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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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 PETITIONS**

The following 8 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 75 petitioners, requesting that the Senate call on the Government to support the International Coalition to Investigate the Persecution of Falun Gong and to demand that the Chinese Communist Party release all detained Falun Gong practitioners immediately.

Senator Bartlett, from 30 975 petitioners, requesting that the Senate take action to end the export of live animals from Australia to the Middle East.

Senator Bartlett, from 646 petitioners, requesting that the Senate take action to establish an inquiry into all aspects of live animal exports from Australia, with particular reference to animal welfare.

Senator Bartlett, from 22 petitioners, requesting that the Senate take action to abolish the live export trade and replace it with an expanded chilled meat trade.

Senator Conroy, from 20 646 petitioners, requesting that the Senate legislate to require that all Internet service providers offer a ‘clean feed’ Internet service to all households, schools and public libraries that blocks access to websites containing child pornography, acts of extreme violence and X-rated material.

Senator Kemp, from 9 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senator Webber, from 59 petitioners, requesting that the Senate take action to ensure that Western Australia remains free of nuclear waste.

Senator Webber, from 67 petitioners, requesting that the Senate urge the Government to table environmental evidence supporting the proposal to build a nuclear reactor in Western Australia, advise on what consultation has occurred and with whom and identify all sites under consideration for the proposed nuclear reactor.

**3 NOTICES**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That the Inclusion of species in the list of threatened species (Nos 42 to 45), made under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999*, be disallowed.

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

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

(a) notes that:

(i) important wetlands and floodplain areas in the Murray-Darling Basin face the threat of irretrievable ecological damage as a result of river diversions and unauthorised interception banks (in areas including, but not limited to, the Condamine, Ballonne and the southern Macquarie Marshes),

- (ii) unregulated and unmetered off-stream water storage, such as Cubbie Station, places an unsustainable burden on our shared water resources and undermines efforts to manage limited resources in an equitable and sustainable fashion, and
- (iii) while the drought has exacerbated this situation, even a cyclical improvement in drought conditions will not improve these threatened ecosystems while these diversions remain in place; and

(b) calls on the Federal Government to:

- (i) work with the New South Wales and Queensland Governments to legislate and regulate to ensure uninterrupted environmental flows, and
- (ii) look at options of buying out unsustainable operations such as Cubbie Station. (*general business notice of motion no. 608*)

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

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

SELECTION OF BILLS COMMITTEE  
REPORT NO. 12 OF 2006

1. The committee met in private session on Wednesday, 18 October 2006 at 4.17 pm.
2. The committee considered proposals relating to the Medibank Private Sale Bill 2006 and resolved to recommend that the *provisions* of the bill be referred for inquiry and report by 27 November 2006, but was unable to agree on the committee to which the bill should be referred.
3. The committee resolved to recommend—that *upon its introduction* in the House of Representatives the *provisions* of the Copyright Amendment Bill 2006 be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 10 November 2006.
4. The committee resolved to recommend—that the following bills not be referred to committees:

Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006  
Crimes Amendment (Victim Impact Statements) Bill 2006  
Datacasting Transmitter Licence Fees Bill 2006  
Inspector of Transport Security Bill 2006  
Inspector of Transport Security (Consequential Provisions) Bill 2006  
Maritime Legislation Amendment (Prevention of Pollution from Ships) Bill 2006  
Migration Amendment (Border Integrity) Bill 2006  
Migration Legislation Amendment (Enabling Permanent Protection) Bill 2006.

***The committee recommends accordingly.***

5. The committee deferred consideration of the following bill to its next meeting:  
Australian Securities and Investments Commission Amendment (Audit Inspection) Bill 2006.

Jeannie Ferris  
Chair  
19 October 2006.

Senator Ferris moved—That the report be adopted.

The Minister for Justice and Customs (Senator Ellison) moved the following amendment:

At the end of the motion, add “and, in respect of the Medibank Private Sale Bill 2006, the bill be referred to the Finance and Public Administration Committee”.

Senator George Campbell moved the following amendment to Senator Ellison’s proposed amendment:

Omit “Finance and Public Administration Committee”, substitute “Community Affairs Committee”.

Debate ensued.

Question—That Senator George Campbell’s amendment to Senator Ellison’s proposed amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

|                      |          |         |          |
|----------------------|----------|---------|----------|
| Allison              | Fielding | McEwen  | Ray      |
| Bartlett             | Forshaw  | McLucas | Siewert  |
| Bishop               | Hogg     | Milne   | Stephens |
| Brown, Carol         | Hurley   | Moore   | Sterle   |
| Campbell, G (Teller) | Hutchins | Murray  | Webber   |
| Conroy               | Kirk     | Nettle  | Wong     |
| Crossin              | Ludwig   | O’Brien | Wortley  |
| Faulkner             | Lundy    | Polley  |          |

NOES, 33

Senators—

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

Question negatived.

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

Senator Ludwig moved the following amendment:

At the end of the motion, add “but, in respect of the Copyright Amendment Bill 2006, the Legal and Constitutional Affairs Committee report by 4 December 2006”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

|                      |          |         |          |
|----------------------|----------|---------|----------|
| Allison              | Forshaw  | McLucas | Siewert  |
| Bartlett             | Hogg     | Milne   | Stephens |
| Brown, Carol         | Hurley   | Moore   | Sterle   |
| Campbell, G (Teller) | Hutchins | Murray  | Webber   |
| Conroy               | Kirk     | Nettle  | Wong     |
| Crossin              | Ludwig   | O'Brien | Wortley  |
| Faulkner             | Lundy    | Polley  |          |
| Fielding             | McEwen   | Ray     |          |

NOES, 33

Senators—

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

Question negatived.

Main question, as amended, put and passed.

##### 5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 70 (Crimes Amendment (Victim Impact Statements) Bill 2006); and
- (b) orders of the day relating to government documents.

Question put and passed.

##### 6 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Mason from 6 November to 15 December 2006, on account of parliamentary business overseas.

Question put and passed.

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator George Campbell from 6 November to the end of the 2006 spring sittings, on account of parliamentary business overseas.

Question put and passed.

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator Forshaw from 6 November to 10 November 2006, on account of parliamentary business overseas.

Question put and passed.

**7 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Siewert and Milne for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee, postponed till the next day of sitting.

**8 NOTICE OF MOTION WITHDRAWN**

Senator Nettle withdrew general business notice of motion no. 593 standing in her name for today, relating to the fifth anniversary of the sinking of the SIEV X.

**9 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That—

- (1) In the week beginning Monday, 6 November 2006:
  - (a) the days and hours of meeting and routine of business be varied as set out in paragraphs (2) to (4);
  - (b) immediately after prayers on Monday, 6 November 2006, the general business order of the day relating to the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006 be called on;
  - (c) consideration of the bill shall take precedence over all government and general business until proceedings on the bill are concluded; and
  - (d) in addition, the bill shall take precedence over all other business and be considered:
    - (i) on Monday and Tuesday, from 9.30 am to 2 pm and from 7.30 pm to 11 pm;
    - (ii) on Wednesday, from 9.30 am to 12.45 pm;
    - (iii) on Thursday, from not later than 4.30 pm to 6.30 pm and from 7.30 pm to 11 pm, and
    - (iv) on Friday, from 9 am to 3.30 pm.
- (2) On Monday, 6 November 2006 and Tuesday, 7 November 2006:
  - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm; and
  - (b) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (3) On Thursday, 9 November 2006:
  - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
  - (b) consideration of general business orders of the day relating to government documents and consideration of committee reports, government responses and Auditor-General's reports not be proceeded with;
  - (c) divisions may take place after 4.30 pm; and
  - (d) the question for the adjournment of the Senate shall be proposed at 11 pm.

(4) The Senate shall sit on Friday, 10 November 2006 and that:

- (a) the hours of meeting shall be 9 am to 4.10 pm;
- (b) the routine of business shall be:
  - (i) notices of motion, and
  - (ii) general business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 3.30 pm.

Question put and passed.

#### 10 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—APPROVAL

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposals by the National Capital Authority for capital works within the Parliamentary Zone, being the refurbishment of the podium that surrounds the National Library of Australia, and resurfacing the temporary carpark on section 55, Parkes.

Question put and passed.

#### 11 MIGRATION LEGISLATION AMENDMENT (APPROPRIATE REVIEW) BILL 2006

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 605—That the following bill be introduced:

A Bill for an Act to remove unfair restrictions on applications for review of refugee visa decisions, 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.

**12 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Finance and Public Administration Committee (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 603—that the time for the presentation of the report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure be extended to 7 December 2006.

Question put and passed.

**13 PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND THE REGULATION OF HUMAN EMBRYO RESEARCH AMENDMENT BILL 2006**

Senator Patterson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 604—that the following bill be introduced:

A Bill for an Act to amend the *Prohibition of Human Cloning Act 2002* and the *Research Involving Human Embryos Act 2002* based on the Lockhart Review recommendations, and for related purposes.

Question put and passed.

Senator Patterson 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 Patterson moved—that this bill be now read a second time.

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

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

**14 IMMIGRATION—SIEV X**

Senator Bartlett, also on behalf of Senators Lundy and Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 592—that the Senate—

(a) notes:

- (i) that 19 October 2006 is the fifth anniversary of the sinking of the boat known as the SIEV X, which was bound for Australia and sank with the loss of 353 lives, including 146 children,
- (ii) that a ceremony was held on 15 October 2006 at Weston Park, Yarralumla, on the shores of Lake Burley Griffin in Canberra to mark the anniversary and to display a proposed memorial, featuring 353 decorated wooden poles, which was created by people from more than 200 church, school and community groups from every state and territory in Australia, and

- (iii) the continuing grief that is still suffered by those who lost husbands, wives, mothers, fathers and children in the event;
- (b) calls on the National Capital Authority to give permission for the proposed SIEV X memorial to be established as a permanent memorial on the Canberra lakeshore as soon as possible; and
- (c) expresses its regret and sympathy at the tragic loss of so many innocent lives.

Question put.

The Senate divided—

AYES, 28

Senators—

|                      |          |         |          |
|----------------------|----------|---------|----------|
| Bartlett             | Hogg     | McLucas | Ray      |
| Brown, Carol         | Hurley   | Milne   | Siewert  |
| Campbell, G (Teller) | Hutchins | Moore   | Stephens |
| Conroy               | Kirk     | Murray  | Sterle   |
| Crossin              | Ludwig   | Nettle  | Webber   |
| Faulkner             | Lundy    | O'Brien | Wong     |
| Forshaw              | McEwen   | Polley  | Wortley  |

NOES, 31

Senators—

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

Question negatived.

#### 15 LAW AND JUSTICE—AUSTRALIAN WHEAT BOARD—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 607—that there be laid on the table by the Minister for Justice and Customs and the Minister representing the Attorney-General, no later than 4 pm on 6 November 2006, the Organisation for Economic Co-operation and Development foreign bribery survey response by AWB Limited (then represented by Mr Cooper), to the Attorney-General's Department in reply to correspondence by the First Assistant Secretary, Criminal Justice Division, received by the department on 20 June 2005 as was not supplied by the department in answer to the Legal and Constitutional Legislation Committee estimates question no. 63 of 24 May 2006.

Question put.

The Senate divided—

AYES, 30

Senators—

|                      |          |         |          |
|----------------------|----------|---------|----------|
| Allison              | Forshaw  | McLucas | Siewert  |
| Bartlett             | Hogg     | Milne   | Stephens |
| Brown, Carol         | Hurley   | Moore   | Sterle   |
| Campbell, G (Teller) | Hutchins | Murray  | Webber   |
| Conroy               | Kirk     | Nettle  | Wong     |
| Crossin              | Ludwig   | O'Brien | Wortley  |
| Faulkner             | Lundy    | Polley  |          |
| Fielding             | McEwen   | Ray     |          |

NOES, 31

Senators—

|          |                   |                  |                   |
|----------|-------------------|------------------|-------------------|
| Adams    | Eggleson          | Johnston         | Patterson         |
| Barnett  | Ellison           | Joyce            | Payne             |
| Bernardi | Ferguson          | Kemp             | Ronaldson         |
| Boswell  | Ferris            | Lightfoot        | Santoro           |
| Calvert  | Fierravanti-Wells | Macdonald, Sandy | Scullion (Teller) |
| Chapman  | Fifield           | McGauran         | Trood             |
| Colbeck  | Heffernan         | Nash             | Watson            |
| Coonan   | Humphries         | Parry            |                   |

Question negatived.

#### 16 FOREIGN AFFAIRS—IRAQ

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 601—That the Senate—

(a) notes:

- (i) the recent study by Johns Hopkins University that estimates more than 650 000 Iraqis have died since the invasion of Iraq in March 2003, as a result of the conflict, and that more than a third of the deaths are attributed to the actions of Coalition forces, and
- (ii) that more than 3 000 Coalition troops have died since the invasion; and
- (b) calls on the Government to immediately withdraw Australian troops from Iraq.

Question put.

The Senate divided—

AYES, 5

Senators—

|          |        |                  |
|----------|--------|------------------|
| Allison  | Milne  | Siewert (Teller) |
| Bartlett | Nettle |                  |

## NOES, 50

## Senators—

|                  |                   |                  |                   |
|------------------|-------------------|------------------|-------------------|
| Adams            | Ferguson          | Ludwig           | Polley            |
| Barnett          | Fielding          | Lundy            | Ray               |
| Bernardi         | Fierravanti-Wells | Macdonald, Sandy | Ronaldson         |
| Brandis          | Fifield           | Mason            | Scullion (Teller) |
| Brown, Carol     | Forshaw           | McEwen           | Sterle            |
| Calvert          | Humphries         | McGauran         | Troeth            |
| Campbell, George | Hurley            | McLucas          | Trood             |
| Chapman          | Hutchins          | Moore            | Watson            |
| Colbeck          | Johnston          | Nash             | Webber            |
| Conroy           | Joyce             | O'Brien          | Wong              |
| Coonan           | Kemp              | Parry            | Wortley           |
| Crossin          | Kirk              | Patterson        |                   |
| Egglesston       | Lightfoot         | Payne            |                   |

Question negatived.

**17 ORDER OF BUSINESS—REARRANGEMENT**

Senator Scullion, by leave and at the request of the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the Employment, Workplace Relations and Education Committee on Pacific region seasonal contract labour, be postponed till a later hour.

Question put and passed.

**18 PUBLICATIONS—STANDING COMMITTEE—16TH REPORT**

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

PUBLICATIONS COMMITTEE  
16TH 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 14 September 2006, recommends that the following be printed:

- Aborigines Benefit Account—Report for 2005-06.
- Albury-Wodonga Development Corporation—Report for 2005-06.
- Attorney-General's Department—Report for 2005-06.
- Australia Council—Report for 2005-06.
- Australian Bureau of Statistics—Report for 2005-06.
- Australian Communications and Media Authority—Report for 2005-06.
- Australian Competition and Consumer Commission—Report for 2005-06.
- Australian Electoral Commission—Report for 2005-06.
- Australian Film, Television and Radio School—Report for 2005-06.
- Australian National Maritime Museum—Report for 2005-06.
- Australian Postal Corporation (Australia Post)—Report for 2005-06.
- Australian Safeguards and Non-Proliferation Office—Report for 2005-06.
- Australian Security Intelligence Organisation—Report for 2005-06.
- Australian Sports Anti-Doping Authority—Report for 2005-06.
- Australian Trade Commission (AUSTRADE)—Report for 2005-06.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2005-06.

Australian War Memorial—Report for 2005-06.

Australian Wine and Brandy Corporation—Report for 2005-06.

Commissioner for Complaints (Aged care)—Report for 2005-06.

Commissioner for Superannuation—Report for 2005-06.

Commissioner of Taxation—Report for 2005-06.

Commonwealth Director of Public Prosecutions—Report for 2005-06.

Commonwealth Grants Commission—Report for 2005-06.

*Crimes Act 1914*—Controlled operations—Report for 2005-06.

CrimTrac Agency—Report for 2005-06.

Department of Immigration and Multicultural Affairs—Report for 2005-06.

Department of Transport and Regional Services—Report for 2005-06.

Export Finance and Insurance Corporation (EFIC)—Report for 2005-06.

Federal Police Disciplinary Tribunal—Report for 2005-06.

Film Australia Limited—Report for 2005-06.

Gene Technology Regulator—Report for 2005-06.

Great Barrier Reef Marine Park Authority—Report for 2005-06.

Human Rights and Equal Opportunity Commission—Report No. 36—Breach of Ms CD's human rights at the Curtin Immigration Processing and Reception Centre.

Industrial Relations Court of Australia—Report for 2005-06. [Final report]

Inspector-General of Intelligence and Security—Report for 2005-06.

International Air Services Commission—Report for 2005-06.

Medibank Private—Report for 2005-06.

*Members of Parliament (Staff) Act 1984*—Report for 2005-06 on consultants engaged.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2005-06.

Military Rehabilitation and Compensation Commission—Report for 2005-06.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2005-06.

National Competition Council—Report for 2005-06.

National Industrial Chemicals Notification and Assessment Scheme—Report for 2005-06.

National Museum of Australia—Report for 2005-06.

National Residue Survey—Report for 2005-06.

National Water Commission—Report for 2005-06.

Office of Parliamentary Counsel—Report for 2005-06.

Office of the Renewable Energy Regulator—Financial report—  
2004-05.  
2005-06.

Public Service Commissioner—Report for 2005-06, incorporating the report of the Merit Protection Commissioner.

Repatriation Commission, Department of Veterans' Affairs and the National Treatment Monitoring Committee—Report for 2005-06.

Repatriation Medical Authority—Report for 2005-06.

Telstra Corporation Limited—Report for 2005-06.

Western Australian Fisheries Joint Authority—Report for 2003-04.

Senator Guy Barnett  
Chairperson  
19 October 2006.

Senator Barnett moved—That the report be adopted.

Question put and passed.

**19 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—GYNAECOLOGICAL CANCER IN AUSTRALIA**

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

Community Affairs—Standing Committee—Breaking the silence: A national voice for gynaecological cancers—Report, dated October 2006, Hansard record of proceedings, additional information and submissions [72].

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

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

Debate ensued.

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

**20 TREATIES—JOINT STANDING COMMITTEE—79TH AND 80TH REPORTS**

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

Treaties—Joint Standing Committee—

79th report—Treaties tabled on 10 May (2), 5 and 6 September 2006, dated October 2006.

80th report—Treaties tabled on 28 March (4) and 5 September (2) 2006, dated October 2006.

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

Question put and passed.

**21 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—AUSTRALIAN CRIME COMMISSION—REPORT FOR 2004-05**

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Ian Macdonald) tabled the following report:

Australian Crime Commission—Joint Statutory Committee—Examination of the annual report for 2004-05 of the Australian Crime Commission—Report, dated October 2006 and Hansard record of proceedings.

Report ordered to be printed on the motion of Senator Ian Macdonald.

Senator Ian Macdonald moved—That the Senate take note of the report.

Question put and passed.

**22 LEGISLATION COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2003-04 AND BUDGET ESTIMATES 2006-07**

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

Additional estimates 2003-04—Rural and Regional Affairs and Transport Legislation Committee—Additional information received on 3 October 2006—Agriculture, Fisheries and Forestry portfolio.

Budget estimates 2006-07—

Community Affairs Legislation Committee—Additional information received—

Families, Community Services and Indigenous Affairs portfolio—Consolidated volume 1.

Health and Ageing portfolio—Consolidated volumes 2 and 3 and attachments.

Economics Legislation Committee—Additional information received between—

17 May and 11 October 2006—Industry, Tourism and Resources portfolio.

13 September and 17 October 2006—Treasury portfolio.

Employment, Workplace Relations and Education Legislation Committee—Additional information received between—

12 September and 18 October 2006—Employment and Workplace Relations portfolio.

13 September and 18 October 2006—Education, Science and Training portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 14 September and 19 October 2006—Defence portfolio.

Legal and Constitutional Legislation Committee—Additional information received between—

27 June and 19 October 2006—Attorney-General's portfolio.

12 July and 19 October 2006—Immigration and Multicultural Affairs portfolio.

Rural and Regional Affairs and Transport Legislation Committee—Additional information received between 12 September and 17 October 2006—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

**23 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2006**

**BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION) BILL 2006**

**BROADCASTING LEGISLATION AMENDMENT BILL (NO. 1) 2006**

**CRIMES ACT AMENDMENT (FORENSIC PROCEDURES) BILL (NO. 1) 2006**

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

Message no. 417, dated 18 October 2006—Broadcasting Services Amendment (Media Ownership) Bill 2006.

Message no. 416, dated 18 October 2006—Broadcasting Legislation Amendment (Digital Television) Bill 2006.

Message no. 420, dated 18 October 2006—Broadcasting Legislation Amendment Bill (No. 1) 2006.

Message no. 421, dated 18 October 2006—Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006.

**24 COMMUNICATIONS LEGISLATION AMENDMENT (ENFORCEMENT POWERS) BILL 2006**

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 418, dated 18 October 2006—Communications Legislation Amendment (Enforcement Powers) Bill 2006.

**25 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2005**

Order of the day read for the further consideration of message no. 419 from the House of Representatives in committee of the whole (*see entry no. 33, 18 October 2006*).

*In the committee*

Consideration resumed of the message—and of the motion moved by the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That the committee does not insist on its amendment no. 1 to which the House of Representatives has disagreed and agrees to the further amendments made by the House.

Debate resumed.

Senator Joyce moved the following amendment:

At the end of the motion, add “and makes the following further amendments to the bill:

Schedule 1, page 4 (after line 2), after item 6, insert:

**6A After subsection 30(2)**

Insert:

(2A) Where the Tribunal is exercising its powers to consider merger clearances and authorisations in accordance with Division 3 of Part VII, the Tribunal shall include such other members as are appointed in accordance with this section as follows:

- (a) one member with sufficient experience and expertise to represent small business interests; and
- (b) one member with sufficient experience and expertise to represent consumers and consumer protection interests.

Schedule 1, item 27, page 10 (line 23), after “agrees”, insert “or the ACCC so requests”.

Schedule 1, item 27, page 16 (line 22), after “is”, insert “, subject to subsection (3),”.

Schedule 1, item 27, page 16 (after line 30), at the end of section 95AO, add:

- (3) The ACCC may seek an extension of time of 80 business days to consider the application before the Commission makes a determination. If the ACCC does, the time of 120 business days is taken to be substituted for the period of time referred to in subsection (1).

Schedule 1, item 27, page 19 (line 14), after “is”, insert “, subject to subsection (8A),”.

Schedule 1, item 27, page 19 (after line 21), after subsection 95AR(8), insert:

(8A) The ACCC may seek an extension of time of 80 business days to consider the application before the Commission makes a determination. If the ACCC does, the time of 120 business days is taken to be substituted for the period of time referred to in subsection (7).

Schedule 1, item 27, page 22 (line 14), after “is”, insert “, subject to subsection (11A),”.

Schedule 1, item 27, page 22 (after line 22), after subsection 95AS(11), insert:

(11A) The ACCC may seek an extension of time of 80 business days to consider the application before the Commission makes a determination. If the ACCC does, the time of 120 business days is taken to be substituted for the period of time referred to in subsection (10).”.

Debate ensued.

*Closure:* Senator Abetz moved that the question be now put.

Question—That the question be now put—put and passed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

|                  |               |         |          |
|------------------|---------------|---------|----------|
| Allison          | Forshaw       | McEwen  | Ray      |
| Bartlett         | Hogg          | McLucas | Siewert  |
| Brown, Carol     | Hurley        | Milne   | Stephens |
| Campbell, George | Hutchins      | Moore   | Sterle   |
| Carr             | Joyce         | Murray  | Webber   |
| Conroy           | Kirk (Teller) | Nettle  | Wong     |
| Crossin          | Ludwig        | O'Brien | Wortley  |
| Fielding         | Lundy         | Polley  |          |

NOES, 31

Senators—

|          |                   |                  |                |
|----------|-------------------|------------------|----------------|
| Abetz    | Eggleson          | Kemp             | Parry (Teller) |
| Adams    | Ellison           | Lightfoot        | Patterson      |
| Barnett  | Ferris            | Macdonald, Ian   | Payne          |
| Bernardi | Fierravanti-Wells | Macdonald, Sandy | Troeth         |
| Boswell  | Fifield           | Mason            | Trood          |
| Brandis  | Heffernan         | McGauran         | Vanstone       |
| Chapman  | Humphries         | Minchin          | Watson         |
| Colbeck  | Johnston          | Nash             |                |

The ayes and noes were equal and so the question was negatived.

The Leader of the Family First Party (Senator Fielding) moved the following amendment:

At the end of the motion, add “and makes the following further amendments to the bill:

Schedule 1, item 27, page 10 (line 23), after “agrees”, insert “or the Commission so decides”.

Schedule 1, item 27, page 16 (line 22), after “is”, insert “, subject to subsection (3),”.

Schedule 1, item 27, page 16 (after line 30), at the end of section 95AO, add:

(3) However, if before the end of the period referred to in subsection (1) (including any period that is taken to be substituted for that period by any other application or applications of subsection (2)), the Commission decides that the matter cannot be dealt with properly within that period, either because of its complexity or because of other special circumstances, which must be notified in writing by the Commission to the applicant, the period is extended by a further 20 business days and the longer period is taken to be substituted for the period referred to in subsection (1) (or any other period that is taken to be substituted for that period by any other application or applications of subsection (2)).

Schedule 1, item 27, page 19 (line 14), after “is”, insert “, subject to subsection (8A)”.

Schedule 1, item 27, page 19 (after line 21), after subsection 95AR(8), insert:

(8A) However, if before the end of the period referred to in subsection (7) (including any period that is taken to be substituted for that period by any other application or applications of subsection (8)), the Commission decides that the matter cannot be dealt with properly within that period, either because of its complexity or because of other special circumstances, which must be notified in writing by the Commission to the applicant, the period is extended by a further 20 business days and the longer period is taken to be substituted for the period referred to in subsection (7) (or any other period that is taken to be substituted for that period by any other application or applications of subsection (8)).

Schedule 1, item 27, page 22 (line 14), after “is”, insert “, subject to subsection (11A)”.

Schedule 1, item 27, page 22 (after line 22), after subsection 95AS(11), insert:

(11A) However, if before the end of the period referred to in subsection (10) (including any period that is taken to be substituted for that period by any other application or applications of subsection (11)), the Commission decides that the matter cannot be dealt with properly within that period, either because of its complexity or because of other special circumstances, which must be notified in writing by the Commission to the applicant, the period is extended by a further 20 business days and the longer period is taken to be substituted for the period referred to in subsection (10) (or any other period that is taken to be substituted for that period by any other application or applications of subsection (11)).”.

Debate ensued.

*Closure:* Senator Abetz moved that the question be now put.

Question—That the question be now put—put and passed.

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

Main question, as amended, put and passed.

Resolution to be reported.

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The Acting Deputy President (Senator Forshaw) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 419 from the House of Representatives relating to the Trade Practices Legislation Amendment Bill (No. 1) 2005 and had resolved not to insist on amendment no. 1 made by the Senate to which the House had disagreed, had agreed to further amendments made by the House, and had made further amendments to the bill.

Senator Abetz moved—That the report from the committee be adopted.

Question put.

The Senate divided—

AYES, 32

Senators—

|         |                   |                  |                   |
|---------|-------------------|------------------|-------------------|
| Abetz   | Coonan            | Johnston         | Parry             |
| Adams   | Eggleson          | Lightfoot        | Patterson         |
| Barnett | Ellison           | Macdonald, Ian   | Ronaldson         |
| Boswell | Ferguson          | Macdonald, Sandy | Santoro           |
| Brandis | Ferris            | Mason            | Scullion (Teller) |
| Calvert | Fielding          | McGauran         | Troeth            |
| Chapman | Fierravanti-Wells | Minchin          | Trood             |
| Colbeck | Heffernan         | Nash             | Watson            |

NOES, 30

Senators—

|                  |               |         |          |
|------------------|---------------|---------|----------|
| Allison          | Hogg          | McLucas | Siewert  |
| Bartlett         | Hurley        | Milne   | Stephens |
| Brown, Carol     | Hutchins      | Moore   | Sterle   |
| Campbell, George | Joyce         | Murray  | Webber   |
| Carr             | Kirk (Teller) | Nettle  | Wong     |
| Conroy           | Ludwig        | O'Brien | Wortley  |
| Crossin          | Lundy         | Polley  |          |
| Forshaw          | McEwen        | Ray     |          |

Question agreed to.

## 26 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) moved—That the following government business orders of the day be considered till not later than 2 pm today:

- No. 6 Judiciary Legislation Amendment Bill 2006.
- No. 11 Financial Sector Legislation Amendment (Trans-Tasman Banking Supervision) Bill 2006.
- No. 15 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill (No. 2) 2006.
- No. 13 Medical Indemnity Legislation Amendment Bill 2006.
- No. 7 Customs Amendment (2007 Harmonized System Changes) Bill 2006  
Customs Tariff Amendment (2007 Harmonized System Changes) Bill 2006.
- No. 8 National Cattle Disease Eradication Account Amendment Bill 2006.
- No. 9 Export Finance and Insurance Corporation Amendment Bill 2006.
- No. 10 Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006.

No. 12 Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006  
Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006.

No. 14 Defence Force (Home Loans Assistance) Amendment Bill 2006.

Question put and passed.

**27 JUDICIARY LEGISLATION AMENDMENT BILL 2006**

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

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.

**28 FINANCIAL SECTOR LEGISLATION AMENDMENT (TRANS-TASMAN BANKING SUPERVISION) BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald)—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.

**29 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL (NO. 2) 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Ageing (Senator Santoro)—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.

**30 MEDICAL INDEMNITY LEGISLATION AMENDMENT 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.

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.

**31 CUSTOMS AMENDMENT (2007 HARMONIZED SYSTEM CHANGES) BILL 2006**

**CUSTOMS TARIFF AMENDMENT (2007 HARMONIZED SYSTEM CHANGES) BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Ageing (Senator Santoro)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

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*At 2 pm—*

**32 QUESTIONS**

Questions without notice were answered.

**33 PARLIAMENT HOUSE—SECURITY ARRANGEMENTS—MICAH CHALLENGE GROUP—STATEMENT BY LEAVE**

Senator Stephens, by leave, made a statement relating to security arrangements and a visit to Parliament House by the Micah Challenge Group.

The President informed the Senate that he would investigate the matter.

**34 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT**

The President made a statement relating to unparliamentary language and a matter raised by the Leader of the Opposition in the Senate (Senator Evans) on 18 October 2006.

**35 ANSWERS TO QUESTIONS**

Senator Conroy moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

**36 DEPARTMENT OF THE SENATE—REPORT FOR 2005-06—DOCUMENT**

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

Department of the Senate—Report for 2005-06.

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

**37 COMMISSIONER OF TAXATION—REPORT FOR 2005-06—DOCUMENT**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Commissioner for Taxation—Report for 2005-06—Correction.

**38 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—REPORT—PACIFIC REGION SEASONAL CONTRACT LABOUR**

Pursuant to order, the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth) tabled the following report and documents:

Employment, Workplace Relations and Education—Standing Committee—Perspectives on the future of the harvest labour force—Report, dated October 2006, Hansard record of proceedings, additional information and submissions [58].

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

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

Debate ensued.

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

**39 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2006-07**

Senator Scullion, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Mason), tabled the following additional information received by the committee:

Finance and Public Administration Legislation Committee—Budget estimates 2006-07—Additional information received between 22 May and 19 October 2006—

Human Services portfolio.

Parliamentary departments.

*General business was called on.*

**40 CRIMES AMENDMENT (VICTIM IMPACT STATEMENTS) BILL 2006**

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

Debate resumed.

*At 6 pm:* Debate was interrupted while Senator Fifield was speaking.

**41 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—CHANGE IN MEMBERSHIP**

The Acting Deputy President (Senator Barnett) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Parliamentary Secretary to the Minister for Defence (Senator Sandy Macdonald), by leave, moved—That Senator Ferris replace Senator Bernardi on the Finance and Public Administration Committee for the consideration of the 2006-07 Budget estimates on 30 October 2006, until 10 pm.

Question put and passed.

## 42 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Torres Strait Regional Authority—Report for 2004-05. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2005. Motion of Senator Crossin to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*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 called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

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 Bartlett debate was adjourned till Thursday at general business.

*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 of Senator Kirk to take note of document agreed to.

Indigenous Business Australia—Corporate plan 2006-2008. Motion of Senator Kirk 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 017/05 to 019/05 and 020/06 to 048/06. Motion of Senator Kirk to take note of document agreed to.

*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 of Senator Kirk to take note of document agreed to.

Australia-Indonesia Institute—Report for 2004-05. Motion of Senator Stott Despoja to take note of document debated. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

*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 agreed to.

*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 agreed to.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2004-05. 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 debated and 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 debated. On the motion of Senator Hogg 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 of Senator Kirk to take note of document debated. Debate adjourned till Thursday at general business, Senator Parry 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 of Senator Kirk to take note of document agreed to.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 056/06 to 066/06. Motion of Senator Kirk to take note of document agreed to.

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 Carol Brown 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—Government response. 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. Motion of Senator Ludwig to take note of document agreed to.

*Housing Assistance Act 1996*—Report for 2004-05 on the operation of the 2003 Commonwealth-State Housing Agreement. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown 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 March to 30 June 2006. Motion of Senator Bartlett to take note of document agreed to.

*Migration Act 1958*—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2006. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Department of Immigration and Multicultural Affairs—Implementation of the recommendations of the Palmer report of the inquiry into the circumstances of the immigration detention of Cornelia Rau—12 month progress report, dated September 2006. Motion of Senator Moore to take note of document agreed to.

Australian Law Reform Commission—Report—No. 104—Fighting words: A review of sedition laws in Australia, July 2006. Motion of Senator Sterle to take note of document agreed to.

Indigenous education and training—National report to Parliament 2004. Motion of Senator Crossin to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Medibank Private Limited—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Western Australian 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.

Australian War Memorial—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Australian Electoral Commission—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Federal Police Disciplinary Tribunal—Report for 2005-06 [Final report]. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Reserve Bank of Australia—Equity and diversity—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

CrimTrac Agency—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

*Customs Act 1901*—Conduct of customs officers [Managed deliveries]—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Australian Sports Anti-Doping Authority—Report for 2005-06, incorporating the report of the Australian Sports Drug Agency for the period 1 July 2005 to 13 March 2006. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Australian Film, Television and Radio School—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

*Members of Parliament (Staff) Act 1984*—Report for 2005-06 on consultants engaged. Motion of Senator Ray to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report—No. 36—Breach of Ms CD's human rights at the Curtin Immigration Processing and Reception Centre. Motion of Senator Ludwig to take note of document agreed to.

Aborigines Benefit Account—Report for 2005-06. Motion of Senator Bartlett to take note of document agreed to.

Australian Competition and Consumer Commission—Report for 2005-06, incorporating the report of the Australian Energy Regulator (AER). Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Film Australia Limited—Report for 2005-06. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Great Barrier Reef Marine Park Authority—Report for 2005-06. Motion of Senator George Campbell to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Inspector-General of Intelligence and Security—Report for 2005-06. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

National Water Commission—Report for 2005-06. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Department of Immigration and Multicultural Affairs—Report for 2005-06. Motion of Senator Hurley to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Commonwealth Grants Commission—Report for 2005-06. 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.

Commissioner for Complaints [Aged care]—Report for 2005-06. Motion of Senator McLucas to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 072/06 and 073/06—Commonwealth Ombudsman's reports and government response to the Commonwealth Ombudsman's reports. Motion of Senator Bartlett to take note of documents agreed to.

Australian Security Intelligence Organisation—Report for 2005-06. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till Thursday at general business.

Telstra Corporation Limited—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

National Museum of Australia—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Australia Council—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

National Competition Council—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

Commissioner of Taxation—Report for 2005-06. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till Thursday at general business, Senator Carol Brown in continuation.

General business orders of the day nos 29, 30, 32, 33, 35, 37 to 39, 42 to 45, 47, 49, 65 to 68, 72 and 76 relating to government documents were called on but no motion was moved.

*General business concluded.*

#### **43 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 the re-listing of Al-Qa’ida and Jemaah Islamiyah as terrorist organisations. Motion of Senator Ferguson to take note of report called on. On the motion of Senator Carol Brown debate was adjourned till the next day of sitting.

National Capital and External Territories—Joint Standing Committee—Report—Visit to Norfolk Island: 2-5 August 2006. Motion of the chair of the committee (Senator Lightfoot) to take note of report debated and agreed to.

Migration—Joint Standing Committee—Report—Negotiating the maze: Review of arrangements for overseas skills recognition, upgrading and licensing. Motion of Senator Kirk to take note of report debated. On the motion of Senator Carol Brown debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Interim report—Australia’s future oil supply and alternative transport fuels. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Foreign Affairs, Defence and Trade Legislation Committee—First progress report—Reforms to Australia’s military justice system. Motion of the chair of the committee (Senator Johnston) to take note of report called on. On the motion of Senator Carol Brown debate was adjourned till the next day of sitting.

Community Affairs Legislation Committee—Report—Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005. Motion of the chair of the committee (Senator Humphries) to take note of report called on. On the motion of Senator Carol Brown debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport Legislation Committee—Report—National Animal Welfare Bill 2005. Motion of Senator Bartlett to take note of report agreed to.

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 Carol Brown 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 Carol Brown debate was adjourned till the next day of sitting.

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

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 Carol Brown 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 Carol Brown 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 Carol Brown debate was adjourned till the next day of sitting.

#### 44 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. 3 of 2006-07—Performance audit—Management of Army minor capital equipment procurement projects: Department of Defence; Defence Materiel Organisation. Motion of Senator Bishop to take note of document called on. On the motion of Senator Carol Brown debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 7 of 2006-07—Performance audit—Visa management—Working holiday makers: Department of Immigration and Multicultural Affairs. Motion to take note of document moved by Senator Carol Brown. Debate adjourned till the next day of sitting, Senator Carol Brown in continuation.

Auditor-General—Audit report no. 8 of 2006-07—Performance audit—Airservices Australia's upper airspace management contracts with the Solomon Islands Government: Airservices Australia. Motion of Senator O'Brien to take note of document debated. Debate adjourned till the next day of sitting, Senator Stephens in continuation.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

#### 45 ADJOURNMENT

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

Debate ensued.

*Time expired:* The debate reached the limit of 40 minutes.

The Senate adjourned at 8.16 pm till Monday, 6 November 2006 at 9.30 am.

**46 ATTENDANCE**

Present, all senators except Senators Bob Brown\*, Ian Campbell\*, Marshall\* and Stott Despoja\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate