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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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## 1 MEETING OF SENATE

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

## 2 PETITIONS

The following 7 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 516 petitioners, requesting that the Senate take action to undertake an assessment of the impact of proposed dams at Traveston crossing on the Mary River and Wyaralong in the Logan River catchment.

Senator Bartlett, from 23 petitioners, requesting that the Senate take action to abandon plans to expand uranium mining, enrich uranium and build nuclear power plants in Australia.

Senator Bartlett, from 3 petitioners, requesting that the Senate take action to review the laws relating to elections and disputed returns.

Senator Forshaw, from 45 petitioners, requesting that the Senate oppose the sale of Medibank Private.

Senator Forshaw, from 36 petitioners, requesting that the Senate take action to ensure that the changes to industrial relations do not adversely affect Australian employees.

Senator Forshaw, from 286 petitioners, requesting that the Senate take action to reintroduce the Commonwealth Dental Scheme, reduce waiting times for public dental health services and train more public dentists.

Senator Kirk, from 2 186 petitioners, requesting that the Senate take action to end the indefinite detention of David Hicks and ensure that he be charged and tried without further delay by an independent tribunal with all the protections of the rule of law that Australian citizens would expect.

## 3 NOTICES

Senators Siewert and Milne: To move on 7 February 2007—

- (1) That the Senate notes:
  - (a) the recommendation of the Australian Business Roundtable on Climate Change to 'Build national resilience to the impacts of climate change';
  - (b) the announcement of support for the Roundtable's recommendation by the National Farmers Federation (NFF) on 6 December 2006, which stated that the 'NFF believes that climate change may be the greatest threat confronting Australian farmers and their productive capacity'; and
  - (c) the call by representatives of 16 faiths on 5 December 2006 for the Australian Government to take urgent action on climate change.
- (2) That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 June 2007:
  - (a) the need for a national strategy to help Australian agricultural industries to mitigate and adapt to climate change;
  - (b) consideration of the risks and opportunities presented by reduced rainfall, increased temperatures, higher evaporation and increased climactic variability for Australian agriculture; and

- (c) assessment of the state of existing knowledge, the relevance of current strategies, and the adequacy of existing research and development programs to the need to address impacts of climate change on the security of Australian food production and the viability of rural communities.

Senator Nettle: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act relating to trans fat foods sold in Australia, and for related purposes. ***Food Safety (Trans Fats) Bill 2006***. (*general business notice of motion no. 680*)

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

- (a) notes that Australian citizen, Mr David Hicks has been detained for 1 888 days; and
- (b) calls on the Government to return Mr Hicks to Australia. (*general business notice of motion no. 681*)

#### 4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 15 OF 2006

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

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 15 OF 2006

1. The committee met in private session on Wednesday, 6 December 2006 at 4.34 pm.
2. The committee resolved to recommend—That—
  - (a) the ***provisions*** of the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006 be ***referred immediately*** to the Employment, Workplace Relations and Education Committee for inquiry and report by 20 February 2007;
  - (b) the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006 be ***referred immediately*** to the Legal and Constitutional Affairs Committee for inquiry and report by 7 February 2007;
  - (c) the Cluster Munitions (Prohibition) Bill 2006 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 29 March 2007;
  - (d) the Non-Proliferation Legislation Amendment Bill 2006 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 8 February 2007; and
  - (e) the Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006 be ***referred immediately*** to the Legal and Constitutional Affairs Committee for inquiry and report by 8 February 2007.
3. The committee resolved to recommend—That the following bills ***not*** be referred to committees:
  - Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2006
  - Customs Tariff Amendment (Incorporation of Proposals) Bill 2006
  - Energy Efficiency Opportunities Amendment Bill 2006
  - Royal Commissions Amendment (Records) Bill 2006
  - Statute Law Revision Bill (No. 2) 2006
  - Wheat Marketing Amendment Bill 2006.

***The committee recommends accordingly.***

4. The committee deferred consideration of the following bills to its next meeting:
  - Airports Amendment Bill 2006
  - Airspace Bill 2006
  - Airspace (Consequential and Other Measures) Bill 2006
  - Australian Energy Market Amendment (Gas Legislation) Bill 2006
  - Electoral and Referendum Legislation Amendment Bill 2006
  - Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Bill 2006
  - Migration Legislation Amendment (Restoration of Fair Process) Bill 2006
  - Veterans' Affairs Legislation Amendment (Statements of Principles and Other Measures) Bill 2006.
5. The committee agreed to reconvene to consider bills deferred from this meeting and bills to be introduced on 7 December 2006, with a view to reporting again to the Senate later today.

Jeannie Ferris  
Chair  
7 December 2006.

Senator Ferris moved—That the report be adopted.

Question put and passed.

**5 ORDER OF BUSINESS—REARRANGEMENT**

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan), moved—That business of the Senate order of the day no. 3, relating to the presentation of the report of the Rural and Regional Affairs and Transport Committee on Australia's future oil supply, be postponed till a later hour.

Question put and passed.

Senator Ferris, by leave and at the request of the Chair of the Economics Committee (Senator Brandis), moved—That business of the Senate order of the day no. 4, relating to the presentation of the report of the Economics Committee on petrol pricing in Australia, be postponed till a later hour.

Question put and passed.

**6 ROUTINE OF BUSINESS—VARIATION**

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That—

- (a) end of year statements may be made today by party leaders and the President of the Senate from 7.30 pm, without any question before the chair; and
- (b) a senator shall not speak for more than 2 minutes.

Debate ensued.

Question put and passed.

**7 LEAVE OF ABSENCE**

Senator Webber, by leave, moved—That leave of absence be granted to Senator George Campbell for 6 December and 7 December 2006, for medical reasons.

Question put and passed.

**8 POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Carr for today, proposing the reference of a matter to the Community Affairs Committee, postponed till 28 February 2007.

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the disallowance of the 2006/07 SBT Australian National Catch Allocation Determination, postponed till 6 February 2007.

**9 FOREIGN AFFAIRS—MR DAVID HICKS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 639—That the Senate—

(a) notes that:

(i) 9 December 2006 marks the 5th anniversary of the capture of Mr David Hicks in Afghanistan by the Northern Alliance, and

(ii) Mr Hicks is yet to be charged under the new United States Military Commission Act 2006; and

(b) calls on the Australian Government to lobby for Mr Hicks' immediate fair trial or repatriation.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 32

Senators—

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

Question negatived.

# 10 LAW AND JUSTICE—LOW FIRE RISK CIGARETTES

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. 672—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.

Question put.

The Senate divided—

AYES, 30

Senators—

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



## NOES, 34

## Senators—

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

Question negatived.

# 11 ENVIRONMENT—WEED ERADICATION RESEARCH

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 673—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.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

## 12 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. 674—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.

Question put.

The Senate divided—

AYES, 31

Senators—

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

## NOES, 33

## Senators—

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

Question negatived.

### 13 FOREIGN AFFAIRS—COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

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. 671—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.

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

Foreign affairs—Comprehensive Nuclear-Test-Ban Treaty—Need to abolish nuclear weapons—

Lecture by UN Secretary-General Kofi Annan, Princeton University, 28 November 2006.

Statement by Nobel Peace Laureates and Laureate Organizations, 7th World Summit of Nobel Peace Laureates, Rome, 17 to 19 November 2006.

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Question put and passed.

**14 ENVIRONMENT—TASMANIA—STYX AND FLORENTINE VALLEYS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 675—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.

Question put.

The Senate divided—

AYES, 30

Senators—

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

## NOES, 34

Senators—

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

Question negatived.

## 15 ENVIRONMENT—MURRAY-DARLING BASIN

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 608—That the Senate—

(a) notes that:

- (i) important wetlands and floodplain areas in the Murray-Darling Basin face the threat of irretrievable ecological damage as a result of river diversions and unauthorised interception banks (in areas including, but not limited to, the Condamine, Ballonne and the southern Macquarie Marshes),
- (ii) unregulated and unmetered off-stream water storage, such as Cubbie Station, places an unsustainable burden on our shared water resources and undermines efforts to manage limited resources in an equitable and sustainable fashion, and
- (iii) while the drought has exacerbated this situation, even a cyclical improvement in drought conditions will not improve these threatened ecosystems while these diversions remain in place; and

(b) calls on the Federal Government to:

- (i) work with the New South Wales and Queensland Governments to legislate and regulate to ensure uninterrupted environmental flows, and
- (ii) look at options of buying out unsustainable operations such as Cubbie Station.

Question put.

The Senate divided—

## AYES, 8

Senators—

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

## NOES, 51

Senators—

Adams	Ellison	Lundy	Ray
Barnett	Faulkner	Macdonald, Sandy	Ronaldson
Bernardi	Ferguson	Marshall	Santoro
Bishop	Ferris	McEwen	Sherry
Boswell	Fielding	McLucas	Stephens
Brandis	Fierravanti-Wells	Minchin	Sterle
Brown, Carol	Fifield	Moore	Troeth
Calvert	Heffernan	Nash	Trood
Carr	Humphries	O'Brien	Watson
Chapman	Johnston	Parry (Teller)	Webber
Colbeck	Kemp	Patterson	Wong
Crossin	Kirk	Payne	Wortley
Eggleston	Ludwig	Polley	

Question negatived.

## 16 FOREIGN AFFAIRS—IRAQ

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 676—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.

The Leader of the Australian Democrats (Senator Allison), by leave, moved the following amendment:

Omit paragraph (b), substitute:

- (b) calls on the Government to acknowledge the Coalition forces are losing the war in Iraq and to plan a withdrawal of Australian troops from Iraq as soon as practicable.

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

Question—That the amendment be agreed to—put.

The Senate divided—

## AYES, 24

Senators—

Allison	Faulkner	McLucas	Stephens
Bartlett	Kirk	Moore	Sterle
Bishop	Ludwig	O'Brien	Stott Despoja
Brown, Carol	Lundy	Polley	Webber (Teller)
Carr	Marshall	Ray	Wong
Crossin	McEwen	Sherry	Wortley

## NOES, 35

Senators—

Adams	Eggleston	Johnston	Patterson
Barnett	Ellison	Kemp	Payne
Bernardi	Ferguson	Lightfoot	Ronaldson
Boswell	Ferris	Macdonald, Sandy	Santoro
Brandis	Fielding	Milne	Siewert
Brown, Bob	Fierravanti-Wells	Minchin	Troeth
Calvert	Fifield	Nash	Trood
Chapman	Heffernan	Nettle	Watson
Colbeck	Humphries	Parry (Teller)	

Question negatived.

Main question put.

The Senate divided—

## AYES, 7

Senators—

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

## NOES, 52

Senators—

Adams	Faulkner	Ludwig	Polley
Barnett	Ferguson	Lundy	Ray
Bernardi	Ferris	Macdonald, Sandy	Ronaldson
Bishop	Fielding	Marshall	Santoro
Boswell	Fierravanti-Wells	McEwen	Sherry
Brandis	Fifield	McLucas	Stephens
Brown, Carol	Forshaw	Minchin	Sterle
Calvert	Heffernan	Moore	Troeth
Chapman	Humphries	Nash	Trood
Colbeck	Johnston	O'Brien	Watson
Crossin	Kemp	Parry (Teller)	Webber
Eggleston	Kirk	Patterson	Wong
Ellison	Lightfoot	Payne	Wortley

Question negatived.

**17 SEASON'S GREETINGS**

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. 677—That the Senate wishes all Australians this season's greetings and a happy New Year.

Question put and passed.

**18 PREGNANCY COUNSELLING (TRUTH IN ADVERTISING) BILL 2006**

Senator Stott Despoja, also on behalf of Senators Troeth, Carol Brown and Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 679—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.

Question put and passed.

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

---

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

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

#### 19 DAYS OF MEETING—COMMITTEES—ESTIMATES HEARINGS

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—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.

*Statement by leave:* Senator Ludwig, by leave, made a statement relating to the motion.

Question put and passed.

**20 REMOVAL OF RECOGNITION OF US MILITARY COMMISSIONS (DAVID HICKS)**

**BILL 2006**

Senator Nettle, also on behalf on 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. 678—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*.

Question put and passed.

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

---

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

---

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

**21 MIGRATION AMENDMENT (REVIEW PROVISIONS) BILL 2006**

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for Immigration and Multicultural Affairs (Senator Vanstone) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

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.

---

*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.

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

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

PUBLICATIONS COMMITTEE

18TH REPORT

The Publications Committee, having considered documents presented to the Senate since 9 November 2006, recommends that the following be printed:

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.

Australian Crime Commission—Report for 2005-06.

Australian Sports Commission—Report for 2005-06.

Commission of inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme—Report of Commissioner, the Hon TRH Cole, AO, RFD, QC—

Volume 1—Summary, recommendations and background.

Volume 2—Negotiations and sales (July 1999 to December 2000).

Volume 3—Sales, allegations and inquiries (January 2001 to December 2005).

Volume 4—Findings.

Volume 5—Appendices.

*Commonwealth Electoral Act 1918*—2006 Redistributions into electoral divisions—

New South Wales—Report, together with composite maps and compact disc of supporting information.

Queensland—Report, together with composite maps and compact disc of supporting information.

Department of Education, Science and Training—Australian vocational and technical education system—Report for 2005.

Department of Industry, Tourism and Resources—Report for 2005-06—Corrections.

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

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

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

Indigenous Business Australia—Report for 2005-06.

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

National Capital Authority—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.

Veterans' Review Board—Report for 2005-06.

Senator Guy Barnett

Chairperson

7 December 2006.

Senator Barnett moved—That the report be adopted.

Question put and passed.

## 23 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2004-05, 2005-06, 2006-07 AND ADDITIONAL ESTIMATES 2005-06

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

Budget estimates 2004-05—Environment, Communications, Information Technology and the Arts Legislation Committee—Additional information received between February 2005 and April 2006—Communications, Information Technology and the Arts portfolio.

## Budget estimates 2005-06 (Supplementary)—

Employment, Workplace Relations and Education Legislation Committee—  
Additional information received between 23 June and 11 October 2006—  
Employment and Workplace Relations portfolio.

Finance and Public Administration Legislation Committee—

Additional information received—

Between 19 September and 27 October 2006—Prime Minister and  
Cabinet portfolio.

November 2005—Parliamentary departments.

Documents presented to the committee.

## Additional estimates 2005-06—

Employment, Workplace Relations and Education Legislation Committee—  
Additional information received between 23 June and 10 October 2006—  
Education, Science and Training portfolio.

Finance and Public Administration Legislation Committee—Additional  
information received between—

31 May and 6 December 2006—Finance and Administration portfolio.

17 August and 7 December 2006—Prime Minister and Cabinet portfolio.

15 September and 6 December 2006—Human Services portfolio.

## Budget estimates 2006-07—

Employment, Workplace Relations and Education Legislation Committee—  
Additional information received between 19 October and 1 November 2006—  
Education, Science and Training portfolio.

Environment, Communications, Information Technology and the Arts  
Legislation Committee—Additional information received between  
14 September and 7 December 2006—

Communications, Information Technology and the Arts portfolio.

Environment and Heritage portfolio.

Finance and Public Administration Legislation Committee—Additional  
information received between—

22 May and 6 December 2006—

Finance and Administration portfolio.

Prime Minister and Cabinet portfolio.

20 October and 7 December 2006—Human Services portfolio.

## Budget estimates 2006-07 (Supplementary)—

Employment, Workplace Relations and Education—Standing Committee—

Additional information received between 2 November and 4 December  
2006—

Education, Science and Training portfolio.

Employment and Workplace Relations portfolio.

Documents presented to the committee.

Environment, Communications, Information Technology and the Arts—  
Standing Committee—

Documents presented to the committee.

Hansard record of proceedings.

Finance and Public Administration—Standing Committee—

Additional information received between 30 October and 6 December  
2006—

Finance and Administration portfolio.

Human Services portfolio.  
 Parliamentary departments.  
 Prime Minister and Cabinet portfolio.  
 Documents presented to the committee.  
 Hansard record of proceedings.  
 Legal and Constitutional Affairs—Standing Committee—Additional  
 information received between 15 November and 6 December 2006—  
 Attorney-General's portfolio.  
 Immigration and Multicultural Affairs portfolio.

**24 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION  
 COMMITTEE—ADDITIONAL INFORMATION—INDEPENDENT CONTRACTORS BILL  
 2006 AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (INDEPENDENT  
 CONTRACTORS) BILL 2006**

Senator Parry, at the request of the Chair of the Employment, Workplace Relations  
 and Education Committee (Senator Troeth), tabled the following document:

Employment, Workplace Relations and Education Legislation Committee—  
 Report—Provisions of the Independent Contractors Bill 2006 and Workplace  
 Relations Legislation Amendment (Independent Contractors) Bill 2006—  
 Additional information.

**25 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING  
 COMMITTEE—ADDITIONAL INFORMATION—COMMONWEALTH RADIOACTIVE  
 WASTE MANAGEMENT LEGISLATION AMENDMENT BILL 2006**

Senator Parry, at the request of the Chair of the Employment, Workplace Relations  
 and Education Committee (Senator Troeth), tabled the following document:

Employment, Workplace Relations and Education—Standing Committee—  
 Report—Commonwealth Radioactive Waste Management Legislation Amendment  
 Bill 2006 [Provisions]—Additional information.

**26 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
 REPORT—REVIEW OF AUSTRALIA-NEW ZEALAND TRADE AND INVESTMENT  
 RELATIONS**

Senator Parry, at the request of the Chair of the Joint Standing Committee on Foreign  
 Affairs, Defence and Trade (Senator Ferguson), tabled the following report and  
 documents:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Review of  
 Australia-New Zealand trade and investment relations—Report, dated December  
 2006, Hansard record of proceedings and submissions [31].

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

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

**27 TREATIES—JOINT STANDING COMMITTEE—82ND REPORT**

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

Treaties—Joint Standing Committee—82nd report—Treaty tabled on  
 28 November 2006, dated December 2006.

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

Question put and passed.

**28 ELECTORAL AND REFERENDUM LEGISLATION AMENDMENT BILL 2006  
LAW AND JUSTICE LEGISLATION AMENDMENT (MARKING OF PLASTIC  
EXPLOSIVES) BILL 2006**

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

Message no. 455, dated 6 December 2006—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 456, dated 6 December 2006—A Bill for an Act to give effect to the Convention on the Marking of Plastic Explosives for the Purpose of Detection, and for other purposes.

The Minister for Justice and Customs (Senator Ellison) 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.

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

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

Message no. 457, dated 7 December 2006—Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006.

**30 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REPORT—  
NAVAL SHIPBUILDING IN AUSTRALIA**

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Johnston) tabled the following report and documents:

Foreign Affairs, Defence and Trade—Standing Committee—Blue water ships: Consolidating past achievements—Report, dated December 2006, Hansard record of proceedings, additional information and submissions [41].

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

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

Debate ensued.

Question put and passed.

**31 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—INDIGENOUS STOLEN WAGES**

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

Legal and Constitutional Affairs—Standing Committee—Unfinished business: Indigenous stolen wages—Report, dated December 2006, Hansard record of proceedings, documents presented to the committee and submissions [129].

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

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

Debate ensued.

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

**32 ALLOTMENT OF TIME—SEVEN BILLS**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 2—

(1) That the time allotted for consideration of the following bills be as follows:

Wheat Marketing Amendment Bill 2006	1 hour
Royal Commissions Amendment (Records) Bill 2006	1 hour
Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and a related bill	2 hours
Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006	1 hour
Crimes Amendment (Bail and Sentencing) Bill 2006—consideration of message in committee	30 mins
Environment and Heritage Legislation Amendment Bill (No. 1) 2006	Committee stage: till 6.30 pm, and from 7.30 pm to 10.15 pm today
	All remaining stages: till 10.30 pm today.

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

Debate ensued.

Question put and passed.

**33 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.

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.

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

Schedule 1, page 3 (after line 4), before item 1, insert:

**1A Paragraph 5(1)(b)**

Omit “and examine and report on the benefits to growers that result from that performance”.

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

**1B After subsection 57(7)**

Insert:

- (7A) Before 1 April 2007, the Minister must cause an independent review to be conducted of the following matters:
  - (a) the operation of subsection (1A) in relation to nominated company B;
  - (b) the conduct of nominated company B in relation to:
    - (i) consultations for the purposes of subsection (3A); and
    - (ii) the granting or withholding of approvals for the purposes of subsection (3B); and
    - (iii) returns to growers;
  - (c) the economic impact of export wheat control arrangements on Australia's domestic wheat market;
  - (d) the benefit of maintaining export wheat control arrangements;
  - (e) recommended changes to export wheat control arrangements;
  - (f) recommended changes to monitoring and reporting arrangements.
- (7B) The review conducted in accordance with subsection (7A) is to have the same powers, procedures and protections of an inquiry conducted by the Productivity Commission in accordance with the *Productivity Commission Act 1998*.
- (7C) A review under subsection (7A) is to be conducted by a panel nominated by the Minister by a written instrument.
- (7D) An instrument prepared under subsection (7C) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.
- (7E) The Minister must cause a copy of the report of the review prepared in accordance with subsection (7A) to be tabled in each House of the Parliament within 25 sitting days of that House after the day on which the Minister receives the report.

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

Bill agreed to.

Bill to be reported without amendment.

---

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

*Limitation of debate:* The time allotted for the consideration of the bill expired.



Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

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

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—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.

Senator Murray moved the following amendments together by leave:

Schedule 1, item 2, page 5 (lines 7 to 11), omit the definition of ***Royal Commission record***, substitute:

***Royal Commission record*** means a record that:

- (a) was produced by, given to or obtained by the Commission known as *A Commission of Inquiry into certain Australian Companies in relation to the UN Oil-for-Food Programme*; and
- (b) is no longer required for the purposes of the Commission mentioned in paragraph (a);

and includes a copy of such a record.

Schedule 1, item 2, page 9 (after line 4), at the end of section 9, add:

- (14) For the avoidance of doubt, every reference to a Royal Commission in this section is a reference to the Commission known as *A Commission of Inquiry into certain Australian Companies in relation to the UN Oil-for-Food Programme*.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

---

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time.

**35 ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006**  
**ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING**  
**(TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That these bills be now read a second time.

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Nettle was speaking.

**36 QUESTIONS**

Questions without notice were answered.

**37 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to standing order 74, asked the Minister representing the Prime Minister (Senator Minchin) for an explanation of answers not being provided to questions on notice nos 2523 to 2543 (notice given 4 October 2006) relating to the Exclusive Brethren.

Senator Minchin indicated that an explanation would be provided.

Senator Bob Brown moved—That the Senate take note of the minister's response.

Question put and passed.

**38 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.

**39 ENVIRONMENT—TASMANIA—STYX AND FLORENTINE VALLEYS—ANSWER TO QUESTION**

Senator Milne moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Milne today relating to the Styx and Florentine valleys, Tasmania.

Question put and passed.

**40 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT RESPONSE—INQUIRY INTO AUSTRALIAN EXPATRIATES**

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

Legal and Constitutional References Committee—Report—They still call Australia home: Inquiry into Australian expatriates—Government response.

**41 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—  
PRESIDENT’S REPORT ON GOVERNMENT RESPONSES**

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

Government responses to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 22 June 2006, dated 7 December 2006.

**42 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT  
RESPONSES OUTSTANDING**

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

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 7 December 2006.

**43 AUDITOR-GENERAL—AUDIT REPORT NO. 14 OF 2006-07—DOCUMENT**

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

Auditor-General—Audit report no. 14 of 2006-07—Performance audit—Regulation of pesticides and veterinary medicines: Australian Pesticides and Veterinary Medicines Authority.

**44 PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

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

Parliamentarians’ travel paid by the Department of Finance and Administration—1 January to 30 June 2006, dated December 2006.

**45 FORMER PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

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

Former parliamentarians’ travel paid by the Department of Finance and Administration—1 January to 30 June 2006, dated December 2006.

**46 PARLIAMENTARIANS’ OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT**

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

Parliamentarians’ overseas study travel reports—1 January to 30 June 2006, dated December 2006.

**47 FORMER GOVERNORS-GENERAL TRAVEL COSTS—DOCUMENT**

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

Expenditure on travel by former Governors-General paid by the Department of Prime Minister and Cabinet—1 January to 30 June 2006.

**48 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT**

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

Department of Defence—Special purpose flights—Schedule for the period January to June 2006.

**49 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Chemical Weapons (Prohibition) Act—Instrument of Approval of Forms [F2006L03941]\*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/CASA/27 Amdt 1—Centre Wing Lower Skin [F2006L03982]\*.

Customs Act—Tariff Concession Revocation Instruments—  
103/2006 [F2006L03894]\*.  
105/2006 [F2006L03896]\*.  
106/2006 [F2006L03899]\*.

Migration Act—Migration Regulations—Instruments—  
IMMI 06/063—Residential Postcodes, Skilled Occupations, Relevant Assessing Authorities and Points [F2006L03923]\*.  
IMMI 06/083—Organisations that may sponsor Short Stay Business Visitors [F2006L03933]\*.

National Transport Commission Act—Select Legislative Instrument 2006 No. 315—National Transport Commission (Road Transport Legislation – Compliance and Enforcement Regulations) Regulations 2006 [F2006L03888]\*.

Telstra (Transition to Full Private Ownership) Act—Designated Day Declaration 2006 (No. 1) [F2006L03997]\*.

\* Explanatory statement tabled with legislative instrument.

**50 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Ferris, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on Australia's future oil supply be extended to 6 February 2007.

Question put and passed.

**51 ECONOMICS—STANDING COMMITTEE—REPORT—PETROL PRICING IN AUSTRALIA**

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

Economics—Standing Committee—Petrol prices in Australia—Report, dated December 2006, Hansard record of proceedings, documents presented to the committee, additional information and submissions [75].

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

Senator Brandis, by leave, moved—That the Senate take note of the document.

Debate ensued.

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

## 52 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

6 December 2006—Message—

No. 47—

*Indigenous Education (Targeted Assistance) Amendment Act 2006* (Act No. 142, 2006)

*Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Act 2006* (Act No. 143, 2006)

*Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Act 2006* (Act No. 144, 2006)

*Australian Nuclear Science and Technology Organisation Amendment Act 2006* (Act No. 145, 2006)

*Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006* (Act No. 146, 2006).

No. 48—

*Financial Sector Legislation Amendment (Trans-Tasman Banking Supervision) Act 2006* (Act No. 147, 2006)

*Privacy Legislation Amendment (Emergencies and Disasters) Act 2006* (Act No. 148, 2006).

7 December 2006—Message—

No. 49—

*Inspector of Transport Security Act 2006* (Act No. 149, 2006)

*Inspector of Transport Security (Consequential Provisions) Act 2006* (Act No. 150, 2006).

No. 50—

*Judiciary Legislation Amendment Act 2006* (Act No. 151, 2006)

*Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 2006* (Act No. 152, 2006).

## 53 ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006

### ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2006

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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*In the committee*

**ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006—**

Bill taken as a whole by leave.

Senator Ludwig moved the following amendments together by leave:

Clause 2, page 2 (table item 2, cell at column 2), omit the cell, substitute:

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The first day after the end of the  
period of 3 months beginning on the  
day on which this Act receives the  
Royal Assent.

---

Clause 6, page 51 (lines 9 and 10), omit subclause (7).

Clause 251, page 278 (line 24), omit “7”, substitute “4”.

Debate ensued.

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

Senator Nettle moved the following amendment:

Clause 5, page 19 (lines 9 to 18), omit “.” and paragraphs (a) to (d) of the definition of *financing of terrorism*, substitute “an offence under Division 103 of the *Criminal Code*”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 4**

Senators—

Brown, Bob

Milne

Nettle

Siewert (Teller)

**NOES, 45**

Senators—

Adams

Ellison

Ludwig

Sherry

Allison

Evans

Marshall

Stephens

Bartlett

Faulkner

McEwen

Sterle

Bishop

Ferris

McGauran

Stott Despoja

Brandis

Fielding

Moore

Troeth

Brown, Carol

Fierravanti-Wells

Murray

Watson

Calvert

Fifield

Nash (Teller)

Webber

Carr

Forshaw

O'Brien

Wong

Chapman

Hogg

Patterson

Wortley

Colbeck

Johnston

Payne

Crossin

Kirk

Polley

Eggleston

Lightfoot

Ray

Question negatived.

Senator Ludwig moved the following amendments together by leave:

Page 122 (after line 24), after clause 79, insert:

**79A Deregistration and register of deregistered providers**

- (1) The AUSTRAC CEO may deregister by written instrument a provider from the Register of Providers of Designated Remittance Services.
- (2) A provider may be deregistered if:
  - (a) the provider is found to be not of good character; or

- (b) the provider is convicted of a criminal offence against the Commonwealth, a State or a Territory with a penalty of 2 years or longer; or
- (c) the provider ceases to be able to provide the service.
- (3) A written instrument in accordance with subsection (1) is a legislative instrument.
- (4) The AUSTRAC CEO must maintain a register for the purposes of this Part, to be known as the Register of Deregistered Providers of Designated Remittance Services.
- (5) The register is not a legislative instrument.
- (6) The AML/CTF Rules may make provision for and in relation to either or both of the following:
  - (a) the correction of entries in the Register of Deregistered Providers of Designated Remittance Services;
  - (b) any other matter relating to the administration or operation of the Register of Deregistered Providers of Designated Remittance Services.

Page 187 (after line 32), after clause 132, insert:

**132A United Nations deemed to be a foreign country**

For the purposes of this Subdivision, the United Nations is deemed to be a foreign country and its constituent bodies shall be deemed to be a foreign law enforcement agency.

Clause 199, page 242 (line 26), after “currency”, insert “or a thing”.

Clause 199, page 242 (line 29), after “currency”, insert “or the thing”.

Clause 200, page 248 (after line 1), after subclause (12), insert:

*Officer may seize other evidence*

- (12A) If a police officer or a customs officer has reasonable grounds to suspect that a thing found in the course of an examination under subsection (12) or (13) may afford evidence as to the commission of an offence against subsection 53(1) or 59(3), the officer may seize the thing.

Debate ensued.

*Limitation of debate:* The time allotted for the consideration of the bills expired.

Question—That the amendments be agreed to—put and negatived. All Australian Democrats senators, by leave, recorded their votes for the ayes.

*In respect of the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006:*

The following amendments circulated by the Australian Democrats were negatived:

Page 164 (after line 24), at the end of Division 7, add:

**119A Privacy Commissioner to conduct audit of AUSTRAC compliance with privacy obligations**

- (1) The Privacy Commissioner must conduct periodic audits of AUSTRAC compliance in the administration of this Act with the privacy obligations of the *Privacy Act 1988*.
- (2) The results of an audit conducted in accordance with subsection (1) are to be reported in the annual report of the Privacy Commissioner.

Page 175 (after line 2), before Subdivision A, insert:

**Subdivision AA—Restricted access to AUSTRAC information**

**124A Restriction on access to AUSTRAC information**

- (1) The purpose of this Subdivision is to provide for access to AUSTRAC information by agencies subject to the condition in subsection (2).
- (2) Access to AUSTRAC information is restricted to the purposes of investigating:
  - (a) money laundering; or
  - (b) terrorist financing; or
  - (c) other serious crime.
- (3) An agency official commits an offence if the official has obtained access to information for a purpose other than as provided for in subsection (2).

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

Clause 235, page 271 (after line 30), at the end of the clause, add:

- (3) This section does not apply so as to avoid the operation of Commonwealth, State or Territory anti-discrimination laws.

The following amendments circulated by the Australian Greens were negated:

Clause 212, page 257 (after line 22), at the end of paragraph (2)(a), add:

- (vii) trade unions;
- (viii) representative civil rights groups;
- (ix) consumer groups;
- (x) representative privacy groups;

Clause 229, page 267 (after line 10), after subclause (1), insert:

- (1A) A rule made in accordance with subsection (1) must not be made so as to avoid or override the operation of Commonwealth, State or Territory anti-discrimination laws.
- (1B) If a rule is made which has the effect of avoiding or overriding the operation of a Commonwealth, State or Territory anti-discrimination law, the rule is void to the extent that it overrides or is inconsistent with that law.

*In respect of the Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006:*

The following amendment circulated by the Opposition was negated:

Schedule 1, page 29 (after line 23), before item 151, insert:

**150A Subsection 5(1) (after paragraph (c) of the definition of law enforcement agency)**

Insert:

- (ca) AUSTRAC; or

Bills agreed to.

Bills to be reported without amendments.

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



Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

#### 54 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 16 OF 2006

Senator Nash, by leave and at the request of the Chair of the Selection of Bills Committee (Senator Ferris), tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 16 OF 2006

1. The committee met in private session on Thursday, 7 December 2006 at 3.23 pm.
2. The committee resolved to recommend—That—
  - (a) the Electoral and Referendum Legislation Amendment Bill 2006 be *referred immediately* to the Finance and Public Administration Committee for inquiry and report by 20 February 2007;
  - (b) the *provisions* of the Airspace Bill 2006 and the Airspace (Consequential and Other Measures) Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007;
  - (c) the *provisions* of the Airports Amendment Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007;
  - (d) the *provisions* of the Private Health Insurance Bill 2006 **and 6 related bills** be *referred immediately* to the Community Affairs Committee for inquiry and report by 26 February 2007;
  - (e) the *provisions* of the Tax Laws Amendment (Simplified Superannuation) Bill 2006 **and 5 related bills** be *referred immediately* to the Economics Committee for inquiry and report by 6 February 2007;
  - (f) the *provisions* of the Native Title Amendment Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 23 February 2007;
  - (g) the *provisions* of the Customs Legislation Amendment (Augmenting Offshore Powers and Other Measures) Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 8 February 2007;
  - (h) the Migration Amendment (Review Provisions) Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 20 February 2007; and
  - (i) the *provisions* of the Murray-Darling Basin Amendment Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2006
  - Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006

Maritime Legislation Amendment (Prevention of Air Pollution from Ships)  
 Bill 2006  
 Migration Legislation Amendment (Restoration of Fair Process) Bill 2006  
 Tax Laws Amendment (2006 Measures No. 7) Bill 2006.

***The committee recommends accordingly.***

4. The committee considered a proposal to refer the Recognition of US Military Commissions (David Hicks) Bill 2006 to the Legal and Constitutional Affairs Committee, but was unable to reach agreement on whether the bill should be referred.
5. The committee deferred consideration of the following bills to its next meeting:  
 AusCheck Bill 2006  
 Australian Energy Market Amendment (Gas Legislation) Bill 2006  
 Classification (Publications, Films and Computer Games) Amendment Bill 2006  
 Veterans' Affairs Legislation Amendment (Statements of Principles and Other Measures) Bill 2006.

Jeannie Ferris  
 Chair  
 7 December 2006.

Senator Nash moved—That the report be adopted.

Senator Nettle moved the following amendment:

At the end of the motion, add “and, in respect of the Removal of Recognition of US Military Commissions (David Hicks) Bill 2006, the bill be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 20 March 2007”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 30**

Senators—

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

**NOES, 34**

Senators—

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

Question negatived.

Senator Marshall moved the following amendment:

At the end of the motion, add “and, the provisions of the following bills be referred to the Employment, Workplace Relations and Education Committee for inquiry and report by 20 February 2007:

- (a) Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Amendment Bill (No. 2) 2006; and
- (b) Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006.

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

Main question, as amended, put and passed.

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*At 7.30 pm—*

#### 55 VALEDICTORY STATEMENTS

Pursuant to order (*see entry no. 6*), senators made statements relating to the end of the 2006 sittings.

#### 56 CUSTOMS LEGISLATION AMENDMENT (NEW ZEALAND RULES OF ORIGIN) BILL 2006

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Justice and Customs (Senator Ellison) the bill was read a third time.

#### 57 CRIMES AMENDMENT (BAIL AND SENTENCING) BILL 2006

Order of the day read for the consideration of message no. 441 from the House of Representatives in committee of the whole (*see entry no. 23, 29 November 2006*).

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#### *In the committee*

#### SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES

- (1) Schedule 1, page 5 (after line 4), after item 5, insert:

#### **5A Subparagraph 19B(1)(b)(i)**

Omit “cultural background,”.

#### **5B After subsection 19B(1)**

Insert:

- (1A) However, the court must not take into account under subsection (1) any form of customary law or cultural practice as a reason for:

- (a) excusing, justifying, authorising, requiring or lessening the seriousness of the criminal behaviour to which the offence relates; or
- (b) aggravating the seriousness of the criminal behaviour to which the offence relates.

(1B) In subsection (1A):

***criminal behaviour*** includes:

- (a) any conduct, omission to act, circumstance or result that is, or forms part of, a physical element of the offence in question; and
- (b) any fault element relating to such a physical element.

***[discharging offenders without conviction]***

(2) Schedule 1, page 5, after proposed item 5B, insert:

**5C Paragraph 23WI(3)(c)**

Omit “age, physical and mental health, cultural background and (where appropriate) religious beliefs”, substitute “age, physical health and mental health”.

**5D Paragraph 23WI(3)(d)**

Repeal the paragraph.

**5E At the end of section 23WI**

Add:

- (4) Without limiting the matters that the constable may take into account in considering, for the purposes of paragraph (3)(e), the intrusiveness of the forensic procedure, the constable must (where appropriate) take into account the religious beliefs of the suspect.

***[forensic procedures]***

(3) Schedule 1, page 5, after proposed item 5E, insert:

**5F Paragraph 23WO(3)(c)**

Omit “age, physical and mental health, cultural background and (where appropriate) religious beliefs”, substitute “age, physical health and mental health”.

**5G Paragraph 23WO(3)(d)**

Repeal the paragraph.

**5H At the end of section 23WO**

Add:

- (4) Without limiting the matters that the senior constable may take into account in considering, for the purposes of paragraph (3)(e), the intrusiveness of the forensic procedure, the senior constable must (where appropriate) take into account the religious beliefs of the suspect.

***[forensic procedures]***

(4) Schedule 1, page 5, after proposed item 5H, insert:

**5J Paragraph 23WT(3)(c)**

Omit “age, physical and mental health, cultural background and (where appropriate) religious beliefs”, substitute “age, physical health and mental health”.

**5K Paragraph 23WT(3)(d)**

Repeal the paragraph.

**5L At the end of section 23WT**

Add:

- (4) Without limiting the matters that the magistrate may take into account in considering, for the purposes of paragraph (3)(f), the intrusiveness of the forensic procedure, the magistrate must (where appropriate) take into account the religious beliefs of the suspect.

**[forensic procedures]**

- (5) Schedule 1, item 6, page 5 (line 9), omit “items 4 and 5”, substitute “items 4 to 5L”.

**[application of amendments]**

The Minister for Justice and Customs (Senator Ellison) moved—That the committee agrees to the amendments made by the House of Representatives to the bill.

Debate ensued.

Question put.

The committee divided—

**AYES, 33**

Senators—

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

**NOES, 29**

Senators—

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

Question agreed to.

Resolution to be reported.

The Acting Deputy President (Senator Forshaw) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 441 from the House of Representatives relating to the Crimes Amendment (Bail and Sentencing) Bill 2006 and had agreed to the amendments made by the House to the bill.

On the motion of Senator Ellison the report from the committee was adopted.

#### 58 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (NO. 1) 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 amendments moved by Senator Carr:

Schedule 1, page 5 (before line 5), before item 1, insert:

##### **1A After paragraph 3(1)(ca)**

Insert:

- (cb) to protect Australia from the adverse effects of climate change; and

##### **1B After subparagraph 3(2)(e)(i)**

Insert:

- (ia) establish a climate change trigger to ensure that large scale greenhouse polluting projects are assessed by the Federal Government; and

##### **1C After paragraph 3A(a)**

Insert:

- (aa) decision-making processes should consider and minimise where possible the adverse effects of climate change on Australia;

##### **1D After section 3A**

Insert:

##### **3B Climate change**

The Parliament acknowledges that climate change:

- (a) is the greatest threat to Australia's natural environment;
- (b) will have far-reaching impacts globally, in Australia's region and in Australia, including:
  - (i) possible higher temperatures and lower rainfall in southern Australia;
  - (ii) possible more frequent extreme weather events such as storms, heatwaves and droughts;

impacts to which Australia's natural, rural and urban environments, and many industries, are potentially vulnerable.

##### **1E Subsection 5(5) (before the definition of *Australian aircraft*)**

Insert:

*adverse effects of climate change* means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or

productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

**1F Subsection 5(5) (after the definition of *Australian vessel*)**

Insert:

*climate change* means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

**1G Subsection 5(5) (after the definition of *Australian vessel*)**

Insert:

*climate system* means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

**1H Subsection 5(5) (after the definition of *Australian vessel*)**

Insert:

*emissions* means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.

**1I Subsection 5(5) (after the definition of *Australian vessel*)**

Insert:

*greenhouse gases* means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

Schedule 1, page 16 (after line 14), after item 67, insert:

**67A After Subdivision F of Division 1 of Part 3**

Insert:

**Subdivision FA—Climate change actions**

**25AA Requirement for approval of climate change actions**

- (1) A person must not knowingly, intentionally or recklessly take a climate change action that has, will have, or will be likely to have, a significant impact on the environment.

Civil penalty:

- (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval for the person to take the action is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 allows the person to take the action without an approval under Part 9 for the purposes of this section; or
  - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
    - (i) the action is not a controlled action; or
    - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**25AB What is a climate change action?**

A *climate change action* means either of the following:

- (a) establishing an industrial plant or other facility which emits, or is likely to emit, more than 500,000 tonnes of carbon dioxide or carbon dioxide equivalent per year; or
- (b) any other action, series of actions, or program of actions, which will lead, or are likely to lead, directly or indirectly, to the emission of more than 500,000 tonnes of carbon dioxide or carbon dioxide equivalent per year.

**25AC Requirement for decisions about climate change actions**

- (1) In deciding whether or not to approve for the purposes of section 25AA the taking of a climate control action, and what conditions to attach to such an approval, the Minister must consider whether the direct or indirect emissions of carbon dioxide or carbon dioxide equivalent that are likely to result from the action will be minimised by the use of best practice environmental management and low emissions technology.
- (2) For the purpose of subsection (1), *best practice environmental management* and *low emissions technology* are management and technology to achieve an ongoing minimisation of the emissions of carbon dioxide or carbon dioxide equivalent through cost-effective measures assessed against the measures and technology currently used nationally and internationally.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 29

Senators—

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

NOES, 32

Senators—

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

Question negatived.



Senator Bartlett moved the following amendment:

Schedule 1, page 16 (after line 14), after item 67, insert:

**67A After Subdivision F of Division 1 of Part 3**

Insert:

**Subdivision FA—Protection of the environment from greenhouse actions**

**24B Requirement for approval of greenhouse action**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment that will or is likely to result in greenhouse gas emissions of:
  - (a) over 100,000 tonnes of carbon dioxide equivalent in any 12 month period; or
  - (b) 5 million tonnes of carbon dioxide equivalent over the likely lifetime of the action.

Civil penalty:

- (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
    - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
    - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
    - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
      - (i) the action is not a controlled action; or
      - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**24C What is a greenhouse action?**

- (1) In this Act, a **greenhouse action** means any of the following:
  - (a) establishing an industrial plant which emits, or is likely to emit, more greenhouse gas than is provided for in paragraph (1)(a) or (b) above; or
  - (b) any other action, series of actions, or policies which will lead, or are likely to lead, to the emission of more greenhouse gas than is provided for in paragraph (1)(a) or (b) above.
- (2) In this section, **greenhouse gas emission** means the release of:
  - (a) carbon dioxide (CO<sub>2</sub>);
  - (b) methane (CH<sub>4</sub>);
  - (c) nitrous oxide (N<sub>2</sub>O);
  - (d) perfluoromethane (CF<sub>4</sub>);
  - (e) per-fluoroethane (C<sub>2</sub>F<sub>6</sub>);
  - (f) any combination of the gases in paragraphs (a) to (e).

**Subdivision FB—Protection of the environment from land clearance****24D Requirement for approval for land clearing**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by broadscale clearing.

Civil penalty:

- (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
- (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
  - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
    - (i) the action is not a controlled action; or
    - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**24E What is a broadscale clearing action?**

- (1) In this Act, **broadscale clearing action** means the removal, damage or destruction of native vegetation that:
- (a) exceeds a combined area of 100 hectares in any two-year period; or
  - (b) provides significant habitat for listed threatened species or ecological communities; or
  - (c) is listed critical habitat.
- (2) In this Act, **native vegetation** includes but is not limited to:
- (a) trees (including any sapling or shrub, or any scrub);
  - (b) understorey plants;
  - (c) groundcover (being any type of herbaceous vegetation);
  - (d) plants occurring in a wetland where not less than 70% of the vegetation are native species.

**Subdivision FC—Protection of the environment—unsustainable water use****24F Requirement for approval for water use**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by abstraction or enabling the abstraction of surface and/or ground water resources over 10,000 megalitres.

Civil penalty:

- (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
- (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or

- (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
  - (i) the action is not a controlled action; or
  - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**Subdivision FD—Protection of the environment from large dams**

**24G Requirement for approval for construction and operation of large dams**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by the construction and/or operation of any large dam.  
Civil penalty:
  - (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
  - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
    - (i) the action is not a controlled action; or
    - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**24H What is a large dam?**

- (1) In this Act, a *large dam* is any artificial barrier that obstructs, directs or retards natural water flow and that:
  - (a) has a crest height of 15 metres or more; or
  - (b) has an impoundment capacity of over 1 million cubic metres.

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

Senator Milne moved the following amendment:

Schedule 1, page 16 (after line 14), after item 67, insert:

**67A After Subdivision F of Division 1 of Part 3**

Insert:

**Subdivision FA—Offences relating to greenhouse gas emissions**

**24B Offence relating to greenhouse gas emissions**

- (1) A person must not take an action which is likely to result in the emission of more than 0.1 million tonnes of carbon dioxide equivalent into the atmosphere in any 12 month period.  
Civil penalty:
  - (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval of the taking of the action is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or

- (c) there is in force a decision of the Minister under Division 2 of Part 7 that this section is not a controlling provision for the action and, if the decision was made because the Minister believed the action would be taken in a manner specified in the notice of the decision under section 77, the action is taken in that manner; or
- (d) the action is an action described in subsection 160(2) (which describes actions whose authorisation is subject to a special environmental assessment process).

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Adams	Eggleston	Macdonald, Ian	Polley
Barnett	Ferguson	Marshall	Ronaldson
Bernardi	Fielding	McEwen	Stephens
Bishop	Fierravanti-Wells	McLucas	Sterle
Brandis	Fifield	Minchin	Troeth
Brown, Carol	Heffernan	Moore	Trood
Campbell, Ian	Hogg	Nash	Watson
Carr	Humphries	O'Brien	Webber (Teller)
Chapman	Johnston	Parry	Wortley
Colbeck	Kirk	Patterson	
Crossin	Lundy	Payne	

Question negatived.

Senator Siewert moved the following amendment:

Schedule 1, page 16 (after line 14), after item 67, insert:

**67B After section 24A**

Insert:

**Subdivision FB—Protection of the environment from land clearance**

**24C Requirement for approval for land clearing**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by broadscale clearing.  
Civil penalty:
  - (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
  - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:

- (i) the action is not a controlled action; or
- (ii) the action is a controlled action but this section is not a controlling provision for the action.

**24E What is a broadscale clearing action?**

- (1) In this Act, **broadscale clearing action** means the removal, damage or destruction of native vegetation that:
  - (a) exceeds a combined area of 100 hectares in any two-year period; or
  - (b) provides significant habitat for listed threatened species or ecological communities; or
  - (c) is listed critical habitat.
- (2) In this Act, **native vegetation** includes but is not limited to:
  - (a) trees (including any sapling or shrub, or any scrub);
  - (b) understorey plants;
  - (c) groundcover (being any type of herbaceous vegetation);
  - (d) plants occurring in a wetland where not less than 70% of the vegetation are native species.

**Subdivision FC—Protection of the environment—water use**

**24F Requirement for approval for water use**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by abstraction or enabling the abstraction of surface and/or ground water resources over 10,000 megalitres.  
Civil penalty:
  - (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or
  - (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
  - (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
    - (i) the action is not a controlled action; or
    - (ii) the action is a controlled action but this section is not a controlling provision for the action.

**Subdivision FD—Protection of the environment from large dams**

**24G Requirement for approval for construction and operation of large dams**

- (1) A person must not take an action that has, will have, or is likely to have, a significant impact on the environment by the construction and/or operation of any large dam.  
Civil penalty:
  - (a) for an individual—5,000 penalty units; or
  - (b) for a body corporate—50,000 penalty units.
- (2) Subsection (1) does not apply to an action if:
  - (a) an approval of the taking of the action by the person is in operation under Part 9 for the purposes of this section; or

- (b) Part 4 lets the person take the action without an approval under Part 9 for the purposes of this section; or
- (c) there is in force a decision of the Minister under Division 2 of Part 7 that:
  - (i) the action is not a controlled action; or
  - (ii) the action is a controlled action but this section is not a controlling provision for the action.

#### **24H What is a large dam?**

- (1) In this Act, a **large dam** is any artificial barrier that obstructs, directs or retards natural water flow and that:
  - (a) has a crest height of 15 metres or more; or
  - (b) has an impoundment capacity of over 1 million cubic metres.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, item 85.

Schedule 1, item 85 debated and agreed to.

Senator Milne moved the following amendments together by leave:

Schedule 1, item 122, page 32 (line 14), at the end of section 37J, add:

- ; (e) a nuclear waste dump containing nuclear materials other than nuclear waste of Australian origin or obligation;
- (f) transportation of nuclear materials other than nuclear waste of Australian origin or obligation;
- (g) uranium mining or processing facilities.

Schedule 1, item 318, page 101 (line 21), at the end of section 146M, add:

- ; (e) a nuclear waste dump containing nuclear materials other than nuclear waste of Australian origin or obligation;
- (f) transportation of nuclear materials other than nuclear waste of Australian origin or obligation;
- (g) uranium mining or processing facilities.

Schedule 1, item 537, page 186 (after line 16), at the end of paragraph 305(2)(d), add:

- (v) a nuclear waste dump containing nuclear materials other than nuclear waste of Australian origin or obligation;
- (vi) transportation of nuclear materials other than nuclear waste of Australian origin or obligation;
- (vii) uranium mining or processing facilities;

Schedule 1, page 27 (after line 5), after item 118, insert:

#### **118A After section 34F**

Insert:

#### **34G Declarations relating to nuclear actions**

The Minister must not make a declaration under section 33 in relation to a nuclear action.

Schedule 1, page 35 (after line 25), after item 131, insert:

**131A After subsection 46(1)**

Insert:

- (1A) A bilateral agreement must not include a declaration that a nuclear action or a class of nuclear actions does not require approval under Part 9 for the purposes of section 21 or 22A.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 8**

Senators—

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

**NOES, 43**

Senators—

Abetz	Eggleston	Ludwig	Polley
Adams	Faulkner	Lundy	Ronaldson
Barnett	Ferguson	Marshall	Sherry
Bernardi	Fielding	McEwen	Stephens
Bishop	Fierravanti-Wells	McLucas	Sterle
Brandis	Fifield	Moore	Troeth
Brown, Carol	Heffernan	Nash	Trood
Campbell, Ian	Hogg	O'Brien	Watson
Carr	Humphries	Parry (Teller)	Webber
Chapman	Johnston	Patterson	Wortley
Colbeck	Kirk	Payne	

Question negatived.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Schedule 1, page 33 (after line 29), after item 122, insert:

**122A Division 4**

Repeal the Division.

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

Question—That the bill be agreed to—divided in respect of Schedule 1, item 189.

Schedule 1, item 189 debated.

Question—That Schedule 1, item 189 stand as printed—put.

The committee divided—

AYES, 38

Senators—

Adams	Eggleston	Lundy	Ronaldson
Barnett	Ferguson	Marshall	Sherry
Bernardi	Fielding	McEwen	Stephens
Bishop	Fierravanti-Wells	McLucas	Troeth
Brandis	Fifield	Moore	Trood
Brown, Carol	Hogg	Nash (Teller)	Watson
Campbell, Ian	Humphries	Parry	Webber
Carr	Johnston	Patterson	Wortley
Chapman	Kirk	Payne	
Colbeck	Ludwig	Polley	

NOES, 8

Senators—

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

Item agreed to.

*Limitation of debate:* The time allotted for the consideration of the bill in committee of the whole expired.

The following amendments circulated by the Australian Greens were negatived:

Schedule 1, page 144 (after line 25), after item 388, insert:

**388A At the end of section 207A**

Add:

- (5) The regulations must include native forest which forms part of the critical habitat of a listed species or ecological community.
- (6) If a species is listed as endangered in accordance with this Act, the Minister must make a determination in relation to the habitat of the endangered species within three months of the listing of the species.
- (7) The Minister must, by September 2008, make a determination in relation to the habitats of all species listed as at December 2006 as endangered in accordance with this Act.

Schedule 1, page 144 (after line 25), after item 388, insert:

**388B At the end of section 207A**

Add:

- (8) The regulations must include old growth and high conservation value native forest.
- (9) For the purposes of this section:  
*native forest* means forest dominated by tree species native to the locality in which it occurs and where natural regeneration processes operate either fully or in part for recovery of canopy structure following natural or artificial disturbance.  
*old growth native forest* means native forest that is ecologically mature (the upper stratum or overstorey is in the late mature to over-mature phases) and has been subjected to negligible unnatural disturbance such as logging, roading and clearing.



A **high conservation value native forest** is a native forest on public land that satisfies one or more of the following paragraphs:

- (a) a native forest growing on land within a sub-catchment containing rainforest or within 500 metres of rainforest, whichever is the lesser area;
- (b) a native forest place listed on the Register of the National Estate or the Interim Register of the National Estate for its biological values;
- (c) a world heritage property as defined in section 13, a place that the Commonwealth is obliged to protect under the World Heritage Convention, or a place identified as having world heritage value as defined in subsections 12(3) and (4);
- (d) an area of at least 500 hectares in which any of the following species have been recorded as being present since 1 January 1980:
  - (i) species listed in Schedule 1 of the *Endangered Species Protection Act 1992*;
  - (ii) species listed as endangered or vulnerable in the Nature Conservation (Wildlife) Regulation 1994 of Queensland (for sites in Queensland);
  - (iii) species listed in Schedule 12 of the *National Parks and Wildlife Act 1974* of New South Wales (for sites in New South Wales);
  - (iv) species listed as threatened in section 13 of the *Threatened Species Protection Act 1995* of Tasmania (for sites in Tasmania);
  - (v) species declared specially protected flora and fauna under paragraph 14(2)(ba) or section 23F of the *Wildlife Conservation Act 1950* of Western Australia (for sites in Western Australia);
  - (vi) species listed in the Schedule to this Act (for sites in Victoria);
- (e) an old growth native forest covering 2 hectares or more;
- (f) a wilderness area.

Schedule 1, page 145 (after line 13), after item 390, insert:

**390A After Subdivision BA of Division 1 of Part 13**

Insert:

**Subdivision BB—Biodiversity Commission**

**207D Biodiversity Commission**

There is established by this section a Biodiversity Commission which shall be constituted as provided by section 207F.

**207E Functions**

The functions of the Commission are to monitor and report annually on Australia's performance in meeting biodiversity targets and on activities which threaten biodiversity, including:

- (a) introducing biodiversity targets for landscape and genetic scale biodiversity conservation consistent with Australia's commitments as a party to the Biodiversity Convention;

- (b) monitoring and reporting on Australia's progress on the 2010 target under the Biodiversity Convention;
- (c) monitoring compliance with Australia's other commitments under the Biodiversity Convention;
- (d) reporting annually on the state of Australia's biodiversity and the functioning of such provisions of the *Environment Protection and Biodiversity Conservation Act 1999* as relate to biodiversity conservation.

#### **207F Constitution of Commission**

- (1) The Commission shall consist of a Commissioner and two Assistant Commissioners appointed by the Governor-General.
- (2) The Commissioner and the Assistant Commissioners shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

#### **207G Reporting**

- (1) The Commissioner shall, as soon as practicable after each 30 June, prepare and provide to the Minister a written report that relates to the year ending on that 30 June and complies with section 207E.
- (2) The Minister must table a copy of a report under subsection (1) before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

The following amendments circulated by the Australian Democrats were negatived:

Schedule 1, page 7 (after line 17), after item 7, insert:

#### **7A Subsection 15A(3)**

Repeal the subsection, substitute:

- (3) An offence against subsection (1) or (2) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, item 34, page 11 (lines 22 and 23), omit the item, substitute:

#### **34 Subsection 15C(13)**

Repeal the subsection, substitute:

- (13) An offence against any of subsections (1) to (10) (inclusive) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, page 12 (after line 20), after item 41, insert:

#### **41A Subsection 17B(3)**

Repeal the subsection, substitute:

- (3) An offence against subsection (1) or (2) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, page 13 (after line 15), after item 46, insert:

#### **46 Subsection 18A(3)**

Repeal the subsection, substitute:

- (3) An offence against subsection (1) or (2) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, page 14 (after line 11), after item 52, insert:

**52A Subsection 20A(3)**

Repeal the subsection, substitute:

- (3) An offence against subsection (1) or (2) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, page 16 (after line 10), after item 66, insert:

**66A Subsection 24A(7)**

Repeal the subsection, substitute:

- (7) An offence against any of subsections (1) to (6) (inclusive) is punishable on conviction by a fine of not more than 420 penalty units.

Schedule 1, page 18 (after line 24), after item 77, insert:

**77A Subsection 27A(5)**

Repeal the subsection, substitute:

- (5) An offence against any of subsections (1) to (4) (inclusive) is punishable on conviction by a fine of not more than 120 penalty units.

Schedule 1, page 19 (after line 17), after item 82, insert:

**82A Subsection 27C(3)**

Repeal the subsection, substitute:

- (3) An offence against subsection (1) or (2) is punishable on conviction by a fine of not more than 120 penalty units.

Schedule 1, page 141 (after line 9), after item 372, insert:

**372A Subsection 196B(3)**

Repeal the subsection, substitute:

- (3) The offence is punishable on conviction by a fine of not more than 1,000 penalty units.

Schedule 1, page 147 (after line 23), after item 401, insert:

**401A Subsection 211B(3)**

Repeal the subsection, substitute:

- (3) The offence is punishable on conviction by a fine of not more than 1,000 penalty units.

Schedule 1, page 154 (after line 5), after item 424, insert:

**424A Subsection 229D(2)**

Repeal the subsection, substitute:

- (2) The offence is punishable on conviction by a fine of not more than 1,000 penalty units.

Schedule 1, page 160 (after line 24), after item 451, insert:

**451A Subsection 254(3)**

Repeal the subsection, substitute:

- (3) The offence is punishable on conviction by a fine of not more than 1,000 penalty units.

Question—That Schedule 1, item 550, Subdivision BB and items 836 to 845 stand as printed—put and passed.

The following amendment circulated by the Opposition was negatived:

Schedule 1, item 550, page 202 (lines 21 and 22), omit paragraph 324JJ(5)(b).

Question—That Schedule 1, items 388, 415, 448, 465, 530, 607, 759, 762, 763, 840 and 841 stand as printed—put and passed.

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 the Environment and Heritage (Senator Ian Campbell) the report from the committee was adopted.

Senator Ian Campbell moved—That this bill be now read a third time.

Debate ensued.

*Limitation of debate:* The time allotted for the consideration of the remaining stages of the bill expired.

Question put.

The Senate divided—

#### AYES, 33

##### Senators—

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

#### NOES, 29

##### Senators—

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

Question agreed to.

Bill read a third time.

#### 59 LEAVE OF ABSENCE

The Minister for the Environment and Heritage (Senator Ian Campbell) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

**60 ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.09 pm till Tuesday, 6 February 2007 at 12.30 pm.

**61 ATTENDANCE**

Present, all senators except Senators George Campbell\*, Conroy\*, Hutchins, Mason\* and Scullion (\* on leave).

**HARRY EVANS**  
Clerk of the Senate