

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 96

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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2006.

*Criminal Code Act 1995*—Preventative detention and control orders—Reports for 2005-06.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at August 2006.

**3 EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT BILL 2006**

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 the *Export Finance and Insurance Corporation Act 1991*, 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.

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

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*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 further consideration of the bill in committee of the whole.

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*In the committee*

Consideration resumed of the bill, as amended, subject to requests—and of the amendment moved by the Leader of the Opposition in the Senate (Senator Evans):

Schedule 1, item 65, page 37 (lines 24 to 26), omit subsection 28C(3), substitute:

- (3) The Minister must not approve the request unless he or she is satisfied that:
  - (a) the body will be able to satisfactorily perform the functions and exercise the powers sought by the body; and
  - (b) the body has a sound governance framework and prudent management; and
  - (c) a majority of traditional Aboriginal owners of the region represented by the body consent to the delegation.

Debate ensued.

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

Senator Evans moved the following amendment:

Schedule 1, page 60 (after line 21), after item 124, insert:

**124AA Section 44A**

Repeal the section.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 124A to 124C.

Schedule 1, items 124A to 124C agreed to.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 173 and 174.

Schedule 1, items 173 and 174 debated and agreed to.

Senator Evans moved the following amendments together by leave:

Schedule 1, item 189, page 71 (lines 27 and 28), omit “, (12), (13)”.

Schedule 1, item 192, page 74 (line 16) to page 76 (line 28), omit subsections 67A(12) to (17).

Debate ensued.

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

Bill, as amended, further debated.

Question—That the bill, as amended, be agreed to subject to requests—put.

The committee divided—

AYES, 36

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Bill to be reported with amendments and requests.

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

On the motion of the Minister for the Arts and Sport (Senator Kemp) the report from the committee was adopted.

**5 BROADCASTING LEGISLATION AMENDMENT BILL (NO. 1) 2005 [2006]**

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Adams was speaking.

**6 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**7 QUESTIONS**

Questions without notice were answered.

**8 IMMIGRATION—457 VISA PROGRAM—ANSWERS TO QUESTIONS**

Senator Wong 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 the 457 visa program.

Debate ensued.

Question put and passed.

**9 ENVIRONMENT—GREENHOUSE GAS EMISSIONS—ANSWER TO QUESTION**

Senator Milne moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Mason today relating to greenhouse gas emissions.

Question put and passed.

**10 PETITIONS**

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

The President, from 71 petitioners, requesting that the Senate reject the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

Senator Kirk, from 972 petitioners, requesting that the Senate take action to ensure that David Hicks' rights are met under the guidelines of the Geneva Convention, as it applies to prisoners of war.

**11 NOTICES**

*Notices of motion:*

Senator O'Brien: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the last sitting day in March 2007:

The administration of quarantine by the Department of Agriculture, Fisheries and Forestry and its ministers, with particular reference to:

- (a) the effectiveness of current administrative arrangements for managing quarantine, including whether the community is best served by maintaining the division between Biosecurity Australia and the Australian Quarantine Inspection Service (AQIS);
- (b) whether combining Biosecurity Australia and the AQIS would provide a better structure for delivering the quarantine outcomes that Australia requires;
- (c) the legislative or regulatory underpinning of the import risk assessment process, including the status of the current *AQIS Import Risk Analysis Process Handbook*;
- (d) the methodology used by Biosecurity Australia for determining appropriate levels of protection;
- (e) the role, if any, of ministers in making final decisions on import risk assessments; and
- (f) any related matters.

Senator Wortley: To move on the next day of sitting—That there be laid on the table by the Minister for Immigration and Multicultural Affairs (Senator Vanstone), no later than 10 am on 4 September 2006, the report on T&R Pastoral and its employment of workers on subclass 457 visas prepared by the Department of Immigration and Multicultural Affairs, which included an investigation, in the form of a labour survey carried out by the Meat Industry Training Advisory Council, and any other related documentation. (*general business notice of motion no. 499*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 4 September 2006—That the Senate—

(a) notes:

- (i) the high rates of violence against journalists in Indonesia for the period August 2005 to August 2006,
  - (ii) that the Alliance of Independent Journalists (AJI) Indonesia recorded 64 cases of violence against the press and journalists, occurring from the provinces of Aceh to Papua, with the most dangerous places for the press being Jakarta with 13 cases of violence, and East Java and Nanggroe Aceh Darussalam, both with 8 cases of violence, and
  - (iii) that AJI identifies the perpetrators as mobs and thugs, government figures, including district heads, regents, governors, ministerial staff, etc, and the police; and
- (b) calls on the Australian Government to urge the Indonesian Government to respect the journalistic profession and ensure international standards for journalistic security as stipulated by the 1945 Constitution and the Indonesian Law No. 40/1999 on the press. (*general business notice of motion no. 500*)

Senator Stephens: To move on the next day of sitting—That the Senate condemns the Howard Government for its failure to keep inflationary pressures in the Australian economy under control, including:

- (a) appropriately addressing the skilled labour shortage;
- (b) recognising that capacity constraints are choking the economy;
- (c) adequately addressing the rising price of petrol; and
- (d) the growing disparity between executive salaries and wages of working Australians. (*general business notice of motion no. 501*)

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

(a) notes:

- (i) that on 15 August 2006 the Minister for Transport and Regional Services approved a major brickworks on Commonwealth land at Perth Airport,
- (ii) that non-aeronautical development at Perth Airport is currently exempt from state and local planning laws,
- (iii) that there is evidence that the Swan Valley air-shed already contains concentrations of acid gases from existing brickworks which are impacting on the health of surrounding residents,
- (iv) the concern of local councils, businesses, residents and the State Government about the adverse effects of this development on their communities and health, and
- (v) that the Environmental Assessment Report tendered by the Department of the Environment and Heritage identifies serious deficiencies in the BGC (Australia) Pty Ltd proposal; and

(b) calls for:

- (i) a comprehensive assessment of airborne pollution in the Swan Valley air-shed and the impact of this pollution on the health of local residents prior to any commencement of work on the brickworks, and
- (ii) the proponent to be required to address the serious deficiencies in the proposal, as identified by the Department of the Environment and Heritage. (*general business notice of motion no. 502*)

Senator Moore and the Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—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 their 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; and
- (c) calls on the Government to actively support the principles of the International Day of Peace on 21 September. (*general business notice of motion no. 503*)

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

(a) notes:

- (i) the comments by the Attorney-General (Mr Ruddock) on 14 August 2006 that: '[David Hicks' repatriation] should happen as quickly as possible' and 'Were that not to be the case, we would be seeking his return in the same way we did with Mamdouh Habib ... I would never benchmark myself but I do note that the United States ... wants to have the matters that Congress has to deal with resolved before it rises for the mid-term election, which suggests November', and
- (ii) that South Australian David Hicks has now spent more than four and a half years in detention in Guantanamo Bay; and
- (b) calls on the Federal Government to lobby for David Hicks' immediate repatriation. (*general business notice of motion no. 504*)



*Notice of motion withdrawn:* Senator Ferris, at the request of Senator Abetz, withdrew general business notice of motion no. 493 standing in the name of Senator Abetz for today, relating to a notice of motion given by the Leader of the Australian Greens (Senator Bob Brown) concerning the Exclusive Brethren.

## 12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2006

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

### SELECTION OF BILLS COMMITTEE

#### REPORT NO. 8 OF 2006

1. The committee met in private session on Tuesday, 15 August 2006 at 4.19 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Tax Laws Amendment (2006 Measures No. 4) Bill 2006 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 31 August 2006; and
  - (b) the Export Finance and Insurance Corporation Amendment Bill 2006 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 9 September 2006.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - International Tax Agreements Amendment Bill (No. 1) 2006
  - Tax Laws Amendment (Repeal of Inoperative Provisions) Bill 2006.

*The committee recommends accordingly.*
4. The committee deferred consideration of the following bill to its next meeting:
  - Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006.

Jeannie Ferris  
Chair  
16 August 2006.

Senator Ferris moved—That the report be adopted.

Question put and passed.

## 13 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 490 standing in the name of Senator Bartlett for today, relating to the importation of illegal timber and wood products, postponed till 17 August 2006.

## 14 FOREIGN AFFAIRS—MR DAVID HICKS

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. 498—That the Senate calls on the Government to insist that citizen of Australia, Mr David Hicks, be treated the same as citizens of the United States of America – no more, no less.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Hogg	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
Evans	Marshall	Ray	
Faulkner	McEwen	Sherry	
Forshaw	McLucas	Siewert	

NOES, 36

Senators—

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

Question negatived.

**15 INDUSTRY—TASMANIA—HOBART INTERNATIONAL AIRPORT—PROPOSED RETAIL CENTRE**

Senator Milne amended general business notice of motion no. 497 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

- (i) that the proposal for a direct factory outlet and bulky goods retail centre at Hobart International Airport is for a 70 000 square metre development, which would make it the largest direct factory outlet in the nation,
- (ii) the concern of Tasmanian businesses that the development will have a serious adverse impact on local businesses in a community of half a million people, and
- (iii) that there is a denial of natural justice because of the refusal to release the social and economic impact statement on the proposal; and

(b) calls on the Government to:

- (i) immediately authorise and ensure the release of the social and economic impact statement on the proposal,
- (ii) review the assessment process to remove the inherent bias that will see the Hobart International Airport Pty Ltd, acting on behalf of the developer, assess and summarise the submissions and then advise the federal minister, and
- (iii) implement a regulatory framework for the development such that local businesses paying land tax are not disadvantaged by the Commonwealth land's exemption from state and local government law.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Hogg	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
Evans	Marshall	Ray	
Faulkner	McEwen	Sherry	
Forshaw	McLucas	Siewert	

NOES, 36

Senators—

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

Question negatived.

16 **HEALTH—MEDICARE**

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. 489—That the Senate—

- (a) notes the consensus statement released on 14 August 2006 on draft 'Medicare Item 16400: Antenatal care in rural and remote communities', which reflects the concerns of the Australian Nursing Federation, the Council of Remote Area Nurses of Australia, the Australian College of Midwives, the Association of Australian Rural Nurses, the Australian Practice Nurses Association, the Australian Nursing and Midwifery Council, the College of Nursing and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists;
- (b) acknowledges that the statement expresses concerns about the safety and quality of care that would be provided under the proposed new item within the current descriptor and explanatory notes, specifically:
  - (i) that safe and high quality antenatal care can only be provided by a qualified health professional with appropriate education, that is, a qualified midwife, a nurse with midwifery qualifications, an obstetrician or a general practitioner with a diploma in obstetrics or equivalent qualifications, and
  - (ii) that the signatories to the statement do not support the inclusion of nurses without midwifery qualifications on the list of eligible care providers for the item number 16400 descriptor and explanatory notes; and

- (c) calls on the Government to consider the safety and quality issues around the provision of antenatal care and to enter into a dialogue with health professionals about modification of the proposed Medicare item number to ensure that safe and high quality antenatal care is provided.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Hogg	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
Evans	Marshall	Ray	
Faulkner	McEwen	Sherry	
Forshaw	McLucas	Siewert	

NOES, 36

Senators—

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

Question negatived.

#### 17 ENVIRONMENT—WESTERN AUSTRALIA—BURRUP PENINSULA—ROCK ART SITE

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 496—That the Senate—

(a) notes that:

- (i) at least 10 000 petroglyphs have been destroyed by industrial development on Western Australia's Burrup Peninsula, arguably the world's greatest rock art site,
- (ii) while alternative sites for industry exist, the rock art is unique and irreplaceable, and
- (iii) the area has been nominated to the National Heritage List and this nomination is currently undergoing assessment; and

(b) calls on the Minister for the Environment and Heritage (Senator Ian Campbell) to use all Commonwealth powers available to ensure that no further loss of rock art occurs while the heritage nomination is being determined.

Question put.

The Senate divided—

AYES, 8

Senators—

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

## NOES, 54

## Senators—

Abetz	Ferris	Lundy	Polley
Adams	Fierravanti-Wells	Macdonald, Ian	Ronaldson
Barnett	Fifield	Macdonald, Sandy	Santoro
Bernardi	Forshaw	Marshall	Scullion
Bishop	Heffernan	Mason	Sherry
Boswell	Hogg	McEwen	Stephens
Brandis	Humphries	McGauran	Sterle
Brown, Carol	Hurley	McLucas	Troeth
Campbell, G (Teller)	Johnston	Minchin	Trood
Campbell, Ian	Joyce	Moore	Watson
Chapman	Kemp	Nash	Webber
Colbeck	Kirk	Parry	Wortley
Eggleston	Lightfoot	Patterson	
Ferguson	Ludwig	Payne	

Question negatived.

## 18 NOTICES

Senator Nettle, by leave, gave notices of motion as follows: To move on the next day of sitting—

No. 1—That the Senate—

- (a) congratulates the University of Sydney on its decision to spend \$30 million over 3 years to preserve student services supplied through the Student Representative Council and the Postgraduate Association;
- (b) notes that:
  - (i) this decision may mean that construction of research facilities at the University of Sydney will be delayed,
  - (ii) despite this injection of much needed funds, there will still be an \$18 million shortfall in funding for student services at the university over the next 3 years, and
  - (iii) there remains uncertainty regarding the ongoing funding of services; and
- (c) calls on the Government to amend the *Higher Education Support Act 2003* to allow universities to charge compulsory fees to students so students can provide and be responsible for the full range of student services they need. (*general business notice of motion no. 505*)

No. 2—That the Senate—

- (a) notes:
  - (i) that Sydney Airports Corporation Limited plans to build a massive 50 400 square metre retail development on airport land,
  - (ii) that non-aeronautical development at Sydney Airport is currently exempt from state and local planning laws,
  - (iii) the concern of local councils, businesses and residents about the adverse effects of this development on their communities and local businesses,
  - (iv) that the amended major development plan has been sent directly to the Minister for consideration without renewed public consultation, and
  - (v) similar concerns are being expressed by the community regarding non-aeronautical developments at other airports around Australia; and

- (b) calls on the Government to:
  - (i) direct Sydney Airports Corporation Limited to undertake another round of consultation with the community and other stakeholders before the amended plan is considered by the Minister, and
  - (ii) ensure that the legislative response to the review of the *Airports Act 1996* includes removing the exemption for non-aeronautical development and that such development is subject to relevant state and local planning laws to ensure appropriate consultation, development and public accountability. (*general business notice of motion no. 506*)

#### 19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—457 VISA PROGRAM

The Deputy President (Senator Hogg) informed the Senate that Senator Ludwig had proposed that the following matter of public importance be submitted to the Senate for discussion:

The mismanagement by the Minister for Immigration and Multicultural Affairs (Senator Vanstone) of the 457 visa program, noting:

- (a) the recent dramatic rise in the numbers of guest workers under the program over the past 1 to 2 years;
- (b) the minister's statement that the increasing numbers of guest workers are required to keep wages low;
- (c) the Howard Government's failure to provide Australians with the training needed to meet the current skills crisis;
- (d) the use of guest workers in unskilled jobs and in skilled occupations where there are qualified Australians available; and
- (e) the minister's failure to ensure that the rights of guest workers are protected.

The proposal was supported by four senators and the matter was discussed.

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*Declaration of interest:* The Leader of The Nationals in the Senate (Senator Boswell) declared an interest in relation to the matter under discussion.

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Discussion concluded.

#### 20 PRIVILEGES—STANDING COMMITTEE—128TH REPORT

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

Privileges—Standing Committee—128th report—Person referred to in the Senate (Mr Karl J O'Callaghan, APM, Commissioner of Police, Western Australia), dated August 2006.

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

Senator Faulkner moved—That the report be adopted.

Debate ensued.

Question put and passed.

*Response as recommended by the committee incorporated in Hansard accordingly.*

**21 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT AND ALERT DIGEST NO. 8 OF 2006**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

6th report of 2006, dated 16 August 2006.

Alert Digest No. 8 of 2006, dated 16 August 2006.

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

Senator Ray moved—That the Senate take note of the report.

Question put and passed.

**22 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and document:

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated August 2006 and Hansard record of proceedings.

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

Senator Chapman moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

**23 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—12TH REPORT OF 2006**

Senator Ferris, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—12th report of 2006—Proposed tactical unmanned aerial vehicle facilities project, Gallipoli Barracks, Enoggera, Queensland, dated August 2006.

Senator Ferris moved—That the Senate take note of the report.

Question put and passed.

**24 TREATIES—JOINT STANDING COMMITTEE—76TH REPORT**

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

Treaties—Joint Standing Committee—76th report—Treaties tabled on 28 March (3) and 10 May 2006, dated August 2006.

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

Question put and passed.

**25 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT FOR 2005-06**

The Acting Deputy President (Senator Lightfoot) tabled the following report:

Appropriations and Staffing—Standing Committee—Report for 2005-06, dated August 2006.

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

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

Debate ensued.

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

**26 BUSINESS OF THE SENATE—1 JANUARY TO 30 JUNE 2006—DOCUMENT**

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

Business of the Senate—1 January to 30 June 2006—Erratum.

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

Question put and passed.

**27 DOCUMENTS**

The following documents were tabled by the Clerk:

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

*Appropriation Act (No. 1) 2006-2007—Advance to the Finance Minister—Determination No. 1 of 2006-2007 [F2006L02669]\*.*

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority Instrument Fixing Charges No. 8 of 2006—Access to the NCPD by NCPD insurers during 2004-05 and 2005-06 [F2006L02657]\*.

Civil Aviation Act—Civil Aviation Safety Regulations—

Airworthiness Directives—Part 105—

AD/AS 355/60 Amdt 1—Tail Rotor Blade Trailing Edge [F2006L02681]\*.

AD/ECUREUIL/71 Amdt 1—Tail Rotor Blade Trailing Edge [F2006L02682]\*.

Manual of Standards Part 171 Amendment (No. 1) 2006 [F2006L02666]\*.

Class Rulings—

CR 2006/73-CR 2006/76.

Erratum—CR 2006/67.

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(b)—Acquisition of shares in Bryanston Freehold Limited.

Fuel Tax Determinations FTD 2006/1-FTD 2006/3.

Goods and Services Tax Rulings—

Addenda—

GSTR 2004/9.

GSTR 2006/7 and GSTR 2006/8.

Erratum—GSTR 2006/5.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 8/01 – Safety Glazing Material) 2005 Amendment 1 [F2006L02662]\*.



Vehicle Standard (Australian Design Rule 82/00 – Engine Immobilisers) 2006 [F2006L02665]\*.

Product Ruling—Notice of Withdrawal—PR 2005/115.

Remuneration Tribunal Act—Determinations—

2006/14: Members of Parliament – Travelling Allowance [F2006L02658]\*.

2006/15: Official Travel by Office Holders [F2006L02659]\*.

2006/16: Travelling Allowances for Members of the Australian Industrial Relations Commission [F2006L02660]\*.

2006/17: Remuneration and Allowances for Holders of Public Office [F2006L02661]\*.

Taxation Ruling—Old Series—Addendum—IT 2503.

\* Explanatory statement tabled with legislative instrument.

## 28 PETROLEUM RETAIL LEGISLATION REPEAL BILL 2006

### TAX LAWS AMENDMENT (REPEAL OF INOPERATIVE PROVISIONS) BILL 2006

### SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT

### (MISCELLANEOUS MEASURES) BILL 2006

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

Message no. 371, dated 16 August 2006—A Bill for an Act to repeal the *Petroleum Retail Marketing Franchise Act 1980* and the *Petroleum Retail Marketing Sites Act 1980*, and for related purposes.

Message no. 372, dated 16 August 2006—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 373, dated 16 August 2006—A Bill for an Act to amend the social security law and the family assistance law, repeal redundant housing Acts and make technical amendments, and for related purposes.

The Minister for the Environment and Heritage (Senator Ian Campbell) 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 Ian Campbell moved—That these bills be now read a second time.

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

*Consideration of legislation:* Senator Ian Campbell moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

## 29 CRIMINAL CODE AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice, moved business of the Senate notice of motion no. 1—That the Criminal Code Amendment Regulations 2005 (No. 14), as contained in Select Legislative Instrument 2005 No. 298, specifying the Kurdistan Workers Party (PKK) as a terrorist organisation, and made under the *Criminal Code Act 1995*, be disallowed.

Debate ensued.

*At 6.50 pm:* Debate was interrupted while Senator Ferguson was speaking.

**30 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

*Criminal Code Act 1995*—Preventative detention and control orders—Reports for 2005-06. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—Commonwealth Ombudsman's reports—Government response. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—Commonwealth Ombudsman's reports. Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.

**31 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.40 pm till Thursday, 17 August 2006 at 9.30 am.

**32 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate