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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 125

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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Department of Communications, Information Technology and the Arts—Report—Review of Division 376 of the *Income Tax Assessment Act 1997* (Refundable film tax offset scheme), November 2006.

*Environment Protection and Biodiversity Conservation Act 1999*—Australian State of the Environment Committee—Report—Australia state of the environment 2006.

National Capital Authority—Report for 2005-06.

National Institute of Clinical Studies Limited—Report for 2005-06.

*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—

*Bilateral*—Text, together with national interest analysis and annexures—Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation (Mataram, Lombok, 13 November 2006).

*Multilateral*—Text, together with national interest analysis and annexures—Amendment to Annex 1 to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London, 2 November 2006).

**3 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.

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*Explanatory memoranda:* Senator Ellison tabled explanatory memoranda [2] relating to the bills.

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

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.

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*Document:* Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Wheat Marketing Amendment Bill 2006 in the 2006 spring sittings.

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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.

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

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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.

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*In the committee*

Bill taken as a whole by leave.

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*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.

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

NOES, 36

Senators—

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

Senators—

Adams	Fifield	McEwen	Scullion (Teller)
Bernardi	Hogg	McGauran	Sherry
Bishop	Humphries	McLucas	Stephens
Boswell	Hurley	Minchin	Sterle
Brandis	Hutchins	Moore	Troeth
Brown, Carol	Kemp	Nash	Trood
Carr	Kirk	O'Brien	Watson
Chapman	Lightfoot	Parry	Webber
Coonan	Ludwig	Patterson	Wortley
Crossin	Lundy	Payne	
Eggleston	Macdonald, Sandy	Polley	
Fierravanti-Wells	Marshall	Ronaldson	

#### NOES, 10

Senators—

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

Schedule agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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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.

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*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.

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Further matters of public interest were discussed.

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*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.

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*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. (*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. ***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 *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. (*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. 1—That the Social Security (Asset-test Exempt Income Stream (Market-linked) – Payment Factors) (FACS) Principles 2005, made under subsection 9BA(5) of the *Social Security Act 1991*, be disallowed.

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:

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 February 2007.

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

NOES, 33

Senators—

Abetz	Eggleston	Lightfoot	Ronaldson
Adams	Ellison	Macdonald, Ian	Santoro
Bernardi	Ferguson	Macdonald, Sandy	Scullion
Boswell	Ferris	McGauran	Troeth
Calvert	Fierravanti-Wells	Minchin	Trood
Campbell, Ian	Fifield	Nash	Watson
Chapman	Heffernan	Parry (Teller)	
Colbeck	Humphries	Patterson	
Coonan	Kemp	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	Brown, Bob	Nettle
Bartlett	Milne	Siewert (Teller)

NOES, 49

Senators—

Adams	Ferris	Macdonald, Ian	Ronaldson
Bernardi	Fielding	Marshall	Scullion
Bishop	Fierravanti-Wells	McEwen	Sherry
Boswell	Fifield	McGauran	Sterle
Brown, Carol	Forshaw	McLucas	Troeth
Calvert	Hogg	Minchin	Trood
Carr	Humphries	Moore	Watson
Chapman	Hurley	Nash	Webber
Colbeck	Joyce	Parry (Teller)	Wong
Coonan	Kemp	Patterson	Wortley
Crossin	Kirk	Payne	
Ellison	Ludwig	Polley	
Ferguson	Lundy	Ray	

Question negatived.

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

**NOES, 45**

Senators—

Adams	Ferris	McEwen	Scullion
Bernardi	Fielding	McGauran	Sherry
Bishop	Fierravanti-Wells	McLucas	Sterle
Brown, Carol	Fifield	Minchin	Troeth
Calvert	Hogg	Moore	Trood
Carr	Humphries	Nash	Watson
Chapman	Joyce	Parry	Webber (Teller)
Colbeck	Kemp	Patterson	Wong
Coonan	Kirk	Payne	Wortley
Crossin	Ludwig	Polley	
Ellison	Lundy	Ray	
Ferguson	Marshall	Ronaldson	

Question negatived.

**20 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:

The need for the Australian Government to develop its own plan to withdraw all Australian troops not involved in personal security roles from Iraq as soon as practicable, given that:

- (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

Senators—

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

NOES, 51

Senators—

Abetz	Eggleston	Ludwig	Payne
Adams	Ferris (Teller)	Lundy	Polley
Bernardi	Fifield	Macdonald, Sandy	Ray
Bishop	Forshaw	Marshall	Ronaldson
Boswell	Heffernan	McEwen	Scullion
Brandis	Hogg	McGauran	Sherry
Brown, Carol	Humphries	McLucas	Sterle
Calvert	Hurley	Minchin	Troeth
Carr	Hutchins	Moore	Trood
Chapman	Joyce	Nash	Watson
Colbeck	Kemp	O'Brien	Wong
Coonan	Kirk	Parry	Wortley
Crossin	Lightfoot	Patterson	

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—

13th report of 2006, dated 6 December 2006.

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:

Treaties—Joint Standing Committee—81st report—Treaties tabled on 8 August 2006 (2), dated November 2006.

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:

Commonwealth Ombudsman—Monitoring of controlled operations—Report for 2005-06, prepared pursuant to Part 1AB, Division 2A of the *Crimes Act 1914*, on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission and the Australian Federal Police.

**27 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Acts Interpretation Act and Environment Protection and Biodiversity Conservation Act—Repeal of Recovery Plan for Bridled Nailtail Wallaby (*Onychogalea fraenata*) 1997-2001; and Adoption of State Plans as Recovery Plans. [F2006L03887]\*.

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]\*.

Trade Practices Act—Pricing principles for the Local Carriage Service, Wholesale Line Rental Service and Public Switched Telephone Originating and Terminating Access Services [F2006L03892]\*.

\* 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.

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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.

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

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

**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 of the Environment Committee—Report—Australia state of the environment 2006. 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 Framework for Security Cooperation (Mataram, Lombok, 13 November 2006). 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.

Australian Public Service Commission—State of the service—Report for 2005-06. 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.

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*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