THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 125

WEDNESDAY, 6 DECEMBER 2006

Contents

1 Meeting of Senate ................................................................. 3257
2 Government Documents .............................................................. 3257
3 Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006
   Statute Law Revision Bill (No. 2) 2006 .................................................. 3257
4 Consideration of Legislation—Wheat Marketing Amendment Bill 2006 ...... 3258
5 Tax Laws Amendment (2006 Measures No. 4) Bill 2006 ......................... 3258
6 Wheat Marketing Amendment Bill 2006 ..................................................... 3258
7 Matters of Public Interest ................................................................. 3261
8 Questions ....................................................................................... 3261
9 Minister for the Environment and Heritage—Answers to Questions .......... 3261
10 Foreign Affairs—Mr David Hicks—Answer to Question .......................... 3261
11 Petitions....................................................................................... 3262
12 Notices ......................................................................................... 3262
13 Leave of Absence ........................................................................... 3266
14 Postponement ............................................................................... 3267
15 Community Affairs—Standing Committee—Extension of Time to Report... 3267
16 Environment—Climate Change ............................................................. 3267
17 Foreign Affairs—Mr David Hicks ........................................................... 3267
18 Social Issues—Right to Die with Dignity .............................................. 3268
19 Foreign Affairs—China ..................................................................... 3269
20 Urgency Motion—Defence—Iraq—Australian Troops ............................ 3269
21 Scrutiny of Bills—Standing Committee—13th Report and Alert Digest No. 15 of 2006............................................................... 3270
22 Senators’ Interests—Standing Committee—Register of Senators’ Interests—Document ................................................................. 3270
24 Treaties—Joint Standing Committee—81st Report ................................ 3271
25 Department of the Senate—Register of Senior Executive Officers’ Interests—Document ................................................................. 3271
26 Commonwealth Ombudsman—Monitoring of Controlled Operations—
   Report for 2005-06—Document................................................................. 3271
27 Documents........................................................................................................ 3271
28 Legal and Constitutional Affairs—Standing Committee—Changes in
   Membership............................................................................................... 3272
29 Royal Commissions Amendment (Records) Bill 2006................................. 3272
30 Copyright Amendment Bill 2006 ................................................................. 3273
31 Order of Business—Rearrangement............................................................ 3273
32 Non-Proliferation Legislation Amendment Bill 2006................................. 3273
33 Committees—Changes in Membership......................................................... 3273
34 Wheat Marketing Amendment Bill 2006 .................................................... 3274
35 Government Documents—Consideration ................................................. 3274
36 Adjournment ............................................................................................... 3275
37 Attendance.................................................................................................... 3275
MEETING OF SENATE

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

GOVERNMENT DOCUMENTS

The following government documents were tabled:

- Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2006.
- Treaties—

BANKRUPTCY LEGISLATION AMENDMENT (SUPERANNUATION CONTRIBUTIONS) BILL 2006

STATUTE LAW REVISION BILL (NO. 2) 2006

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

- A Bill for an Act to amend the Bankruptcy Act 1966, and for other purposes.
- A Bill for an Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes.

Question put and passed.

Senator Ellison presented the bills and moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ellison moved—That these bills be now read a second time.

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

Senator Ellison moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

4 CONSIDERATION OF LEGISLATION—WHEAT MARKETING AMENDMENT BILL 2006

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 3—That—

(a) the following bill be introduced: A Bill for an Act to amend the Wheat Marketing Act 1989, and for related purposes [Wheat Marketing Amendment Bill 2006]; and

(b) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the bill, allowing it to be considered during this period of sittings.

Document: Senator Ellison tabled the following document:


Debate ensued.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

On the motion of Senator Ellison the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

5 TAX LAWS AMENDMENT (2006 MEASURES NO. 4) BILL 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.

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 Finance and Administration (Senator Minchin) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Murray moved the following amendment:

Schedule 1, item 1, page 4 (after line 26), at the end of section 118-75, add:

(3) This section applies to separations in same-sex relationships.

(4) For the purposes of this section, the question whether partners in a same-sex relationship have separated is to be determined in the same way as it is for partners in a de facto marriage.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

Bartlett
Bishop
Brown, Bob
Brown, Carol
Carr
Crossin
Evans
Faulkner

Forshaw
Hogg
Hurley
Hutchins
Kirk
Ludwig
Landy
Marshall

McLucas
Milne
Moore
Murray
Nettle
O’Brien
Ray
Sherry

Siewert
Stephens
Sterle
Stott Despoja
Webber (Teller)
Wong
Wortley


NOES, 36

Senators—

Abetz
Adams
Bernardi
Boswell
Brandis
Calvert
Chapman
Colbeck
Eggleston

Ellison
Ferguson
Ferris
Fielding
F ierravanti-Wells
 Fifield
Heffernan
Humphries
Johnston

Joyce
Kemp
Lightfoot
Macdonald, Ian
Macdonald, Sandy
McGauran
Minchin
Nash
Parry (Teller)

Payne
Ronaldson
Santoro
Scullion
Troeth
Trood
Vanstone
Watson


Question negatived.

On the motion of Senator Minchin the following amendments, taken together by leave, were debated and agreed to:

Schedule 4, item 2, page 17 (line 30) to page 18 (line 7), omit subsection (3), substitute:
(3) The first element of the *cost base and *reduced cost base of a *CGT asset on 10 May 2005 is the *market value of the asset on that day if, on that day:

(a) the CGT asset was a *membership interest you held in another entity; and

(b) you were a foreign resident, or the trustee of a trust that was not a *resident trust for CGT purposes; and

(c) the CGT asset was a *post-CGT asset; and

(d) the CGT asset did not have the necessary connection with Australia (within the meaning of this Act as in force on that day) disregarding the operation of paragraph (b) of item 5 and paragraph (b) of item 6 of the table in section 136-25 (as in force on that day).

Schedule 4, item 38A, page 33 (after line 1, cell at table item 28, 2nd column), omit the cell, substitute:

On 10 May 2005, a foreign resident holds certain membership interests

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 4. Schedule 4 debated.

Question—That Schedule 4, as amended, be agreed to—put.

The committee divided—

AYES, 45

<table>
<thead>
<tr>
<th>Senators</th>
<th>Adams</th>
<th>Bernardi</th>
<th>Bishop</th>
<th>Boswell</th>
<th>Brandis</th>
<th>Brown, Carol</th>
<th>Carr</th>
<th>Chapman</th>
<th>Coonan</th>
<th>Crossin</th>
<th>Egglesston</th>
<th>Fieravanti-Wells</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fifield</td>
<td>Hogg</td>
<td>Humphries</td>
<td>Hurley</td>
<td>Hutchins</td>
<td>Kemp</td>
<td>Kirk</td>
<td>Lightfoot</td>
<td>Ludwig</td>
<td>Lundy</td>
<td>Macdonald, Sandy</td>
<td>Marshall</td>
</tr>
<tr>
<td></td>
<td>McEwen</td>
<td>McGauran</td>
<td>McLucas</td>
<td>Minchin</td>
<td>Moore</td>
<td>Nash</td>
<td>O’Brien</td>
<td>Parry</td>
<td>Patterson</td>
<td>Polley</td>
<td>Scullion (Teller)</td>
<td>Scullion (Teller)</td>
</tr>
<tr>
<td></td>
<td>Sherry</td>
<td>Stephens</td>
<td>Sterle</td>
<td>Troeth</td>
<td>Trood</td>
<td>Watson</td>
<td>Webber</td>
<td>Wortley</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOES, 10

<table>
<thead>
<tr>
<th>Senators</th>
<th>Allison</th>
<th>Bartlett (Teller)</th>
<th>Brown, Bob</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fielding</td>
<td>Joyce</td>
<td>Milne</td>
</tr>
<tr>
<td></td>
<td>Murray</td>
<td>Nettle</td>
<td>Siewert</td>
</tr>
</tbody>
</table>

Schedule agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.
The Acting Deputy President (Senator Lightfoot) resumed the chair and the Chair of Committees (Senator Hogg) 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 bill read a third time.

6 WHEAT MARKETING 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. Debate resumed. 
*At 1.15 pm* Debate was interrupted while Senator Hurley was speaking.

7 MATTERS OF PUBLIC INTEREST
Matters of public interest were discussed.

*Documents*: Senator Crossin, by leave, tabled the following documents:

Indigenous Australians—Mutitjulu Community Aboriginal Corporation—Copies of documents relating to the transfer of the governance of Mutitjulu Community Aboriginal Corporation to the Commonwealth framework.

Further matters of public interest were discussed.

*Document*: The Leader of the Australian Greens (Senator Bob Brown), by leave, tabled the following document:

Senate—Standing order 193—Copy of letter from the President of the Senate to the Leader of the Australian Greens (Senator Bob Brown), dated 5 December 2006.

*At 2.30 pm*—

8 QUESTIONS
Questions without notice were answered.

9 MINISTER FOR THE ENVIRONMENT AND HERITAGE—ANSWERS TO QUESTIONS
Senator Lundy 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. Debate ensued. Question put and passed.

10 FOREIGN AFFAIRS—MR DAVID HICKS—ANSWER TO QUESTION
Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Stott Despoja today relating to Mr David Hicks. Question put and passed.
11 Petitions
The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Sterle, 2 petitions similar in wording, from 495 and 256 petitioners, requesting that the Senate take action to reinstate funding for the fly-in health service to Denham, Shark Bay, Western Australia.

Senator Stott Despoja, from 10 petitioners, requesting that the Senate take action to regulate pregnancy counselling services in Australia, including banning misleading and deceptive advertising.

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

(a) welcomes:

(i) the Japanese resolution in the United Nations (UN) General Assembly First Committee, entitled ‘Renewed determination towards the total elimination of nuclear weapons’ (L32), which Australia co-sponsored and was adopted on 26 October 2006 with 168 votes in favour, 4 votes against and 8 abstentions, and

(ii) the joint Australia-Mexico-New Zealand resolution on the Comprehensive Nuclear-Test-Ban Treaty (L48) which was passed by the First Committee on 26 October 2006 with 175 votes in favour, 2 votes against and 4 abstentions;

(b) notes that:

(i) UN Secretary-General Kofi Annan, at Princeton University on 28 November 2006, emphasised the urgency of eliminating nuclear weapons,

(ii) the Seventh Summit of Nobel Peace Laureates in Rome calls for the elimination of nuclear weapons as a matter of the utmost urgency, and

(iii) the United States of America and the Russian Federation have made significant cuts to their nuclear arsenal as agreed in the 2002 Moscow Treaty;

(c) supports ongoing government efforts, including through the next NPT Review conference cycle commencing with the first session of the Preparatory Committee in April 2007, to:

(i) encourage further steps leading to nuclear disarmament, to which all states parties to the Nuclear Non-Proliferation Treaty are committed under Article VI of the Treaty, including deeper reductions in all types of nuclear weapons,

(ii) stress the necessity of a diminishing role for nuclear weapons in security policies to minimise the risk that these weapons will ever be used and to facilitate the process of their total elimination,

(iii) call on the nuclear-weapon states to further reduce the operational status of nuclear systems in ways that promote international stability and security, and

(iv) emphasise the need for all states to take further steps and effective measures towards the total elimination of nuclear weapons, with a view to achieving a peaceful and safe world free of nuclear weapons; and
(d) urges all states which have not already done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty as soon as possible and to support an early start to negotiation on a fissile material cut-off treaty. \(\text{general business notice of motion no. 671}\)

The Minister for Immigration and Multicultural Affairs (Senator Vanstone): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes. \textbf{Migration Amendment (Review Provisions) Bill 2006.}

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

(a) notes:

(i) the resolution of the Ministerial Council of Police and Emergency Management on 17 November 2006 to request that the Treasurer (Mr Costello) introduce a compulsory consumer product safety standard under the \textit{Trade Practices Act 1974} requiring that all cigarettes manufactured in, or imported into, Australia must meet an identified performance standard based on that adopted in the United States of America and Canada, that no more than 25 per cent of cigarettes tested in accordance with the Australian Standard will exhibit a full length burn,

(ii) that at least six Australians every year lose their lives because of fires caused by cigarettes,

(iii) that a report provided to the Department of Health and Ageing in 2004 estimated that at least 7 per cent of bushfires are caused by discarded cigarettes,

(iv) that Commonwealth Scientific and Industrial Research Organisation expert, Mr Stephen Moreton, in evidence given to the Employment, Workplace Relations and Education Committee on 1 November 2006, confirmed that fire conditions would be as bad or worse over the next 6 months than in 1983,

(v) that research by Professor Pitman and colleagues from Macquarie University has estimated that the bushfire risk would increase by 25 per cent by 2050 due to climate change and could rise as high as 40 to 100 per cent in some areas, and

(vi) that low fire risk cigarettes, which have a lower propensity to burn when left unattended, are a practical and effective way to reduce fires from cigarettes; and

(b) calls on the Government to work with the New South Wales Government to fast track the regulatory impact statement required under the Council of Australian Governments ‘Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies’, so that the mandatory standard for low fire risk cigarettes can be introduced as a matter of urgency. \(\text{general business notice of motion no. 672}\)

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

(a) notes:

(i) the opening address by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to the 15th Australian Weeds Conference in September 2006 in which he acknowledged that:

- weeds are one of the most important natural resource management issues Australia faces today,
• weeds are one of the biggest threats to biodiversity in this country, and
• for the sake of Australia’s economic wellbeing, our future health and our biodiversity – we must be up to the challenge,

(ii) that weeds seriously deplete biodiversity and cost the Australian economy approximately $4 billion per year,

(iii) that funding for the Weeds Cooperative Research Centre for Australian Weed Management runs out in 2008,

(iv) the application for funding for the years 2007 to 2014 by its replacement, the Invasive Plants Cooperative Research Centre, was rejected,

(v) that, according to the Australian Bureau of Statistics, farmers spent over 4 million days working on weeds in 2004-05, and

(vi) the negative impact that de-funding the Weeds Cooperative Research Centre (CRC) will have on farmers, park managers, natural resource management managers and the meat, livestock and cropping industries; and

(b) calls on the Government to fund a national body in 2007, so as to create a seamless transition from the existing Weeds CRC, which can deliver nationally-coordinated and collaborative weed research. (general business notice of motion no. 673)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—

(1) That the time allotted for consideration of the Environment and Heritage Legislation Amendment Bill (No. 1) 2006 be as follows:

All remaining stages—commencing immediately until 11 pm, on Thursday, 7 December 2006.

(2) That this order operate as an allocation of time under standing order 142.

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That—

(1) The days of meeting of the Senate for 2007 be as follows:

Autumn sittings:
   Tuesday, 6 February to Thursday, 8 February
   Monday, 26 February to Thursday, 1 March
   Tuesday, 20 March to Thursday, 22 March
   Monday, 26 March to Thursday, 29 March

Budget sittings:
   Tuesday, 8 May to Thursday, 10 May

Winter sittings:
   Tuesday, 12 June to Thursday, 14 June
   Monday, 18 June to Thursday, 21 June

Spring sittings:
   Tuesday, 7 August to Thursday, 9 August
   Monday, 13 August to Thursday, 16 August
Spring sittings (2):
Monday, 10 September to Thursday, 13 September
Monday, 17 September to Thursday, 20 September

Spring sittings (3):
Monday, 15 October to Thursday, 18 October
Monday, 22 October to Thursday, 25 October
Monday, 5 November to Thursday, 8 November
Monday, 26 November to Thursday, 29 November
Monday, 3 December to Thursday, 6 December.

(2) Estimates hearings by legislative and general purpose standing committees for 2007 be scheduled as follows:

2006-07 additional estimates:
Monday, 12 February and Tuesday, 13 February and, if required, Friday, 16 February (Group A)
Wednesday, 14 February and Thursday, 15 February and, if required, Friday, 16 February (Group B).

2007-08 Budget estimates:
Monday, 21 May to Thursday, 24 May (Group A)
Monday, 28 May to Thursday, 31 May (Group B)
Monday, 12 November and Tuesday, 13 November (supplementary hearings—Group A)
Wednesday, 14 November and Thursday, 15 November (supplementary hearing—Group B).

(3) Committees consider proposed expenditure in accordance with the allocation of departments to committees agreed to by the Senate.

(4) Committees meet in the following groups:

Group A:
Environment, Communications, Information Technology and the Arts
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

Group B:
Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

(5) Committees report to the Senate on the following dates:
(a) Wednesday, 21 March 2007 in respect of the 2006-07 additional estimates; and
(b) Tuesday, 19 June 2007 in respect of the 2007-08 Budget estimates.

Senator Nettle: To move on the next day of sitting—That the Senate—
(a) notes that 9 December 2006 will mark 5 years since Mr David Hicks was detained; and
(b) calls on the Government to ensure that Mr Hicks receives a fair trial. (general business notice of motion no. 674)
The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—


No. 2—That the Social Security (Partially Asset-test Exempt Income Stream – Exemption) (FACS) Principles 2005, made under paragraph (c) of the definition of partially asset-test exempt income stream in subsection 1118(1A) of the Social Security Act 1991, be disallowed.

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

Senator Milne: To move on the next day of sitting—That there be laid on the table by the Minister for Fisheries, Forestry and Conservation, no later than 4 pm on 7 February 2007, all correspondence, including e-mails and file notes of telephone conversations between the Federal Government and the Government of Tasmania concerning the implementation of the 2004 election commitment by the Prime Minister (Mr Howard) to protect 18 700 hectares of old-growth forest in the Styx and Florentine valleys. (general business notice of motion no. 675)

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

(a) notes recent statements by the United States Secretary of Defense, Mr Robert Gates, regarding the failure of Coalition forces in Iraq; and

(b) calls on the Government to acknowledge that Coalition forces are losing the war in Iraq and immediately withdraw Australian troops. (general business notice of motion no. 676)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate wishes all Australians this season’s greetings and a happy New Year. (general business notice of motion no. 677)

Senator Nettle and the Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to remove recognition of the US Military Commissions, intended to try Australian citizen David Hicks, from the Proceeds of Crime Act 2002. Removal of Recognition of US Military Commissions (David Hicks) Bill 2006. (general business notice of motion no. 678)

Senators Stott Despoja, Troeth, Carol Brown and Nettle: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to prohibit misleading or deceptive advertising or notification of pregnancy counselling services, and for related purposes. Pregnancy Counselling (Truth in Advertising) Bill 2006. (general business notice of motion no. 679)

13 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to the following senators:

(a) Senator Adams for 4 December and 5 December 2006, for family reasons; and

(b) Senator Barnett from 4 December to 6 December 2006, on account of parliamentary business overseas.

Question put and passed.
14 **POSTPONEMENT**
The following item of business was postponed:

15 **COMMUNITY AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**
Senator Parry, at the request of the Chair of the Community Affairs Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 666—That the time for the presentation of the report of the Community Affairs Committee on the funding and operation of the Commonwealth-State/Territory Disability Agreement be extended to 8 February 2007.

Question put and passed.

16 **ENVIRONMENT—CLIMATE CHANGE**
Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 668—That the Senate—

(a) notes that:

(i) the 10th Conference of the Parties to the United Nations Framework Convention on Climate Change 2004 declared that reflection on the ethical dimensions of climate change was urgent because, unless the ethical dimensions are considered, the international community may choose responses that are ethically unsupportable or unjust, and

(ii) Australia’s faith communities have declared climate change to be a moral and ethical issue; and

(b) calls on the Government to:

(i) acknowledge that climate change is a moral and ethical issue, and

(ii) act accordingly.

Question put and passed.

17 **FOREIGN AFFAIRS—MR DAVID HICKS**
Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 669—That the Senate—

(a) notes that Mr David Hicks has spent nearly 5 years in detention in Guantanamo Bay; and

(b) calls on the Government to take immediate action to ensure that Mr Hicks receives either a fair trial or is returned to Australia.

Question put.
The Senate divided—

AYES, 31

Senators—
Allison
Bartlett
Brown, Bob
Brown, Carol
Evans
Faulkner
Fielding
Forshaw
Hogg
Hurley
Hutchins
Kirk
Ludwig
Lundy
Marshall
McEwen
McLucas
Milne
Moore
Murray
Nettle
O’Brian
Polley
Ray
Sterle
Stott Despoja
Webber (Teller)
Wong
Wortley

NOES, 33

Senators—
Abetz
Adams
Bernardi
Boswell
Calvert
Campbell, Ian
Chapman
Colbeck
Coonan
Elliston
Ellison
Ferguson
Fierravanti-Wells
Fifield
Heffernan
Humphries
Kemp
Lightfoot
Macdonald, Ian
Macdonald, Sandy
McEwen
Minchin
Nash
Parry (Teller)
Patterson
Payne

Question negatived.

18 SOCIAL ISSUES—RIGHT TO DIE WITH DIGNITY

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 670—that the Senate supports a new debate in this Parliament on the right of terminally ill Australians to die with dignity according to their own wishes.

Question put.

The Senate divided—

AYES, 6

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

NOES, 49

Senators—
Adams
Bernardi
Bishop
Boswell
Brown, Carol
Calvert
Carr
Chapman
Colbeck
Coonan
Crossin
Ellison
Ferguson
Ferris
Fielding
Fierravanti-Wells
Fifield
Forshaw
Hogg
Humphries
Hurley
Joyce
Kemp
Kirk
Ludwig
Lundy
Macdonald, Sandy
McEwen
McGauran
McLucas
Minchin
Moore
Nash
Parry (Teller)
Patterson
Payne

Question negatived.
FOREIGN AFFAIRS—CHINA

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 667—That the Senate calls on the Government to link the promotion of the 2008 Beijing Olympics with the promotion of democracy in China.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 45

Senators—


Question negatived.

URGENCY MOTION—DEFENCE—IRAQ—AUSTRALIAN TROOPS

The Acting Deputy President (Senator Watson) informed the Senate that the President had received a letter from the Leader of the Australian Democrats (Senator Allison) advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

(a) the March 2003 invasion of Iraq and Mr Bush’s 2005 ‘Victory in Iraq’ strategy paper has demonstrably failed and, as Secretary-General of the United Nations, Kofi Annan, former United States Secretary of State, Colin Powell, and former Iraqi Prime Minister, Ayad Allawi, have all said, Iraq has descended into civil war;

(b) the Bush Administration-appointed Iraq Study Group report, due on 6 December 2006, is tipped to recommend that the United States begins a phased withdrawal of combat brigades in Iraq, starting in 2007 and ending in 2008;

(c) the United Kingdom announced its intentions to hand over security in Basra in 2007;

(d) a poll by the University of Maryland found that 71 per cent of Iraqis now want the United States out of Iraq; and
(e) former United States Defense Secretary, Donald Rumsfeld, suggested that the United States should consider an accelerated draw down of bases.

The proposal was supported by 4 senators.

Senator Allison moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 8

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison</td>
<td>Fielding</td>
<td>Murray</td>
<td>Siewert (Teller)</td>
</tr>
<tr>
<td>Brown, Bob</td>
<td>Milne</td>
<td>Nettle</td>
<td>Stott Despoja</td>
</tr>
</tbody>
</table>

NOES, 51

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Eggleston</td>
<td>Ludwig</td>
<td>Payne</td>
</tr>
<tr>
<td>Adams</td>
<td>Ferris (Teller)</td>
<td>Lundy</td>
<td>Polley</td>
</tr>
<tr>
<td>Bernardi</td>
<td>Fifield</td>
<td>Macdonald, Sandy Ray</td>
<td></td>
</tr>
<tr>
<td>Bishop</td>
<td>Forshaw</td>
<td>Marshall</td>
<td>Ronaldson</td>
</tr>
<tr>
<td>Boswell</td>
<td>Hefferman</td>
<td>McEwen</td>
<td>Scullion</td>
</tr>
<tr>
<td>Brandis</td>
<td>Hogg</td>
<td>McGauran</td>
<td>Sherry</td>
</tr>
<tr>
<td>Brown, Carol</td>
<td>Humphries</td>
<td>McLucas</td>
<td>Sterling</td>
</tr>
<tr>
<td>Calvert</td>
<td>Hurley</td>
<td>Minchin</td>
<td>Troeth</td>
</tr>
<tr>
<td>Carr</td>
<td>Hutchins</td>
<td>Moore</td>
<td>Trood</td>
</tr>
<tr>
<td>Chapman</td>
<td>Joyce</td>
<td>Nash</td>
<td>Watson</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Kemp</td>
<td>O’Brien</td>
<td>Wong</td>
</tr>
<tr>
<td>Coonan</td>
<td>Kirk</td>
<td>Parry</td>
<td>Wortley</td>
</tr>
<tr>
<td>Crossin</td>
<td>Lightfoot</td>
<td>Patterson</td>
<td></td>
</tr>
</tbody>
</table>

Question negatived.

21 SCRUTINY OF BILLS—STANDING COMMITTEE—13TH REPORT AND ALERT DIGEST NO. 15 OF 2006

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

Scrutiny of Bills—Standing Committee—
Alert Digest No. 15 of 2006, dated 6 December 2006.

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

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

Question put and passed.

22 SENATORS’ INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS’ INTERESTS—DOCUMENT

Senator McEwen, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Webber), tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 20 June and 4 December 2006, dated December 2006.
23 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—19TH REPORT OF 2006**

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

Public Works—Joint Statutory Committee—19th report of 2006—Proposed extension and accommodation upgrade to the existing Chancery of the Australian Embassy in Beijing, China, dated December 2006.

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

Question put and passed.

24 **TREATIES—JOINT STANDING COMMITTEE—81ST REPORT**

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


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

Debate ensued.

Question put and passed.

25 **DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS’ INTERESTS—DOCUMENT**

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

Department of the Senate—Register of senior executive officers’ interests incorporating statements of registrable interests and notifications of alterations of interests of senior executive officers lodged between 20 June and 4 December 2006, dated December 2006.

26 **COMMONWEALTH OMBUDSMAN—MONITORING OF CONTROLLED OPERATIONS—REPORT FOR 2005-06—DOCUMENT**

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


27 **DOCUMENTS**

The following documents were tabled by the Clerk:

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


Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendments—

56—The Griffin Legacy – Principles and Policies [F2006L03950]*.

59—City Hill Precinct [F2006L03952]*.

60—Constitution Avenue [F2006L03955]*.

61—West Basin [F2006L03970]*.
Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 433/06—Amendment of instrument CASA 19/06—Instructions—RNAV (RNP-AR) approaches and departures [F2006L03697]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened species, dated 9 November 2006 [F2006L03937]*.

National Recovery Plans for—Buff Banded Rail (Cocos (Keeling) Islands) Gallirallus philippensis andrewsi [F2006L03945]*.

Lister’s Gecko Lepidodactylus listeri and the Christmas Island Blind Snake Typhlops exocoeti [F2006L03939]*.

Medical Indemnity Act—Medical Indemnity (IBNR Claims) Protocol 2006 [F2006L03940]*.

Migration Act—Migration Regulations—Instrument IMMI 06/078—Occupations, Locations, Salaries and Relevant Assessing Authorities for the Employer Nomination Scheme [F2006L03925]*.


* Explanatory statement tabled with legislative instrument.

28 **LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—CHANGES IN MEMBERSHIP**

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

The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to the Legal and Constitutional Affairs Committee as follows:

Appointed—
Substitute member: Senator Johnston to replace Senator Scullion for the committee’s inquiry into the provisions of the Native Title Amendment Bill 2006
Participating member: Senator Scullion.

Question put and passed.

29 **ROYAL COMMISSIONS AMENDMENT (RECORDS) BILL 2006**

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

Message no. 453, dated 5 December 2006—A Bill for an Act to amend the Royal Commissions Act 1902, and for related purposes.

The Minister for the Environment and Heritage (Senator Ian Campbell) 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 Ian Campbell moved—That this bill be now read a second time.
Explanatory memorandum: Senator Ian Campbell tabled a revised explanatory memorandum relating to the bill.

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

30 COPYRIGHT AMENDMENT 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. 454, dated 5 December 2006—Copyright Amendment Bill 2006.

31 ORDER OF BUSINESS—REARRANGEMENT
The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That intervening business be postponed till after consideration of government business notice of motion 4 (proposing the introduction of the Non-Proliferation Legislation Amendment Bill 2006).
Question put and passed.

32 NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2006
The Minister for the Environment and Heritage (Senator Ian Campbell), at the request of the Minister for Communications, Information Technology and the Arts (Senator Coonan) and pursuant to notice, moved government business notice of motion no. 4—That the following bill be introduced:
A Bill for an Act to amend laws about non-proliferation of nuclear and chemical weapons, and for related purposes.
Question put and passed.
Senator Ian Campbell 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 Ian Campbell moved—That this bill be now read a second time.

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

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

33 COMMITTEES—CHANGES IN MEMBERSHIP
The Deputy President (Senator Hogg) informed the Senate that the President had received letters requesting changes in the membership of committees.
The Minister for the Environment and Heritage (Senator Ian Campbell), by leave, moved—That senators be discharged from and appointed to committees as follows:
Electoral Matters—Joint Standing Committee—
   Discharged—Senator Hogg
   Appointed—Senator Sterle

Migration—Joint Standing Committee—
   Discharged—Senator Kirk
   Appointed—Senator Polley.

Question put and passed.

34 Wheat Marketing 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.
Debate resumed.
At 6.50 pm: Debate was interrupted while Senator Joyce was speaking.

35 Government Documents—Consideration
The following government documents tabled earlier today (see entry no. 2) were
considered:

Environment Protection and Biodiversity Conservation Act 1999—Australian State
Motion to take note of document moved by Senator Bartlett and debated. Debate
adjourned till Thursday at general business, Senator Siewert in continuation.

Treaties—Bilateral—Text, together with national interest analysis and
annexures—Agreement between Australia and the Republic of Indonesia on the
Motion to take note of document moved by Senator Bartlett and agreed to.

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

Commonwealth Electoral Act 1918—2006 redistribution into electoral divisions—
Queensland—Report, together with composite maps and compact disc of
supporting information. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in
continuation.

Commonwealth Electoral Act 1918—2006 redistribution into electoral divisions—
New South Wales—Report, together with composite maps and compact disc of
supporting information. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in
continuation.

Motion to take note of document moved by Senator Watson. Debate adjourned till
Thursday at general business, Senator Watson in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention
arrangements—Government response to the reports by the Commonwealth
Ombudsman—Personal identifiers 082/06 to 104/06. Motion to take note of
document moved by Senator Bartlett. Debate adjourned till Thursday at general
business, Senator Bartlett in continuation.
Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 082/06 to 104/06. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business order of the day no. 155 relating to government documents was called on but no motion was moved.

At 7.20 pm—

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

Debate ensued.
The Senate adjourned at 7.55 pm till Thursday, 7 December 2006 at 9.30 am.

37 ATTENDANCE
Present, all senators except Senators Barnett*, George Campbell*, Conroy* and Mason* (* on leave).

HARRY EVANS
Clerk of the Senate