

2004-06

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 119

TUESDAY, 28 NOVEMBER 2006

Contents

1	Meeting of Senate	3089
2	Government Documents	3089
3	Days and Hours of Meeting and Routine of Business—Variation	3089
4	Australian Nuclear Science and Technology Organisation Amendment Bill 2006	3091
5	Inspector of Transport Security Bill 2006 Inspector of Transport Security (Consequential Provisions) Bill 2006	3092
6	Questions	3096
7	Family and Community Services—Aged Care—Jindalee Nursing Home— Answer to Question—Statement by Leave	3096
8	Answers to Questions	3096
9	Minister for the Environment and Heritage—Answers to Questions	3096
10	Death of Former Member Norman Kenneth Foster, OAM	3096
11	Petitions	3097
12	Notices	3097
13	Postponements	3099
14	Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2006 [No. 2]	3099
15	Environment—Nuclear Energy	3100
16	Environment—Macquarie Island	3100
17	Environment—Global Carbon Trading Market	3101
18	Environment—Review of Matters of National Environmental Significance—Proposed Order for Production of Document	3102
19	Environment—Solar Energy	3103
20	Foreign Affairs—Israel and Palestine	3104
21	Environment—Greenhouse Gas Emissions	3105
22	Family and Community Services—Australian Council of Social Service	3106
23	Public Accounts and Audit—Joint Statutory Committee—Leave to Meet During Sitings—Variation	3107
24	Auditor-General—Audit Report No. 12 of 2006-07—Document	3107
25	Documents	3107

26	Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006	3108
27	Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 [2006]	3108
28	Legal and Constitutional Affairs—Standing Committee—Report—Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006.....	3109
29	Inspector of Transport Security Bill 2006 Inspector of Transport Security (Consequential Provisions) Bill 2006.....	3109
30	Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Bill 2006.....	3110
31	Independent Contractors Bill 2006 Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006	3112
32	Adjournment	3112
33	Attendance.....	3112

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Administrative Appeals Tribunal—Report for 2005-06.

Aged Care Act 1997—Report for 2005-06 on the operation of the Act.

Anglo-Australian Telescope Board—Anglo-Australian Observatory—Report for 2005-06.

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2005-06.

Equal Opportunity for Women in the Workplace Agency—Report for 2005-06.

General Practice Education and Training Limited—Report for 2005-06.

Human Rights and Equal Opportunity Commission—Report for 2005-06.

Industry Research and Development Board—Report for 2005-06.

Office of Film and Literature Classification—Classification Board and Classification Review Board—Reports for 2005-06.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each state in respect of 2005.

Snowy Hydro Limited—Financial report for the period 3 July 2005 to 1 July 2006.

Superannuation Complaints Tribunal—Report for 2005-06.

Treaty—*Bilateral*—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Kingdom of Cambodia concerning the Transfer of Sentenced Persons, done at Canberra on 11 October 2006.

3 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Justice and Customs (Senator Ellison) amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That—

(1) On Tuesday, 28 November and 5 December 2006:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(2) On Thursday, 30 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) the routine of business from 7.30 pm shall be government business only;
- (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.

- (3) The Senate shall sit on Friday, 1 December 2006 and that:
- (a) the hours of meeting shall be 9 am to 4.25 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 3.45 pm.
- (4) On Wednesday, 6 December 2006, the routine of business be varied to provide that:
- (a) matters of public interest be called on at 1.15 pm; and
 - (b) questions without notice be called on at 2.30 pm.
- (5) On Thursday, 7 December 2006:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from not later than 4.30 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
 - Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006
 - Australian Nuclear Science and Technology Organisation Amendment Bill 2006
 - Commonwealth Radioactive Waste Management Legislation Amendment Bill 2006
 - Copyright Amendment Bill 2006
 - Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006
 - Crimes Amendment (Bail and Sentencing) Bill 2006
 - Datacasting Transmitter Licence Fees Bill 2006 and Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006
 - Defence Legislation Amendment Bill 2006
 - Environment and Heritage Legislation Amendment Bill (No. 1) 2006
 - Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006 and Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Bill 2006
 - Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Bill 2006
 - Indigenous Education (Targeted Assistance) Amendment Bill 2006
 - Inspector of Transport Security Bill 2006 and Inspector of Transport Security (Consequential Provisions) Bill 2006

Independent Contractors Bill 2006 and Workplace Relations
Legislation Amendment (Independent Contractors) Bill 2006
Medibank Private Sale Bill 2006
Royal Commissions Amendment (Records) Bill 2006
Tax Laws Amendment (2006 Measures No. 4) Bill 2006
Telecommunications Amendment (Integrated Public Number
Database) Bill 2006.

Debate ensued.

Question put and passed.

4 **AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION AMENDMENT
BILL 2006**

Order of the day read for the further consideration of the bill in committee of the
whole.

—————
In the committee

Consideration resumed of the bill—*and of the amendment moved by the Leader of the
Australian Democrats (Senator Allison):*

Schedule 1, page 5 (after line 17), after item 8, insert:

8A After subsection 5(2)

Insert:

- (2A) The Organisation must not condition, manage or store high level
radioactive material except material generated by, or associated with, the
operation of the Lucas Heights Research Laboratories, or any health or
medical facility operating within Australia.
- (2B) For the purposes of subsection (2A), *high level radioactive material*
includes radioactive waste.

Note: *High level radioactive material* is defined in section 3 of the
Commonwealth Radioactive Waste Management Act 2005.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Immigration and Multicultural Affairs (Senator Vanstone) the report from the committee was adopted and the bill read a third time.

5 INSPECTOR OF TRANSPORT SECURITY BILL 2006

INSPECTOR OF TRANSPORT SECURITY (CONSEQUENTIAL PROVISIONS) 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.

Senator O'Brien moved the following amendment in respect of the Inspector of Transport Security Bill 2006:

At the end of the motion, add "but the Senate:

- (a) notes the failure of the Howard Government to appoint a person as Inspector of Transport Security until one year after the announcement of the position;
- (b) notes that the Howard Government finally committed to underpin this important job with appropriate laws in May 2005 but has only now introduced legislation into the Parliament for that purpose;
- (c) condemns the slowness with which the Howard Government dealt with the important role of Inspector of Transport Security;
- (d) condemns the Howard Government's dismissive use of the Inspector of Transport Security who has been engaged on an average of just one day a week in spite of repeated failures in security in the Australian transport sector at the same time as terrorists have targeted aviation and rail transport over recent years; and
- (e) condemns the Howard Government for its failure to engage the Inspector of the Transport Security in a full-time capacity".

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Main question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.

In the committee

INSPECTOR OF TRANSPORT SECURITY BILL 2006—

Bill taken as a whole by leave.

Senator O'Brien moved the following amendments together by leave:

Clause 10, page 10 (lines 7 and 8), omit subclause (2), substitute:

- (2) The Inspector may inquire into such matters in accordance with a direction from the Minister or in accordance with section 11A.

Page 11 (after line 18), after clause 11, insert:

11A Inspector may decide to conduct inquiry

- (1) Subject to this Part, the Inspector may decide to inquire into a transport security matter or an offshore security matter.
- (2) If the Inspector decides to inquire into a matter, the Inspector must inform the Minister in writing of the subject of the inquiry.
- (3) The Inspector is not subject to direction from the Minister in relation to the inquiry or direction in relation to any interim, draft or final report in relation to the inquiry.
- (4) The Inspector is not subject to direction from the Secretary in relation to the inquiry, or direction in relation to any interim, draft or final report in relation to the inquiry.

- Clause 12, page 11 (line 23), after “Minister”, insert “or the Inspector”.
- Clause 12, page 12 (line 1), after “Minister”, insert “or the Inspector”.
- Clause 13, page 12 (line 9), after “Minister”, insert “or the Inspector”.
- Clause 13, page 12 (line 19), after “Minister”, insert “or the Inspector”.
- Clause 14, page 12 (line 25), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 14, page 13 (line 11), omit “the direction is made”, substitute “the inquiry is initiated”.
- Clause 15, page 13 (line 15), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 15, page 13 (line 34), omit “the direction is made”, substitute “the inquiry is initiated”.
- Clause 16, page 14 (line 4), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 16, page 14 (line 29), omit “the direction is made”, substitute “the inquiry is initiated”.
- Clause 17, page 15 (line 2), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 17, page 15 (line 24), omit “the direction is made”, substitute “the inquiry is initiated”.
- Clause 18, page 15 (line 28), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 18, page 16 (line 30), omit “the direction is made”, substitute “the inquiry is initiated”.
- Clause 22, page 18 (after line 10), after subclause (1), insert:
- (1A) The Inspector must not decide to inquire into a surface transport aspect of a transport security matter unless the Transport Minister of the State or Territory in which that aspect of the matter occurs has agreed to the scope of the inquiry into that aspect of the matter.
- Clause 23, page 18 (line 25), omit “The Minister must not direct the Inspector to”, substitute “The Inspector must not”.
- Clause 23, page 19 (lines 1 and 2), omit “direction is given”, substitute “inquiry is initiated”.
- Clause 23, page 19 (line 3), after “Minister”, insert “or the Inspector”.
- Clause 23, page 19 (line 8), after “Minister”, insert “or the Inspector”.
- Clause 23, page 19 (line 12), omit “The Minister may direct the Inspector to”, substitute “The Inspector may”.
- Clause 23, page 19 (line 15), omit “the Minister must not direct the Inspector to”, substitute “the Inspector must not”.
- Clause 23, page 19 (lines 22 and 23), omit “direction is given”, substitute “inquiry is initiated”.
- Clause 23, page 19 (line 24), after “Minister”, insert “or the Inspector”.
- Clause 32, page 24 (line 6), at the end of paragraph (a), add “or in accordance with section 11A”.

- Clause 32, page 24 (line 8), at the end of paragraph (b), add “or in accordance with section 11A”.
- Clause 35, page 27 (line 19), at the end of paragraph (1)(b), add “or in accordance with section 11A”.
- Clause 35, page 28 (line 9), after “11”, insert “or in accordance with section 11A”.
- Clause 35, page 28 (line 15), after “11”, insert “or in accordance with section 11A”.
- Clause 35, page 28 (line 34), at the end of subclause (8), add “or in accordance with section 11A”.
- Clause 36, page 29 (line 8), at the end of paragraph (1)(b), add “or in accordance with section 11A”.
- Clause 36, page 29 (line 22), after “11”, insert “or in accordance with section 11A”.
- Clause 36, page 29 (line 28), after “11”, insert “or in accordance with section 11A”.
- Clause 36, page 30 (line 23), at the end of subclause (8), add “or in accordance with section 11A”.
- Clause 37, page 30 (line 31), after “11”, insert “or in accordance with section 11A”.
- Clause 37, page 32 (line 4), after “11”, insert “or in accordance with section 11A”.
- Clause 37, page 32 (line 13), after “11”, insert “or in accordance with section 11A”.
- Clause 37, page 33 (line 3), at the end of subclause (9), add “or in accordance with section 11A”.
- Clause 48, page 40 (line 14), after “11”, insert “or in accordance with section 11A”.
- Clause 49, page 41 (line 9), after “11”, insert “or in accordance with section 11A”.
- Clause 49, page 41 (line 30), at the end of subclause (3), add “or in accordance with section 11A”.
- Clause 51, page 44 (line 5) after “11”, insert “or in accordance with section 11A”.
- Clause 51, page 44 (line 11) omit “The Minister”, substitute “If the inquiry has been conducted in accordance with a direction of the Minister under section 11, the Minister”.
- Clause 52, page 44 (line 21), after “Minister”, insert “or the Inspector”.
- Clause 52, page 44 (line 23), after “Minister”, insert “or the Inspector”.
- Clause 52, page 44 (line 26), after “Minister”, insert “or the Inspector”.
- Clause 52, page 45 (line 3), after “Minister”, insert “or the Inspector”.
- Clause 52, page 45 (line 8), after “Minister”, insert “or the Inspector”.
- Clause 52, page 45 (line 18), after “Minister”, insert “or the Inspector”.
- Clause 52, page 45 (line 24), after “Minister”, insert “or the Inspector”.
- Clause 52, page 46 (line 2), after “Minister”, insert “or the Inspector”.
- Clause 55, page 47 (line 20), after “Minister”, insert “or the Inspector”.
- Clause 59, page 51 (line 5), after “inquiry”, insert “conducted under section 11A or”.

Clause 67, page 58 (line 2), at the end of subclause (3), add “or conducted under section 11A”.

Clause 67, page 58 (line 7), after “11”, insert “or conducted under section 11A”.

Clause 69, page 59 (line 21), at the end of subparagraph (1)(b)(i), add “or conducted under section 11A”.

Clause 75, page 64 (line 19), after “11”, insert “or conducted under section 11A”.

Clause 75, page 64 (line 26), after “11”, insert “or conducted under section 11A”.

Debate ensued.

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

Senator O’Brien moved the following amendment:

Clause 25, page 21 (line 9), omit subclause (3), substitute:

(3) The Inspector must be appointed on a full-time basis.

Debate ensued.

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

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Forshaw) reported progress.

6 QUESTIONS

Questions without notice were answered.

7 FAMILY AND COMMUNITY SERVICES—AGED CARE—JINDALEE NURSING HOME—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Minister for Ageing (Senator Santoro), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator McLucas on 27 November 2006 relating to the Jindalee Nursing Home in Canberra.

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

8 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

9 MINISTER FOR THE ENVIRONMENT AND HERITAGE—ANSWERS TO QUESTIONS

Senator Bartlett moved—That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Ian Campbell) to questions without notice asked today.

Question put and passed.

10 DEATH OF FORMER MEMBER NORMAN KENNETH FOSTER, OAM

The Deputy President (Senator Hogg) informed the Senate of the death, on 19 November 2006, of Norman Kenneth Foster, OAM, a member of the House of Representatives for the division of Sturt from 1969 to 1972.

11 PETITIONS

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

The President, from 59 petitioners, requesting that the Senate legislate to create an offence of transmission by mail of child pornography and child abuse material.

Senator Adams, from 332 petitioners, requesting that the Senate reject the proposal to relocate Jandakot Airport to Hopelands Road, North Dandalup, Western Australia.

12 NOTICES

Notices of motion:

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold public meetings during the sittings of the Senate as follows:

- (a) on Thursday, 30 November 2006, from 5.30 pm, to take evidence for the committee's continuing oversight of the operations of the Australian Securities and Investments Commission; and
- (b) on Friday, 1 December 2006, from 9 am, to take evidence for the committee's inquiry into the exposure draft of the Corporations Amendment (Takeovers) Bill 2006. (*general business notice of motion no. 644*)

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Committee be extended as follows:

- (a) water policy initiatives—to 5 December 2006; and
- (b) Australia's future oil supply—to 7 December 2006. (*general business notice of motion no. 645*)

Senator Murray: To move on the next day of sitting—That, in view of:

- (a) the instances of developers being identified in investigations into corrupt influence in local government, and other levels of government;
- (b) public and media perceptions of improper conduct and influence by developers; and
- (c) calls for donations, loans, gifts and favours from developers to be prohibited,

the Senate calls on the Prime Minister (Mr Howard) to put this matter before the Council of Australian Governments with a view to designing amendments to all federal, state and territory electoral laws by 1 July 2007 prohibiting donations, loans, or gifts by developers, either directly or indirectly, to candidates or political parties at any level of government. (*general business notice of motion no. 646*)

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

- (a) notes that recent research of Drs Raupach and Fraser from the Commonwealth Scientific and Industrial Research Organisation's Marine and Atmospheric Research group found that:
 - (i) 7.9 billion tonnes of carbon were emitted into the atmosphere as carbon dioxide in 2005 and the rate of increase is accelerating,

- (ii) between 2000 and 2005, carbon dioxide emissions rose by more than 2.5 per cent a year,
 - (iii) in 1990 emissions were less than 1 per cent a year, and
 - (iv) on the current path it will be difficult to rein in carbon emissions enough to stabilise the atmospheric carbon dioxide concentration at 450 parts per million; and
- (b) calls on the Federal Government to act urgently to reduce greenhouse gas emissions and:
- (i) ratify the Kyoto Protocol, and
 - (ii) introduce a carbon price signal. (*general business notice of motion no. 647*)

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

(a) notes:

- (i) the further statement by the Minister for Justice and Customs (Senator Ellison) on 27 November 2006 in response to Senator Ray's question without notice on 7 November 2006, asking the Minister when he first became aware of a potential breach of 4QA of the Customs regulations in regard to the importation of goods from Iraq without the written permission of the Minister for Foreign Affairs (Mr Downer) or his delegate,
 - (ii) that the Minister is hiding behind a current investigation into the matter by the Australian Federal Police (AFP) to avoid answering a process question that goes to how long he has known that goods imported into Australia from Iraq in 2000 may not have complied with the Australian Customs Service approval procedures established to meet Australia's obligations to enforce United Nations (UN) sanctions against Iraq,
 - (iii) that the Minister's position is bogus because, as AFP Commissioner Keelty informed the estimates hearing of the Legal and Constitutional Affairs Committee on 31 October 2006, no government minister is under investigation in regard to the matter, and
 - (iv) that this is yet another attempt by the Government to conceal its inaction and incompetence in failing to ensure that Australian companies trading with Iraq fully complied with the requirements of the UN's Oil-for-Food Programme; and
- (b) calls on the Minister for Justice and Customs to state clearly the date he first became aware that the Customs regulations may have been breached in regard to the import of goods from Iraq in 2000, between when he was appointed as the Minister for Justice and Customs on 30 January 2001 and the referral of the matter to the AFP from the Department of Foreign Affairs and Trade through him on 23 February 2006. (*general business notice of motion no. 648*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to the investigation of criminal activity and the protection of witnesses, and for related purposes. ***Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006.***

Contingent notice of motion: Senator Bartlett: To move (contingent on the Copyright Amendment Bill 2006 being read a second time)—That it be an instruction to the committee of the whole that:

- (a) the committee divide the Copyright Amendment Bill 2006 to incorporate Schedule 12 in a separate bill; and
- (b) the committee add to that separate bill enacting words and provisions for titles and commencement.

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 27 November 2006, withdrew business of the Senate notice of motion no. 1 standing in his name for 9 sitting days after today for the disallowance of 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*.

13 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 614 standing in the names of the Leader of the Australian Greens (Senator Bob Brown) and Senators Milne, Nettle and Siewert for today, proposing the introduction of the Climate Change Action Bill 2006, postponed till 30 November 2006.

General business notice of motion no. 634 standing in the names of Senators Johnston and Adams for today, proposing the introduction of the Wheat Marketing Legislation Amendment Bill 2006, postponed till 6 December 2006.

General business notice of motion no. 638 standing in the name of Senator Stott Despoja for today, relating to the International Day for the Elimination of Violence Against Women, postponed till 29 November 2006.

General business notice of motion no. 640 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the establishment of a select committee on mental health services, postponed till 5 December 2006.

14 AVOIDING DANGEROUS CLIMATE CHANGE (KYOTO PROTOCOL RATIFICATION) BILL 2006 [NO. 2]

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 626—That the following bill be introduced:

A Bill for an Act to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Question put and passed.

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

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

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

15 ENVIRONMENT—NUCLEAR ENERGY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 643—That the Senate—

- (a) notes the draft report of the Uranium Mining, Processing and Nuclear Energy Review Taskforce appointed by the Prime Minister (Mr Howard); and
- (b) calls on the Government to reject:
 - (i) any proposals for the deployment of nuclear power in Australia,
 - (ii) the construction of nuclear reactors on or offshore around Australia,
 - (iii) the construction of nuclear waste dumps in Australia, and
 - (iv) any proposal for the development of nuclear enrichment facilities in Australia.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 49

Senators—

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

Question negatived.

16 ENVIRONMENT—MACQUARIE ISLAND

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 642—That the Senate—

- (a) notes:
 - (i) Australia's obligation under the World Heritage Convention to protect the World Heritage-listed Macquarie Island that provides nesting habitat for nearly 4 million seabirds, and provides Environment Protection and Biodiversity Conservation-listed 'Critical Habitat' for two nationally threatened albatross species, the wandering and grey-headed albatross,

- (ii) that the feral rabbit population on Macquarie Island has exploded since the late 1990s from 10 000 to more than 100 000 as a result of reduced effectiveness of myxomatosis, eradication of feral cats and climate change resulting in increasing rabbit breeding success, and
 - (iii) that recent landslips have wiped out hundreds of king penguins and that the grey-headed albatross faces immediate risk of extinction in Australia due to the destruction by rabbits of the birds' only known Australian breeding site on Macquarie Island; and
- (b) calls on the Government to take immediate action to fund and implement the eradication plan for rabbits and rodents costing at \$15 million so work can start immediately to ensure on-ground baiting can start in winter 2008.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 32

Senators—

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

Question negatived.

17 ENVIRONMENT—GLOBAL CARBON TRADING MARKET

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. 633—That the Senate—

- (a) notes that:
- (i) the global carbon market is worth almost \$40 billion a year,
 - (ii) the World Bank reports that the global carbon trading market was worth approximately \$28 billion in the first 9 months of 2006, compared with \$13 billion in 2005,
 - (iii) the Kyoto Clean Development Mechanism (CDM) market was valued at \$2.9 billion for the first three quarters of 2006, and
 - (iv) the United Nations Framework on Climate Change Executive Secretary, Mr Yvo de Boer, recently said the Kyoto CDMs could generate annual investment of \$133 billion in 'green investment flow to developing countries';

- (b) recognises that joining the Kyoto Protocol now could give Australian business the chance to get early mover advantages in the booming global carbon trading market; and
- (c) calls on the Federal Government to ratify the Kyoto Protocol now, and work within the framework to encourage the United States of America to also ratify the Protocol.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

18 ENVIRONMENT—REVIEW OF MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 637—That there be laid on the table by the Minister for the Environment and Heritage, no later than 3.30 pm on Wednesday, 29 November 2006, the report on the review of matters of national environmental significance made under section 28A of the *Environment Protection and Biodiversity Conservation Act 1999*.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

19 ENVIRONMENT—SOLAR ENERGY

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. 631—That the Senate—

(a) notes that:

- (i) in 2000, Germany introduced a solar scheme requiring electricity companies to buy back electricity generated from household panels connected to the grid at premium price rather than at the normal wholesale electricity rate,
- (ii) the German scheme has meant approximately 400 000 households have now installed solar panels,
- (iii) the German scheme has led to a boom in the photovoltaic (PV) industry with revenues expected to be \$25 billion in 2006, increasing to \$100 billion by 2010,
- (iv) Germany's success with the scheme has led to Spain, Italy, France, Greece and Canada introducing almost identical schemes,
- (v) in 2004, Germany passed a new law that guaranteed people who built solar parks a minimum price for each kilowatt of electricity that was two to three times the market price; for example, a German pig farmer struggling with drought took advantage of the scheme and covered his 200 acre farm with 10 050 solar panels, which at full capacity could supply power to all 7 000 residents of the local village resulting in the farmer making more than \$600 000 a year from the sale of this electricity, and
- (vi) California has developed the 'Million Solar Roofs' plan that will provide 3 000 megawatts of additional solar generation by 2018 using a combination of regulatory and market mechanisms;

(b) notes that an Australia-wide feed-in tariff could increase the number of PV units in Australia from 10 000 to 150 000 by 2010; and

(c) calls on the Federal Government to work with state governments to introduce a solar scheme similar to that in Germany.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 52

Senators—

Adams	Fierravanti-Wells	Ludwig	Ronaldson
Barnett	Fifield	Macdonald, Ian	Santoro
Bernardi	Forshaw	Marshall	Scullion
Bishop	Heffernan	McEwen	Sherry
Brandis	Hogg	McGauran	Stephens
Brown, Carol	Humphries	McLucas	Sterle
Calvert	Hurley	Moore	Troeth
Chapman	Hutchins	Nash	Trood
Colbeck	Johnston	O'Brien	Vanstone
Coonan	Joyce	Patterson	Watson
Crossin	Kemp	Payne	Webber (Teller)
Ferguson	Kirk	Polley	Wong
Ferris	Lightfoot	Ray	Wortley

Question negatived.

20 FOREIGN AFFAIRS—ISRAEL AND PALESTINE

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. 630—That the Senate—

- (a) notes that the undersigned Members of the European Parliament recently returned from a fact finding mission to Israel and Palestine, shocked and appalled by what they saw and experienced in Gaza, saying:
 - i. Due to economic sanctions, almost all public institutions have shut down. The hospitals are overcrowded and receive neither money nor sufficient medicine. The public employees have not been paid for months. The doctors told us that some deadly injuries are not caused by traditional weapons but most likely by new experimental chemical weapons. More amputations than ever are necessary. They have not had the time to examine the dead bodies yet as they are busy dealing with the wounds of those who have survived.
 - ii. The closure of Rafah and Karni crossing for people and goods has turned Gaza into an open air prison. Recently, Gaza has seen horrible carnage.
 - iii. We call upon Israel to stop the violation of human rights and repeated breaches of the Geneva Convention.
 - iv. We call for a complete ceasefire by Israel, an immediate withdrawal of troops from Gaza and an end to the military incursion in the West Bank.
 - v. We strongly object to the description by Israel of those it has killed as “terrorists”.
 - vi. We call and insist that the EU [European Union] should review the association agreement and consider imposition of sanctions on Israel unless it ceases the killing of civilians and the violation of human rights, thus complying with article 2 of the association agreement.

- vii. We urge Hamas and Fatah and all the democratic Palestinian forces, even under these circumstances, not to stop their efforts to form a Unity Government as already agreed on the document of national reconciliation which recognizes the 1967 borders of the state of Palestine and Israel and to take every possible measure to halt the firing of Qassam rockets.
- viii. We call upon the EU to open dialogue with all the Palestinian national institutions and to put pressure on the Israeli government to release the tax revenues confiscated from the Palestinian government.
- ix. We ask the UN and the quartet to send international forces to protect the Palestinian and Israeli civilian populations, while calling for an international conference with all the parties involved reaching a comprehensive and just peace for the area.

MEP Luisa Morgantini (Italy), GUE/NGL

MEP Vincenzo Aita (Italy), GUE/NGL

MEP Allesandro Battilocchio (Italy), N.I.

MEP John Bowis (UK), EPP-ED

MEP Chris Davies (UK), ALDE

MEP Jill Evans (UK), GREEN/EFA

MEP H el ene Flautre (France), GREEN/EFA

MEP Gyula Hegyi (Hungary), PES

MEP Miguel Portas (Portugal), GUE/NGL

MEP Karin Resetarits (Austria), ALDE

MEP Alyn Smith (UK), GREEN/EFA

MP Norman Paech (Germany), Die Linke; and

- (b) calls on the Minister for Foreign Affairs (Mr Downer) to visit Palestine and Israel in the near future and to consider backing the requests of the European Parliamentary delegation in an effort to bring peace to the region.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

21 ENVIRONMENT—GREENHOUSE GAS EMISSIONS

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. 632—That the Senate—

- (a) notes that:

- (i) Californian Republican Governor, Mr Arnold Schwarzenegger, has signed the Californian Global Warming Solutions Act of 2006,
- (ii) the Act aims to reduce carbon emissions by 25 per cent, to 1990 levels, by 2020 and by 2050 will reduce emissions to 80 per cent below 1990 levels, and
- (iii) the Act requires the Californian Air Resources Board (CARB) to:
 - Establish a statewide greenhouse gas emissions cap for 2020, based on 1990 emissions, by January 1, 2008.
 - Adopt mandatory reporting rules for significant sources of greenhouse gases by January 1, 2009.
 - Adopt a plan by January 1, 2009 indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions.

- Adopt regulations by January 1, 2011 to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas [emissions] including provisions for using both market mechanisms and alternative compliance mechanisms.
 - Convene an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to advise CARB.
 - Ensure public notice and opportunity for comment for all CARB actions; and
- (b) calls on the Federal Government to follow California's lead and legislate to set greenhouse gas reduction targets, introduce caps on emissions and introduce market and regulatory mechanisms to achieve reductions.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 51

Senators—

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

Question negatived.

22 FAMILY AND COMMUNITY SERVICES—AUSTRALIAN COUNCIL OF SOCIAL SERVICE

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 635—That the Senate—

(a) notes that:

- (i) the Australian Council of Social Service (ACOSS), the peak council of the community services and welfare sector, is celebrating 50 years of representing that sector and advancing the interests of disadvantaged Australians, and
- (ii) ACOSS was established in 1956, with the aim of reducing poverty and inequality by developing and promoting socially, economically and environmentally responsible public policy and action by government, community and business while supporting non-government organisations which provide assistance to vulnerable Australians; and

(b) congratulates ACOSS on 50 years of outstanding community service.

Question put and passed.

23 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS—VARIATION

Senator Watson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 636—That the order of the Senate of 9 October 2006, authorising the Joint Committee of Public Accounts and Audit to hold public meetings during the sittings of the Senate, be varied as follows:

Paragraph (b), omit “Thursday, 30 November 2006, from 10 am to 1 pm”, substitute “Thursday, 7 December 2006, from 10 am to 1.30 pm”.

Question put and passed.

24 AUDITOR-GENERAL—AUDIT REPORT NO. 12 OF 2006-07—DOCUMENT

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

Auditor-General—Audit report no. 12 of 2006-07—Performance audit—Management of family tax benefit overpayments.

25 DOCUMENTS

The following documents were tabled by the Clerk:

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

Air Services Act—Air Services Regulations—Instruments Nos—

AERU 06-062—Revocation Instrument [F2006L03796]*.

AERU 06-063—Revocation Instrument [F2006L03822]*.

Australian Bureau of Statistics Act—Proposal No. 6 of 2006—Survey of Employment Arrangements, Retirement and Superannuation.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA 447/06—Instructions – specifying minimum runway width for a certain aeroplane [F2006L03769]*.

CASA EX41/06—Exemption – use of radiocommunication systems in firefighting operations [F2006L03827]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A320/195 Amdt 1—Fuel Tank Safety – Fuel Airworthiness Limitations [F2006L03809]*.

AD/A330/68—Fight Controls – Back-up Control Module [F2006L03808]*.

AD/A330/69—Fuel Tanks Modifications [F2006L03807]*.

AD/AT 600/4—Engine Mount [F2006L03850]*.

AD/AT 800/9—Engine Mount [F2006L03849]*.

AD/B737/119 Amdt 3—Fuel Boost Pump Wiring [F2006L03806]*.

AD/B737/121 Amdt 2—Fuel Boost Pump Wiring [F2006L03805]*.

AD/B737/188 Amdt 1—Main Wheel Well Electrical Connectors [F2006L03803]*.

AD/B737/298—Aileron Balance Tab [F2006L03848]*.

AD/B747/352—Overlapped Skin Panels in the Fuselage Skin Lap Joints [F2006L03847]*.

AD/PC-12/49—Executive Passenger Seats [F2006L03812]*.

107—

AD/WHE/8—MLG Wheel Assembly Part Numbers C20500000 and C20452000 [F2006L03810]*.

Class Ruling CR 2006/115.

Customs Act—Tariff Concession Orders—

0613650 [F2006L03787]*.

0613940 [F2006L03778]*.

0613957 [F2006L03788]*.

0613974 [F2006L03789]*.

0613975 [F2006L03790]*.

0616110 [F2006L03791]*.

0616282 [F2006L03792]*.

0616288 [F2006L03793]*.

0616332 [F2006L03794]*.

0616376 [F2006L03795]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened species, dated 10 November 2006 [F2006L03834]*.

Goods and Services Tax Rulings—

Notice of Withdrawal—GSTR 2004/5.

GSTR 2006/11.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Taxation Determination TD 2006/73.

Taxation Ruling—Old series—Notice of Withdrawal—IT 2246

Wine Equalisation Tax Rulings—

Addendum—WETR 2004/1.

WETR 2006/1.

* Explanatory statement tabled with legislative instrument.

26 CHILD SUPPORT LEGISLATION AMENDMENT (REFORM OF THE CHILD SUPPORT SCHEME—NEW FORMULA AND OTHER MEASURES) 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. 432, dated 27 November 2006—Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Bill 2006.

27 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 2005 [2006]

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 433, dated 28 November 2006—Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 [2006].

**28 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—
ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006 AND
ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING
(TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2006**

Pursuant to order, Senator Nash, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 [Provisions] and Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006 [Provisions]—Report, dated November 2006, Hansard record of proceedings, document presented to the committee and submissions [42].

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

**29 INSPECTOR OF TRANSPORT SECURITY BILL 2006
INSPECTOR OF TRANSPORT SECURITY (CONSEQUENTIAL PROVISIONS) BILL 2006**

Order read for the further consideration of the bills in committee of the whole.

In the committee

INSPECTOR OF TRANSPORT SECURITY BILL 2006—

Consideration resumed of the bill.

Senator O'Brien moved the following amendments together by leave:

Clause 25, page 21 (after line 6), after subclause (1), insert:

- (1A) Before appointing a person to be the Inspector of Transport Security, the Minister must consult with the Leader of the Opposition in the House of Representatives.

Page 55 (after line 27), after clause 64, insert:

64A Final report must be given to Leader of Opposition

The Minister must give a copy of each final report to the Leader of the Opposition in the House of Representatives, but the Leader of the Opposition must not disclose any part of the report or information in a report that is not tabled in Parliament or that is not disclosed in a statement tabled in Parliament in accordance with paragraph 64(1)(c).

Page 71 (after line 9), after clause 80, insert:

80A Leader of Opposition to be kept informed

The Inspector shall consult regularly with the Leader of the Opposition in the House of Representatives for the purpose of keeping him or her informed on transport security matters and offshore security matters considered by the Inspector.

Debate ensued.

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

Senator O'Brien moved the following amendments together by leave:

Clause 64, page 55 (lines 2 to 4), omit subclause (1), substitute:

- (1) Subject to this section, in relation to each final report the Minister receives, the Minister must table in the Parliament a copy of:
 - (a) the final report; or
 - (b) a part of the final report; or
 - (c) if the Minister thinks that it is, on balance, not in the public interest to table the final report or a part of the final report—a document concerning the final report prepared and signed by the Inspector setting out such details as the Inspector thinks, on balance, it is in the public interest to present to the Parliament.

Clause 64, page 55 (line 6), after “report”, insert “or a document concerning a final report”.

Clause 64, page 55 (line 14), after “report”, insert “or a document concerning a final report”.

Clause 64, page 55 (line 18), after “report”, insert “or a document concerning a final report”.

Clause 64, page 55 (line 22), after “report”, insert “or a document concerning a final report”.

Debate ensued.

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

Bill agreed to.

INSPECTOR OF TRANSPORT SECURITY (CONSEQUENTIAL PROVISIONS) BILL 2006—

Bill, taken as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted and the bills read a third time.

30 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (2006 BUDGET MEASURES) 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.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Immigration and Multicultural Affairs (Senator Vanstone) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Vanstone the following amendment was agreed to:

Clause 2, page 2 (table item 3), omit the table item.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2.
Schedule 2 debated.

Question—That Schedule 2 stand as printed—put and negatived.

The Leader of the Opposition in the Senate (Senator Evans) moved the following amendment:

Schedule 1, page 9 (after line 3), after item 14, insert:

14A After subsection 1118(2A)

Insert:

(2B) If:

- (a) a person sells the person's principal home; and
- (b) the person is unable within 12 months to acquire another residence that is to be the person's principal home; and
- (c) in the Secretary's opinion the delay in acquiring another residence that is to be the person's principal home is because of circumstances beyond the person's control; and
- (d) the person is likely, within 24 months, to apply the whole or a part of the proceeds of the sale in acquiring another residence that is to be the person's principal home;

then so much of the proceeds of the sale as the person is likely to apply in acquiring the other residence is to be disregarded during that period for the purpose of this Act (other than Division 1B of Part 3.10).

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Vanstone the report from the committee was adopted and the bill read a third time.

31 INDEPENDENT CONTRACTORS BILL 2006
WORKPLACE RELATIONS LEGISLATION AMENDMENT (INDEPENDENT CONTRACTORS) 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 these bills be now read a second time.

Debate resumed.

Senator Murray moved the following amendment in respect of the Independent Contractors Bill 2006:

At the end of the motion, add “but the Senate:

- (a) notes that this bill does not require contractors to provide for their superannuation payments, workers compensation, and for income insurance, normally mandated to be covered by an employer; and
- (b) calls on the Government:
 - (i) to investigate the issue of cost shifting from private to public as a result of shifts in labour markets away from employment relationships to contractual relationships, where the absence of a mandatory requirement for superannuation payments, for workers compensation, and for income insurance to be covered results in a significant new and long-term burden on taxpayers, and
 - (ii) to report to the Parliament within the next 12 months outlining what solutions it proposes to this problem”.

Debate ensued.

At 10 pm: Debate was interrupted while Senator Barnett was speaking.

32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.01 pm till Wednesday, 29 November 2006 at 9.30 am.

33 ATTENDANCE

Present, all senators except Senators George Campbell*, Conroy*, Mason* and Stott Despoja (* on leave).

HARRY EVANS
Clerk of the Senate