned Afghani asylum seekers found that:
 - (i) as many as nine men returned from Nauru may have been killed, and three children of people sent back from Nauru are confirmed as killed, and
 - (ii) that many asylum seekers, who were told by officials of the Department of Immigration and Multicultural Affairs that Afghanistan was safe, have faced renewed persecution and the dangers of on-going war upon return and that many of these people have been forced to flee again; and
- (b) calls on the Government to:
 - (i) stop attacking the authors of the report, and
 - (ii) investigate the claims made in the report.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 36

Senators—

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

Question negatived.

19 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 477—That the Senate notes that:

- (a) on 7 August 2006, Australian David Hicks commemorated his 31st birthday, his fifth in detention at Guantanamo Bay, where he has been held for four and a half years;
- (b) the United States Supreme Court ruling in *Hamden v Rumsfeld* held that military commissions are '[in]consistent with the Constitution and laws of the United States' and thus 'illegal';
- (c) in March 2006, the World Organization for Human Rights USA submitted a report to the United Nations Human Rights Committee, *Torture, Arbitrary Detention, and other Major Human Rights Abuses by the United States*:

US Non-Compliance with the International Covenant on Civil and Political Rights (ICCPR) in the Context of the 'War on Terror';

- (d) this report highlights how the Government of the United States of America (US) has deliberately and systematically disregarded domestic American and international laws regarding human rights and civil liberties as the report makes the case that the US Government is in clear violation of the ICCPR, one of the fundamental protections against government-instigated oppression; and
- (e) the findings of this report suggest that the US Government is intentionally worsening the situation of the remaining Guantanamo detainees, including Mr Hicks.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 36

Senators—

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

Question negatived.

20 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 475—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Intellectual Property Laws Amendment Bill 2006 be extended to 16 August 2006.

Question put and passed.

21 FOREIGN AFFAIRS—JAPANESE 'COMFORT WOMEN'

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 471—That the Senate notes that 9 August 2006 marks the international day of action for justice for the Japanese 'Comfort Women' who, 61 years after the conclusion of World War II, are still yet to receive an apology or any official acknowledgment of the grave human rights abuses that were suffered at the hands of the Japanese military.

Question put and negatived.

22 FOREIGN AFFAIRS—INTERNATIONAL DAY OF PEACE

Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Allison) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 473—That the Senate—

(a) notes that:

- (i) on 7 September 2001, the United Nations (UN) General Assembly declared that the International Day of Peace should be observed annually on the fixed date of 21 September, as a day of global ceasefire and non-violence, and
- (ii) UN Secretary General Kofi Annan has repeatedly urged member states of the UN to support the observance of a global ceasefire on the day, arguing that a global ceasefire would:
 - (A) provide a pause for reflection by the international community on the threats and challenges faced,
 - (B) offer mediators a building block towards a wider truce, as has been seen in nations such as Ghana and Zambia,
 - (C) encourage those involved in violent conflict to reconsider the wisdom of further violence,
 - (D) provide relief workers with a safe interlude for the provision of vital services and the supply of essential goods,
 - (E) allow freedom of movement and information, which is particularly beneficial to refugees and internally-displaced persons, and
 - (F) relieve those embroiled in violent conflict from the daily burden of fear for one's own safety and the safety of others;

(b) supports the Australian organisations that intend to hold vigils, concerts and walks on 21 September 2006, in Melbourne, Sydney, Adelaide, Darwin and Brisbane;

(c) calls on the Government to actively support the observance of a ceasefire in Afghanistan, East Timor, Iraq and the Solomon Islands on 21 September 2006 by ensuring that Australia's armed forces:

- (i) do not engage in hostilities for the duration of 21 September, unless provoked to do so in self-defence,
- (ii) promote the observance of a global ceasefire for the duration of 21 September, and
- (iii) promote the practice of non-violence for the duration of 21 September; and

(d) requests that the Government encourage other nation states to follow its lead.

Question put and negatived.

23 CULTURE AND THE ARTS—AUSTRALIAN BOOK INDUSTRY AWARDS—BOOKS ALIVE INITIATIVE

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 470—That the Senate—

(a) congratulates the following winners of the Australian Book Industry Awards, held in Sydney on 26 July 2006, on their literary achievement:

- (i) Australian Publisher of the Year 2006: Allen & Unwin,
- (ii) Australian Independent Bookseller of the Year 2006: Riverbend Books,

- (iii) Australian Chain Bookseller of the Year 2006: Readings Carlton,
- (iv) Australian Book of the Year 2006: *The Secret River* by Kate Grenville,
- (v) The Pixie O'Harris Award: Julie Watts,
- (vi) Australian Illustrated Book of the Year 2006: *Italian Joy* by Carla Coulson,
- (vii) Australian Biography of the Year 2006: *Far From A Still Life: Margaret Olley* by Meg Stewart,
- (viii) Australian General Non-Fiction Book of the Year 2006: *The Weather Makers: The History and Future Impact of Climate Change* by Tim Flannery,
- (ix) Australian Book of the Year for Younger Children (age range 0 to 8 years) 2006: *Little Fur: The Legend of Little Fur Book 1* by Isobelle Carmody,
- (x) Australian Book of the Year for Older Children (age range 8 to 14 years) 2006: *Does my Head Look Big in This?* by Randa Abdel-Fattah,
- (xi) Australian Literary Fiction Book of the Year 2006: *The Secret River* by Kate Grenville,
- (xii) Australian General Fiction Book of the Year 2006: *The Broken Shore* by Peter Temple,
- (xiii) Australian Newcomer of the Year (debut writer) 2006: *A Man's Got to Have a Hobby* by William McInnes,
- (xiv) Australian Export & Rights Development Award 2006: Allen & Unwin,
- (xv) Australian Marketing Campaign of the Year 2006: *The CSIRO Total Wellbeing Diet* by Dr Manny Noakes with Dr Peter Clifton,
- (xvi) Australian Distributor of the Year 2006: Alliance Distribution Services, and
- (xvii) Australian Small Publisher of the Year 2006: Scribe Publications;
- (b) acknowledges Mr John Marsden, who was awarded the Lloyd O'Neil Award for Services to the Australian Book Industry; and
- (c) acknowledges the Government's Books Alive initiative which 'aims to encourage all Australians to experience the joys of reading'.

Question put and passed.

24 FOREIGN AFFAIRS—BURMA

Senator Stott Despoja, also on behalf of Senator Payne, amended general business notice of motion no. 476 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) 8 August 2006 is the 18th anniversary of the Burmese military regime's murderous suppression of the pro-democracy movement,
 - (ii) while the pro-democracy uprising failed, international pressure placed on Rangoon led to the landmark 1990 parliamentary election,
 - (iii) the lack of organised, sustained international pressure on Rangoon allowed the military junta to ignore the parliamentary election results, which saw a landslide victory for the pro-democracy National League for Democracy led by Daw Aung San Suu Kyi and this situation renewed military oppression in Burma which has lasted to this day,

- (iv) military repression in Burma has led to more than 500 000 documented Burmese political and economic refugees living in India, China and Thailand, while undocumented Burmese refugees living in Thailand are estimated to be in the millions,
 - (v) thousands of people have died and continue to die under the rule of the Burmese military, and
 - (vi) Daw Aung San Suu Kyi and many hundreds of other political prisoners remain in detention within Burma; and
- (b) calls on the Government to:
- (i) urge the United Nations Security Council to pass a strong binding resolution addressing the urgent need for democratic reform and greater protection of human rights in Burma, and
 - (ii) make representations to the Chinese and Russian governments urging them to abandon any support they may have for the Burmese junta.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Troeth), tabled the following additional information received by the committee:

Employment, Workplace Relations and Education Legislation Committee—
Additional estimates 2005-06—Additional information received between 23 June
and 8 August 2006—Employment and Workplace Relations portfolio.

**26 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST
NO. 7 OF 2006**

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

Scrutiny of Bills—Standing Committee—
5th report of 2006, dated 9 August 2006.
Alert Digest No. 7 of 2006, dated 9 August 2006.

Report ordered to be printed on the motion of Senator George Campbell.

27 URGENCY MOTION WITHDRAWN

The Acting Deputy President (Senator Troeth) informed the Senate that the Leader of the Australian Democrats (Senator Allison) had withdrawn the urgency motion which she had indicated she intended to move today relating to petrol prices.

28 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian National University Act—
Academic and Ceremonial Dress Statute 2005—Academic and Ceremonial
Dress Order 2006 [F2006L02598]*.
Academic Board Statute 2006 [F2006L02595]*.
Academic Board Statute 2006—Academic Board and Subcommittees Rules
2006 [F2006L02596]*.

ANU College Governance Statute 2006 [F2006L02603]*.

ANU College Governance Statute 2006—ANU College Governance Rules 2006 [F2006L02602]*.

Discipline Statute 2005—Discipline Rules (No. 3) 2006 [F2006L02597]*.

Membership of the Council Statute 2004—Membership of the Council Rules 2006 [F2006L02599]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 10 of 2006—Information provided by general insurers under certain reporting standards [F2006L02578]*.

Banking Act—Banking (Prudential Standard) Determination No. 10 of 2006—Variations [F2006L02609]*.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 95.8 Amendment Order (No. 2) 2006 [F2006L02504]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/A109/54—Tail Rotor Pitch Control Link Assembly [F2006L02607]*.

AD/A119/8—Tail Rotor Pitch Control Link Assembly [F2006L02608]*.

Customs Act—

Tariff Concession Orders—

0606806 [F2006L02583]*.

0607767 [F2006L02584]*.

0607776 [F2006L02585]*.

0607954 [F2006L02586]*.

0607960 [F2006L02588]*.

0608184 [F2006L02587]*.

0608284 [F2006L02589]*.

0608285 [F2006L02590]*.

0608338 [F2006L02591]*.

0608569 [F2006L02592]*.

Tariff Concession Revocation Orders—

60/2006 [F2006L02581]*.

61/2006 [F2006L02582]*.

Environment Protection and Biodiversity Conservation Act—

Amendments of lists of—

Specimens taken to be suitable for live import, dated—

21 July 2006 [F2006L02535]*.

26 July 2006 [F2006L02538]*.

Threatened species, dated 12 July 2006 [F2006L02537]*.

Notice of proposed accreditation of the Northern Prawn Fishery Management Plan Amendment 2006 (No. 1), dated 31 July 2006.

Export Control Act—Export Control (Orders) Regulations—Export Control (Fees) Amendment Orders 2006 (No. 1) [F2006L02614]*.

Export Market Development Grants Act—

Export Market Development Grants (Change in Ownership of Business) Guidelines 2006 [F2006L02474]*.

Export Market Development Grants (Made in Australia) Guidelines 2006 [F2006L02435]*.

Export Market Development Grants (Significant Net Benefit) Guidelines 2006 [F2006L02473]*.

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

2006/17 – Artbank Account Variation and Abolition 2006 [F2006L02540]*.

2006/18 – Art Rental Special Account Establishment 2006 [F2006L02556]*.

2006/19 – Standing Committee on Recreation and Sport Consultant Account Variation and Abolition 2006 [F2006L02558]*.

2006/20 – Sport and Recreation Special Account Establishment 2006 [F2006L02559]*.

2006/21 – Federation Fund Accounts Variation and Abolition 2006 [F2006L02579]*.

2006/22 – Federation Fund – Department of Communications, Information Technology and the Arts Special Account Establishment 2006 [F2006L02580]*.

2006/23 – Federation Fund – Department of Transport and Regional Services Special Account Establishment 2006 [F2006L02593]*.

2006/24 – Federation Fund Account – Department of Education, Science and Training Abolition 2006 [F2006L02561]*.

2006/25 – Lloyd's Deposit Trust Account Variation and Abolition 2006 [F2006L02562]*.

2006/26 – Lloyd's Deposit Trust Special Account Establishment 2006 [F2006L02564]*.

2006/27 – Trustee Companies (ACT) Deposits Trust Account Abolition 2006 [F2006L02565]*.

2006/28 – Childcare Centre Capital Replacement and Upgrade Special Account Variation 2006 [F2006L02567]*.

2006/29 – Commonwealth/State Disability Agreement Account Variation and Abolition 2006 [F2006L02568]*.

2006/30 – Commonwealth, State, Territory Disability Agreement Special Account Establishment 2006 [F2006L02569]*.

2006/33 – Australian Government Actuary Account Variation and Abolition 2006 [F2006L02574]*.

2006/34 – Actuarial Services Special Account Establishment 2006 [F2006L02576]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 87 – 2006 [F2006L02539]*.

Migration Act—Migration Regulations—Instrument IMMI 06/058—Organisations that may sponsor Short Stay Business Visitors [F2006L02571]*.

Navigation Act—Marine Order No. 10 of 2006—Coastal pilotage [F2006L02604]*.

* Explanatory statement tabled with legislative instrument.

29 AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) AMENDMENT BILL 2006

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

Message no. 366, dated 9 August 2006—A Bill for an Act to amend the *Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Act 2005*, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

30 DEFENCE—AUSTRALIAN DEFENCE FORCE COMMITMENT TO AFGHANISTAN—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Communications, Information Technology and the Arts (Senator Coonan) tabled the following document:

Defence—Australian Defence Force commitment to Afghanistan—Ministerial statement by the Prime Minister (Mr Howard), dated 9 August 2006.

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

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

At 6.50 pm—

31 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Australian Meat and Livestock Industry Act 1997—Report for 2004-05 in relation to compliance with the funding agreement between the Commonwealth of Australia and Australian Livestock Export Corporation Ltd (LiveCorp). Motion to take note of document moved by Senator Bartlett and agreed to.

32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.38 pm till Thursday, 10 August 2006 at 9.30 am.

33 ATTENDANCE

Present, all senators.

HARRY EVANS
Clerk of the Senate