

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate .....	2521
2	Petitions .....	2521
3	Notices .....	2521
4	Order of Business—Rearrangement .....	2521
5	Postponement .....	2522
6	Industry—Sydney Airports Corporation Limited—Proposed Retail Centre .....	2522
7	Health—Perth Airport—Brickworks .....	2523
8	Foreign Affairs—Mr David Hicks .....	2524
9	Education—University of Sydney—Student Services .....	2525
10	Immigration—457 Visa Program—Proposed Order for Production of Document .....	2526
11	Foreign Affairs—International Day of Peace .....	2526
12	Migration Legislation Amendment (Return to Procedural Fairness) Bill 2006 .....	2527
13	Publications—Standing Committee—14th Report .....	2527
14	Legislation Committees—Additional Information and Documents—Budget Estimates 2005-06 and 2006-07 and Additional Estimates 2005-06 .....	2528
15	Community Affairs Legislation Committee—Report—Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005 .....	2529
16	Foreign Affairs, Defence and Trade Legislation Committee—First Progress Report—Reforms to Australia's Military Justice System .....	2529
17	Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 .....	2530
18	Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006 .....	2530
	International Tax Agreements Amendment Bill (No. 1) 2006 .....	2530
19	Order of Business—Rearrangement .....	2530
20	Criminal Code Amendment Regulations—Proposed Disallowance .....	2530
21	Notice .....	2531
22	Telecommunications Determinations—Proposed Disallowance .....	2531
23	Routine of Business—Variation .....	2531

24	Trade Marks Amendment Bill 2006.....	2532
25	Australia-Japan Foundation (Repeal and Transitional Provisions) Bill 2006 ....	2532
26	Therapeutic Goods Amendment Bill (No. 3) 2006.....	2532
27	Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Bill 2006.....	2532
28	Questions.....	2533
29	Questions on Notice—Answers and Explanations.....	2533
30	Communications—Telstra—Australian Broadcasting Corporation— Answers to Questions.....	2534
31	Notice.....	2534
32	Notice of Motion Withdrawn.....	2534
33	Australian Crime Commission—Joint Statutory Committee—Government Response—Australian Crime Commission—Report for 2003-04.....	2534
34	Department of the Senate—Senators’ Travelling Allowance—Document.....	2534
35	Department of the Senate—Travel Expenditure—Document.....	2534
36	Australian Parliamentary Delegation to Republic of Trinidad and Tobago and the United States of America and Official Visit to Canada— Document.....	2535
37	Economics Legislation Committee—Report—Intellectual Property Laws Amendment Bill 2006.....	2535
38	Foreign Affairs, Defence and Trade Legislation Committee—First Progress Report—Reforms to Australia’s Military Justice System—Document.....	2535
39	Document.....	2535
40	Unproclaimed Legislation—Order for Production of Document—Document..	2535
41	Departmental and Agency Contracts—Order for Production of Documents—Document.....	2535
42	Community Affairs References Committee—Appointment of Member.....	2536
43	Telecommunications Determinations—Proposed Disallowance.....	2536
44	Rural and Regional Affairs and Transport Legislation Committee— Proposed Reference.....	2536
45	Legal and Constitutional References Committee—Proposed Reference.....	2537
46	Government Documents—Orders of the Day—Consideration.....	2538
47	Committee Reports and Government Responses—Orders of the Day— Consideration.....	2544
48	Auditor-General’s Reports—Orders of the Day—Consideration.....	2545
49	Environment, Communications, Information Technology and the Arts Legislation Committee—Appointment of Member.....	2546
50	Adjournment.....	2546
51	Attendance.....	2547

**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 PETITIONS**

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

Senator Bob Brown, from 102 325 petitioners, requesting that the Senate reject proposed changes to refugee legislation to ensure no child is placed in detention.

Senator Stott Despoja, from 3 416 petitioners, requesting that the Senate take action to ensure that the Government supports calls for the closure of the military detention facility at Guantanamo Bay.

Senator Stott Despoja, from 15 390 petitioners, requesting that the Senate take action to regulate pregnancy counselling services and to ensure that Government funded counsellors provide objective and truthful information about all available pregnancy options.

**3 NOTICES**

*Notice of motion:* Senator Stott Despoja: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing (Senator Santoro), no later than the end of question time on 4 September 2006, the report on developments in assisted reproductive technology prepared for the Government by Matthews Pegg Consulting Pty Ltd. (*general business notice of motion no. 507*)

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 5 sitting days after today for the disallowance of the Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 3 and made under the *Fisheries Levy Act 1984*.

Senator Watson, by leave, made a statement relating to the notice of intention.

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 6 Trade Marks Amendment Bill 2006.

No. 7 Australia-Japan Foundation (Repeal and Transitional Provisions) Bill 2006.

No. 8 Therapeutic Goods Amendment Bill (No. 3) 2006.

No. 9 Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Bill 2006.

Question put and passed.

Senator Ellison moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 501 standing in the name of Senator Stephens relating to inflation and the economy; and
- (b) orders of the day relating to government documents.

Question put and passed.

#### 5 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 4 September 2006.

#### 6 INDUSTRY—SYDNEY AIRPORTS CORPORATION LIMITED—PROPOSED RETAIL CENTRE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 506—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 from state and local government planning laws for non-aeronautical development and ensure that such development is subject to relevant state and local planning laws to ensure appropriate consultation, development and public accountability.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison  
Bartlett

Brown, Bob  
Milne

Murray  
Nettle

Siewert (Teller)  
Stott Despoja

## NOES, 51

Senators—

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

Question negatived.

*Statement by leave:* Senator O'Brien, by leave, made a statement relating to the motion.

**7 HEALTH—PERTH AIRPORT—BRICKWORKS**

Senator Siewert, also on behalf of the Leader of the Opposition in the Senate (Senator Evans) and Senators Bishop, Sterle, Webber and Murray, amended general business notice of motion no. 502 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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,
- (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
- (vi) the slipshod approach the Minister for Transport and Regional Services has taken to the exercise of his sole power of control on airport planning; 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.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 34

Senators—

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

Question negatived.

8 **FOREIGN AFFAIRS—MR DAVID HICKS**

Senator Stott Despoja amended general business notice of motion no. 504 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 trial or repatriation.

Question put.

The Senate divided—

AYES, 31

Senators—

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

## NOES, 34

Senators—

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

Question negatived.

## 9 EDUCATION—UNIVERSITY OF SYDNEY—STUDENT SERVICES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 505—That the Senate—

(a) notes:

- (i) that the University of Sydney has to step in to spend \$30 million over 3 years to preserve student services supplied by student organisations,
- (ii) that this decision may mean that construction of research facilities at the University of Sydney will be delayed, and
- (iii) 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

(b) 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 the full range of student services that make up the ‘rich student experience’ that the Vice Chancellor of the University of Sydney is attempting to preserve with this payment.

Question put.

The Senate divided—

## AYES, 8

Senators—

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

## NOES, 57

## Senators—

Abetz	Faulkner	Macdonald, Sandy	Ronaldson
Adams	Ferguson	Marshall	Santoro
Barnett	Ferris (Teller)	Mason	Scullion
Bernardi	Fierravanti-Wells	McEwen	Sherry
Bishop	Fifield	McGauran	Stephens
Boswell	Forshaw	McLucas	Sterle
Brandis	Hogg	Minchin	Troeth
Brown, Carol	Humphries	Moore	Trood
Calvert	Hurley	Nash	Watson
Campbell, George	Hutchins	O'Brien	Webber
Chapman	Johnston	Parry	Wong
Colbeck	Joyce	Patterson	Wortley
Coonan	Kirk	Payne	
Eggleston	Lightfoot	Polley	
Ellison	Ludwig	Ray	

Question negatived.

**10 IMMIGRATION—457 VISA PROGRAM—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT**

Senator Wortley, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 499—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.

Question put and negatived.

**11 FOREIGN AFFAIRS—INTERNATIONAL DAY OF PEACE**

Senator Moore, also on behalf of 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. 503—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.

Question put and passed.

**12 MIGRATION LEGISLATION AMENDMENT (RETURN TO PROCEDURAL FAIRNESS)  
BILL 2006**

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 495—That the following bill be introduced:

A Bill for an Act to restore the application of common law natural justice to the *Migration Act 1958*, and for related purposes.

Question put and passed.

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

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*Explanatory memorandum:* Senator Bartlett, by leave, tabled an explanatory memorandum relating to the bill.

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

**13 PUBLICATIONS—STANDING COMMITTEE—14TH REPORT**

The Chair of the Standing Committee on Publications (Senator Watson) tabled the following report:

PUBLICATIONS COMMITTEE  
14TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Senate since 21 June 2006, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commission—Report for the period 1 July 2004 to 23 March 2005. [Final report]

Aboriginal and Torres Strait Islander Services—Report for 2004-05. [Final report]

Australian Law Reform Commission—Report No. 103—Same crime, same time: Sentencing of federal offenders, April 2006.

Family Law Council—Report—Relocation, May 2006.

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

Productivity Commission—Report No. 37—Conservation of Australia's historic heritage places, 6 April 2006.

Senator John Watson

Chairman

17 August 2006.

Senator Watson moved—That the report be adopted.

Question put and passed.

**14 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION AND DOCUMENTS—  
BUDGET ESTIMATES 2005-06 AND 2006-07 AND ADDITIONAL ESTIMATES 2005-06**

Senator Scullion, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2005-06—

Community Affairs Legislation Committee—Additional information—Health and Ageing portfolio—Attachment to Q85.

Finance and Public Administration Legislation Committee—Additional information received between 15 September 2005 and 17 August 2006—Prime Minister and Cabinet portfolio.

Budget estimates 2005-06 (Supplementary)—

Finance and Public Administration Legislation Committee—Additional information received between 15 September 2005 and 17 August 2006—

Department of Human Services and agencies.

Finance and Administration portfolio.

Prime Minister and Cabinet portfolio.

Additional estimates 2005-06—

Community Affairs Legislation—Additional information—Health and Ageing portfolio—Attachment to T4.

Economics Legislation Committee—Additional information received between 20 June and 15 August 2006—Treasury portfolio.

Finance and Public Administration Legislation Committee—

Additional information received between 15 September 2005 and 17 August 2006—

Finance and Administration portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Documents presented to the committee.

Rural and Regional Affairs and Transport Legislation Committee—Additional information received on 14 August 2006—Transport and Regional Services portfolio.

Budget estimates 2006-07—

Community Affairs Legislation—Additional information received between—

11 July and 16 August 2006—Health and Ageing portfolio.

28 July and 16 August 2006—Families, Community Services and Indigenous Affairs portfolio.

Economics Legislation Committee—Additional information received between 29 May and 15 August 2006—Treasury portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 27 July and 17 August 2006—Defence portfolio.

Foreign Affairs and Trade portfolio.

Rural and Regional Affairs and Transport Legislation Committee—Additional information received between 26 May and 15 August 2006—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

**15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—TRANSPARENT ADVERTISING AND NOTIFICATION OF PREGNANCY COUNSELLING SERVICES BILL 2005**

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

Community Affairs Legislation Committee—Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005—Report, dated August 2006, Hansard record of proceedings, additional information and submissions [94].

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

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

Debate ensued.

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

Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005—‘Guide to Pregnancy Counselling Services’—Handout prepared by Senator Kerry Nettle.

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Debate continued.

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

**16 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—FIRST PROGRESS REPORT—REFORMS TO AUSTRALIA’S MILITARY JUSTICE SYSTEM**

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston) tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Reforms to Australia’s military justice system: First progress report, dated August 2006, Hansard record of proceedings, documents presented to the committee and additional information.

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

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

Debate ensued.

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

**17 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2006**

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 374, dated 16 August 2006—Aboriginal Land Rights (Northern Territory) Amendment Bill 2006.

On the motion of the Minister for the Environment and Heritage (Senator Ian Campbell) the bill was read a third time. All Australian Greens senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

**18 CUSTOMS LEGISLATION AMENDMENT (BORDER COMPLIANCE AND OTHER MEASURES) BILL 2006****INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 2006**

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

Message no. 375, dated 16 August 2006—A Bill for an Act to amend the law relating to customs, and for related purposes.

Message no. 376, dated 16 August 2006—A Bill for an Act to amend the law relating to taxation, 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.

**19 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of business of the Senate order of the day no. 4 relating to the proposed disallowance of the Criminal Code Amendment Regulations.

Question put and passed.

**20 CRIMINAL CODE AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE**

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Bob Brown)—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 resumed.

Question put.

The Senate divided—

AYES, 8

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

NOES, 49

Senators—			
Abetz	Ferguson	Ludwig	Polley
Adams	Ferris	Lundy	Ray
Barnett	Fielding	Marshall	Ronaldson
Bernardi	Fierravanti-Wells	Mason	Sterle
Bishop	Fifield	McEwen	Troeth
Brandis	Hogg	McGauran	Trood
Brown, Carol	Humphries	McLucas	Watson
Calvert	Hurley	Moore	Webber
Carr	Hutchins	Nash	Wong
Colbeck	Johnston	O'Brien	Wortley
Conroy	Joyce	Parry	
Eggleston	Kemp	Patterson	
Faulkner	Kirk (Teller)	Payne	

Question negated.

21 **NOTICE**

The Leader of the Australian Greens (Senator Bob Brown), by leave, gave a notice of motion as follows: To move on 5 September 2006—That Schedules 1 and 3 to the Parliamentary Entitlements Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 211 and made under the *Parliamentary Entitlements Act 1990*, be disallowed.

22 **TELECOMMUNICATIONS DETERMINATIONS—PROPOSED DISALLOWANCE**

Senator Conroy, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following legislative instruments be disallowed:

- (a) the Telecommunications (Operational Separation – Designated Services) Determination (No. 1) 2005, made under subclause 50A(1) of Schedule 1 to the *Telecommunications Act 1997*; and
- (b) the Telecommunications (Requirements for Operational Separation Plan) Determination (No. 1) 2005, made under paragraph 51(1)(d) of Schedule 1 to the *Telecommunications Act 1997*.

Debate ensued.

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

23 **ROUTINE OF BUSINESS—VARIATION**

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), by leave, moved—That government business take precedence till not later than 2 pm.

Question put and passed.

**24 TRADE MARKS AMENDMENT BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**25 AUSTRALIA-JAPAN FOUNDATION (REPEAL AND TRANSITIONAL PROVISIONS) 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**26 THERAPEUTIC GOODS AMENDMENT BILL (NO. 3) 2006**

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

**27 AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (EXPORT CONTROL AND QUARANTINE) BILL 2006**

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

*Suspension of sitting:* On the motion of Senator Colbeck the sitting of the Senate was suspended at 1.41 pm till 2 pm.

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At 2 pm—

## 28 QUESTIONS

Questions without notice were answered.

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*Document:* The Leader of the Opposition in the Senate (Senator Evans), by leave, tabled the following document:

Immigration—457 visa program—List of arrivals by visa category 457 by ASCO occupation for financial year 2004-05 and Migration Occupations in Demand List (MODL) as at 28 March 2006.

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Further questions without notice were answered.

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*Documents:* The Minister for the Environment and Heritage (Senator Ian Campbell) tabled the following documents:

Environment—Environmental protection assessment—Midland Brick kiln replacement—Copies of—  
Level of assessment set, dated 8 December 2003. Printed 16 August 2006, <<http://www.epa.wa.gov.au>>.  
Levels of assessment, dated 10 April 2006. Printed 16 August 2006, <<http://www.epa.wa.gov.au>>.

## 29 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATIONS

Senator O'Brien, pursuant to standing order 74, asked the Minister representing the Minister for Agriculture, Fisheries and Forestry (Senator Abetz) for an explanation of answers not being provided to questions on notice nos 2039, 2040, 2043 to 2047, 2049 to 2063 (notice given 16 June 2006).

Senator Abetz provided an explanation.

Senator O'Brien moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

Senator Milne, pursuant to standing order 74, asked the Minister for the Environment and Heritage (Senator Ian Campbell) for an explanation of an answer not being provided to question on notice no. 1882 (notice given 6 June 2006) relating to renewable energy and the Australian Research Council.

Senator Ian Campbell provided an explanation.

Senator Milne moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

**30 COMMUNICATIONS—TELSTRA—AUSTRALIAN BROADCASTING CORPORATION—  
ANSWERS TO QUESTIONS**

Senator Lundy moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked by Senators Conroy and Moore today relating to Telstra and to the Australian Broadcasting Corporation.

Debate ensued.

Question put and passed.

**31 NOTICE**

Senator George Campbell, by leave and at the request of Senator Murray and the Leader of the Opposition in the Senate (Senator Evans), gave a notice of motion as follows: To move on the next day of sitting—That Schedule 1 to the Parliamentary Entitlements Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 211 and made under the *Parliamentary Entitlements Act 1990*, be disallowed.

**32 NOTICE OF MOTION WITHDRAWN**

Senator George Campbell, at the request of Senator Crossin, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Crossin for 4 September 2006, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts References Committee.

**33 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—  
GOVERNMENT RESPONSE—AUSTRALIAN CRIME COMMISSION—REPORT FOR  
2003-04**

The Minister for Immigration and Multicultural Affairs (Senator Vanstone) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—  
Examination of the annual report for 2003-04 of the Australian Crime  
Commission—Government response.

**34 DEPARTMENT OF THE SENATE—SENATORS' TRAVELLING ALLOWANCE—  
DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Travelling allowance payments to senators and  
members, 1 July 2005 to 30 June 2006, dated August 2006.

**35 DEPARTMENT OF THE SENATE—TRAVEL EXPENDITURE—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Travel expenditure, 1 July 2005 to 30 June 2006, dated  
August 2006.



**36 AUSTRALIAN PARLIAMENTARY DELEGATION TO REPUBLIC OF TRINIDAD AND TOBAGO AND THE UNITED STATES OF AMERICA AND OFFICIAL VISIT TO CANADA—DOCUMENT**

The Deputy President (Senator Hogg) tabled the following document:

Republic of Trinidad and Tobago and the United States of America—Report of the Australian parliamentary delegation, 11 to 23 July 2006 and official visit to Canada by the President of the Senate, 23 to 28 July 2006, dated August 2006.

**37 ECONOMICS LEGISLATION COMMITTEE—REPORT—INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2006**

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

Economics Legislation Committee—Provisions of the Intellectual Property Laws Amendment Bill 2006—Report, dated August 2006, Hansard record of proceedings, additional information and submissions [7].

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

**38 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—FIRST PROGRESS REPORT—REFORMS TO AUSTRALIA'S MILITARY JUSTICE SYSTEM—DOCUMENT**

Senator McGauran, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Johnston), tabled the following document:

Foreign Affairs, Defence and Trade Legislation Committee—Reforms to Australia's military justice system: First progress report—Correction.

Document ordered to be printed on the motion of Senator McGauran.

**39 DOCUMENT**

The following document was tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(c)—Membership of National Australia Day Council Limited.

**40 UNPROCLAIMED LEGISLATION—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 31 July 2006, dated August 2006.

**41 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

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

Departmental and agency contracts for 2005-06—Letter of advice—Communications, Information Technology and the Arts portfolio.

**42 COMMUNITY AFFAIRS REFERENCES COMMITTEE—APPOINTMENT OF MEMBER**

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald), by leave, moved—That Senator Marshall be appointed as a participating member of the Community Affairs References Committee.

Question put and passed.

**43 TELECOMMUNICATIONS DETERMINATIONS—PROPOSED DISALLOWANCE**

Order of the day read for the adjourned debate on the motion of Senator Conroy (*see entry no. 22*).

Debate resumed.

Question put.

The Senate divided—

**AYES, 30**

Senators—

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

**NOES, 33**

Senators—

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

Question negatived.

**44 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—PROPOSED REFERENCE**

Senator O'Brien, pursuant to notice, moved business of the Senate notice of motion no. 2—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.

Debate ensued.

Question put.

A division was called for.

*After 4.30 pm:* Pursuant to the order of the Senate of 10 August 2006 (*see entry no. 11, 10 August 2006*), consideration of the matter was adjourned.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That the vote be taken at the time for the discovery of formal business on the next day of sitting.

Question put and passed.

#### 45 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—PROPOSED REFERENCE

Order of the day read for the adjourned debate on the motion of Senator Ludwig—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.

Debate ensued.

Question put.

A division was called for.

*After 4.30 pm:* Pursuant to the order of the Senate of 10 August 2006 (*see entry no. 11, 10 August 2006*), consideration of the matter was adjourned.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That the vote be taken at the time for the discovery of formal business on the next day of sitting.

Question put and passed.

*General business was called on.*

**46 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

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

Department of Defence—Report for 2004-05. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Aboriginal Land Commissioner—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

North Queensland Land Council Aboriginal Corporation—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Torres Strait Regional Authority—Report for 2004-05. Motion of Senator Bartlett to take note of document debated. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report—No. 31—Inquiry into a complaint by Mr Zacharias Manongga, Consul for the Northern Territory, Consul of the Republic of Indonesia that the human rights of Indonesian fishers detained on vessels in Darwin Harbour were breached by the Commonwealth of Australia. Motion of Senator Bartlett to take note of document agreed to.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2005. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Prohibition of Human Cloning Act 2002 and Research Involving Human Embryos Act 2002*—Legislation Review Committee—Report on the review of the Acts, December 2005. Motion of Senator Bartlett to take note of document agreed to.

Aboriginal Legal Rights Movement Inc.—Report for 2004-05. Motion of Senator Bartlett to take note of document agreed to.

Australian Rail Track Corporation Limited (ARTC)—Report for 2004-05. Motion of Senator Webber to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Multilateral treaty—Text, together with national interest analysis and annexures—Amendments, done at Nairobi, Kenya on 25 November 2005, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979. Motion of Senator Bartlett to take note of document agreed to.

Natural Heritage Trust—Report for 2004-05. Motion of Senator Milne to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Centrelink and the Data-Matching Agency—Data-matching program—Report on progress 2004-05. Motion of Senator Stott Despoja to take note of document agreed to.

National Native Title Tribunal—Report for 2004-05. Motion of Senator Stott Despoja to take note of document agreed to.

National Rural Advisory Council—Report for 2001-02, including a report on the Rural Adjustment Scheme. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

National Rural Advisory Council—Report for 2002-03. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Private Health Insurance Administration Council—Report for 2004-05. Motion of Senator Stott Despoja to take note of document agreed to.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 003/05 to 013/05 and 015/05, 7 February 2006. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 003/05, 4 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 004/05, 21 November 2005. Motion of Senators Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 005/05, 4 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 006/05, 21 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 007/05, 21 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 008/05, 21 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 009/05, 25 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 010/05, 25 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 011/05, 4 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 012/05, 4 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 013/05, 25 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 015/05, 4 November 2005. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

National Environment Protection Council and NEPC Service Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2005. Motion of Senator Crossin to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2005. Motion of Senator Stephens to take note of document agreed to.

Human Rights and Equal Opportunity Commission—National inquiry into employment and disability—Final report—WORKability II: Solutions – People with disability in the open workplace, December 2005. Motion of Senator Stephens to take note of document agreed to.

Indigenous Land Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

Wreck Bay Aboriginal Community Council—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

*Native Title Act 1993*—Native title representative bodies—Cape York Land Council Aboriginal Corporation—Report for 2004-05. Motion of Senator Stephens to take note of document moved called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Native Title Act 1993*—Native title representative bodies—Ngaanyatjarra Council (Aboriginal Corporation)—Report for 2004-05. Motion of Senator Stephens to take note of document agreed to.

*Customs Act 1901*—Customs (Prohibited Exports) Regulations 1958—Permissions granted under regulation 7 for the period 1 July to 31 December 2005. Motion of Senator Stephens to take note of document agreed to.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2006 update. Motion of Senator Watson to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Australian Political Exchange Council—Report for 2004-05. Motion of Senator Bartlett to take note of document agreed to.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 014/05, 1 December 2005. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Report by the Commonwealth Ombudsman—Personal identifier 016/05, 1 December 2005. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Australian Meat and Live-stock Industry Act 1997*—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Queensland Fisheries Joint Authority—Report for 2003-04. Motion to take note of document moved by Senator Ian Macdonald. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Indigenous Business Australia—Corporate plan 2006-2008. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Multilateral treaty—Text, together with national interest analysis and annexures—Agreement Establishing the Pacific Islands Forum, done at Port Moresby on 27 October 2005. Motion to take note of document moved by Senator Ian Macdonald. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

*Migration Act 1958*—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 017/05 to 019/05 and 020/06 to 048/06. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 017/05 to 019/05 and 020/06 to 048/06. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

National Rural Advisory Council—Report for 2004-05. Motion to take note of document moved by Senator Ian Macdonald. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Wheat Export Authority—Report for 1 October 2004 to 30 September 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Australia-Indonesia Institute—Report for 2004-05. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

*Telecommunications (Interception) Act 1979*—Report for 2004-05 on the operation of the Act. Motion of Senator Stott Despoja to take note of document agreed to.

Australian Agency for International Development (AusAID)—Australian aid: Promoting growth and stability—White paper. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports 049/06 to 055/06, 9 May 2006. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 049/06 to 055/06. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.



*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 of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

*Interactive Gambling Act 2001*—Report for 2005 on the operation of the prohibition on interactive gambling advertisements. Motion of Senator Bartlett to take note of document agreed to.

*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 of Senator Bartlett to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Local Government (Financial Assistance) Act 1995*—Report for 2004-05 on the operation of the Act. Motion of Senator Bartlett to take note of document agreed to.

*Roads to Recovery Act 2000*—Roads to recovery programme—Report for 2004-05 on the operation of the Act. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Northern Territory Fisheries Joint Authority—Report for 2004-05. Motion of Senator Siewert to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Australian National University—Report for 2005. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Government response to the Commonwealth Ombudsman's reports—Personal identifiers 056/06 to 066/06. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 056/06 to 066/06. Motion to take note of document moved by Senator Kirk. Debate adjourned till Thursday at general business, Senator Kirk in continuation.

Aboriginal and Torres Strait Islander Commission—Report for the period 1 July 2004 to 23 March 2005 [Final report]. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

*Criminal Code Act 1995*—Preventative detention and control orders—Reports for 2005-06. Motion of Senator Ludwig to take note of document agreed to.

*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 of Senator Ludwig to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 067/06 to 069/06—Commonwealth Ombudsman's reports. Motion of Senator Ludwig to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

General business orders of the day nos 44, 45, 47, 48, 50, 53, 55 to 62, 64, 66, 67, 84 to 87 and 91 to 106 relating to government documents were called but no motion was moved.

*General business concluded.*

#### **47 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

Intelligence and Security—Joint Statutory Committee—Report—Review of administration and expenditure: Australian intelligence organisations: Number 4 – recruitment and training. Motion of Senator Ferguson to take note of report agreed to.

Appropriations and Staffing—Standing Committee—Report—Annual report for 2005-06. Motion of Senator Ray to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—National Animal Welfare Bill 2005. Motion of Senator Bartlett to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Beyond petrol sniffing: Renewing hope for Indigenous communities. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Expanding Australia's trade and investment relations with North Africa. Motion of the chair of the committee (Senator Ferguson) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's defence relations with the United States. Motion of the chair of the committee (Senator Ferguson) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Community Affairs References Committee—Report—Workplace exposure to toxic dust. Motion of the chair of the committee (Senator Moore) to take note of report agreed to.

Electoral Matters—Joint Standing Committee—Report—Funding and disclosure: Inquiry into disclosure of donations to political parties and candidates. Motion of Senator Carr to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Intelligence and Security—Joint Statutory Committee—Report—Review of the listing of the Kurdistan Workers' Party (PKK). Motion of Senator Ferguson to take note of report agreed to.

Community Affairs References Committee—Report—Response to the petition on gynaecological health issues. Motion of the chair of the committee (Senator Moore) to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—China's emergence: Implications for Australia. Motion of the chair of the committee (Senator Hutchins) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Mental Health—Select Committee—First report—A national approach to mental health – from crisis to community. Motion of the chair of the committee (Senator Allison) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Environment, Communications, Information Technology and the Arts References Committee—Report—Living with salinity – a report on progress: The extent and economic impact of salinity in Australia. Motion of the chair of the committee (Senator Bartlett) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Treaties—Joint Standing Committee—72nd report—Treaties tabled on 29 November 2005 (2). Motion of Senator Wortley to take note of report agreed to.

Community Affairs References Committee—Report—Poverty and financial hardship—A hand up not a hand out: Renewing the fight against poverty—Government response. Motion of Senator Bartlett to take note of document agreed to.

Legal and Constitutional References Committee—Report—Administration and operation of the *Migration Act 1958*. Motion of the chair of the committee (Senator Crossin) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Community Affairs References Committee—Reports—Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children—Protecting vulnerable children: A national challenge: Inquiry into Australians who experienced institutional or out-of-home care—Government responses. Motion of Senator Murray to take note of document called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

#### 48 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 36 of 2005-06—Performance audit—Management of the Tiger Armed Reconnaissance Helicopter Project – Air 87: Department of Defence; Defence Materiel Organisation. Motion of Senator Bishop to take note of document called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 40 of 2005-06—Performance audit—Procurement of explosive ordnance for the Australian Defence Force (Army): Department of Defence; Defence Materiel Organisation. Motion of Senator Bishop to take note of document agreed to.

Auditor-General—Audit report no. 47 of 2005-06—Performance audit—Funding for communities and community organisations: Department of Families, Community Services and Indigenous Affairs. Motion of Senator Siewert to take note of document debated and agreed to.

Auditor-General—Audit report no. 49 of 2005-06—Performance audit—Job placement and matching services: Department of Employment and Workplace Relations. Motion of Senator Moore to take note of document debated. Debate adjourned till the next day of sitting, Senator Wong in continuation.

Auditor-General—Audit report no. 52 of 2005-06—Performance audit—Management of selected Telstra Social Bonus 2 and Telecommunications Service Inquiry Response programs: Department of Communications, Information Technology and the Arts. Motion of Senator Moore to take note of document debated and agreed to.

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. Motion of Senator Carr to take note of document agreed to.

Orders of the day nos 6 to 10 and 12 to 14 relating to reports of the Auditor-General were called on but no motion was moved.

**49 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE—APPOINTMENT OF MEMBER**

The Acting Deputy President (Senator Marshall) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald), by leave, moved—That Senator Scullion be appointed as a participating member of the Environment, Communications, Information Technology and the Arts Legislation Committee.

Question put and passed.

**50 ADJOURNMENT**

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

Debate ensued.

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*Document:* Senator Marshall, by leave, tabled the following document:

Law and justice—Human rights—‘Getting away with murder: Impunity for those targeting church workers in the Philippines’, Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church in Australia, July 2006.

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Debate continued.

The Senate adjourned at 7.10 pm till Monday, 4 September 2006 at 12.30 pm.

**51 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate