

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 128

WEDNESDAY, 7 FEBRUARY 2007

Contents

1	Meeting of Senate	3373
2	Government Documents	3373
3	Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006	3373
4	Australian Citizenship Bill 2006 Australian Citizenship (Transitionals and Consequential) Bill 2006	3374
5	Matters of Public Interest	3375
6	Deputy Leader of The Nationals in the Senate—Statement by Leave	3375
7	Questions	3375
8	Environment—Climate Change—Answers to Questions	3375
9	Family and Community Services—Proposed Access Card—Answer to Question	3376
10	Notices	3376
11	Postponements	3381
12	Substitute Members of Committees—Temporary Order	3382
13	Privileges—Standing Committee—Reference	3382
14	Finance and Public Administration—Standing Committee—Extension of Time to Report	3382
15	Environment—Wetlands	3382
16	Foreign Affairs—Convention on the Rights and Dignity of Persons with Disabilities	3383
17	Historical Events—Tasmania—1967 Black Tuesday Bushfires	3383
18	Women—Rights of Women and Girls	3384
19	Foreign Affairs—United States of America—Military Commissions Act— Proposed Order for Production of Documents	3385
20	Environment—Wind Energy	3386
21	Foreign Affairs—Mr David Hicks	3387
22	Environment—Climate Change	3387
23	Urgency Motion—Environment—Greenhouse Gas Emission Reduction Targets	3388

24	Public Accounts and Audit—Joint Statutory Committee—Leave to Meet During Sitting	3389
25	Scrutiny of Bills—Standing Committee—1st Report and Alert Digest No. 1 of 2007	3389
26	Rural and Regional Affairs and Transport—Standing Committee—Additional Information and Document—Water Policy Initiatives	3390
27	Economics—Standing Committee—Report—Tax Laws Amendment (Simplified Superannuation) Bill 2006 and Related Bills	3390
28	Legal and Constitutional Affairs—Standing Committee—Report—Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006	3390
29	Rural and Regional Affairs and Transport—Standing Committee—Final Report—Australia's Future Oil Supply	3390
30	Auditor-General—Audit Report No. 24 of 2006-07—Document	3391
31	Documents	3391
32	Public Accounts and Audit—Joint Statutory Committee—Change in Membership	3392
33	Migration Amendment (Employer Sanctions) Bill 2006 [2007]	3392
34	Tax Laws Amendment (2006 Measures No. 7) Bill 2006	3392
35	Economics—Standing Committee—Proposed Reference	3392
36	Government Documents—Consideration	3393
37	Adjournment	3394
38	Attendance	3394

1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Broadcasting Corporation—Equity and diversity—Report for 1 September 2005 to 31 August 2006.

Mid-year economic and fiscal outlook—2006-07—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2006.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 105/06 to 112/06—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2005-06.

Tobacco Advertising Prohibition Act 1992—Report for 2006 pursuant to section 34A of the Act.

Treaties—*Bilateral*—

Text, together with national interest analysis and annexures—Agreement between Australia and the Swiss Confederation on Social Security (Canberra, 9 October 2006).

Text, together with national interest analysis, regulation impact statement and annexures—Agreement between the Government of Australia and the Government of Finland for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion, and Protocol, done at Melbourne on 20 November 2006.

3 CUSTOMS LEGISLATION AMENDMENT (BORDER COMPLIANCE AND OTHER MEASURES) BILL 2006

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

In the committee

Consideration resumed of the bill.

Senator Murray moved the following amendment:

Schedule 2, page 6 (after line 32), after item 4, insert:

4A After subsection 234A(1A)

Insert:

(1AA) A decision by the Collector under this Act is subject to judicial review under the *Administrative Decisions (Judicial Review) Act 1977*.

Debate ensued.

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

Senator Murray moved the following amendment:

Schedule 5, item 1, page 12 (line 7 and 8), omit the definition of *accredited client*, substitute:

accredited client means a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with World Customs Organization or equivalent supply chain security standards, including manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses and distributors.

Debate ensued.

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

Bill debated.

Senator Ludwig moved the following amendments together by leave:

Schedule 5, item 2, page 12 (line 12), omit “15th”, substitute “7th”.

Schedule 5, item 6, page 13 (lines 1 and 2), omit “accredited client monthly duty estimate,”.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 5, items 7 and 8, and item 12, section 71DGA.

Schedule 5, items 7 and 8, and item 12, section 71DGA agreed to.

Bill agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Moore) 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.

4 AUSTRALIAN CITIZENSHIP BILL 2006

AUSTRALIAN CITIZENSHIP (TRANSITIONALS AND CONSEQUENTIALS) BILL 2006

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

Debate resumed.

Senator Bartlett moved the following amendment in respect of the Australian Citizenship Bill 2006:

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

(a) recognising that:

- (i) dual citizenship is part and parcel of Australian society,
- (ii) a significant proportion of Australians hold dual citizenship, and
- (iii) these Australians are disenfranchised in the sense that they are not able to run for election to the Federal Parliament without relinquishing their dual citizenship;

- (b) calls on all parties in the Parliament to support, as a matter of urgency, legislation to initiate a referendum to remove the prohibition on dual citizens being able to run for Federal Parliament; and
- (c) calls on the Government to:
 - (i) instruct the Department of Immigration and Citizenship to develop and implement a comprehensive public information campaign to describe and promote the operation of the new Australian Citizenship Act,
 - (ii) allocate sufficient funds for a television, radio and newspaper advertising campaign in Australia and overseas about the operation of the new Act,
 - (iii) require the Department of Immigration and Citizenship and the Department of Foreign Affairs and Trade to coordinate the dissemination of written information about the operation of the new Act to be available in Australian diplomatic posts overseas, and
 - (iv) require the Department of Immigration and Citizenship to work closely with the Privacy Commissioner, to restrict to the maximum extent possible the collection, access, use and disclosure of personal identifying information”.

Debate ensued.

At 12.45 pm: Debate was interrupted while Senator Webber was speaking.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

6 DEPUTY LEADER OF THE NATIONALS IN THE SENATE—STATEMENT BY LEAVE

The Leader of The Nationals in the Senate (Senator Boswell), by leave, informed the Senate of the election of Senator Scullion as Deputy Leader of The Nationals in the Senate.

7 QUESTIONS

Questions without notice were answered.

8 ENVIRONMENT—CLIMATE CHANGE—ANSWERS TO QUESTIONS

Senator Crossin moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to questions without notice asked by Senators O’Brien and Crossin today relating to climate change.

Debate ensued.

Question put and passed.

9 FAMILY AND COMMUNITY SERVICES—PROPOSED ACCESS CARD—ANSWER TO QUESTION

Senator Nettle moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Ian Campbell) to a question without notice asked by Senator Nettle today relating to a proposed health benefits, veterans' and social services access card.

Question put and passed.

10 NOTICES

Notices of motion:

The Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth): To move on the next day of sitting—That the Employment, Workplace Relations and Education Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 8 February 2007, from 4.30 pm, to take evidence for the committee's inquiries into the provisions of the Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006 and the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006. (*general business notice of motion no. 693*)

The Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston): To move on the next day of sitting—That the Environment, Communications, Information Technology and the Arts Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 8 February 2007, from 1 pm. (*general business notice of motion no. 694*)

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

- (a) notes with concern new research from Europe indicating that:
 - (i) the long-term use of mobile phones results in a 40 per cent likelihood of developing a type of nervous system tumour near the phone ear,
 - (ii) researchers found those who had used a handset for more than 10 years were 39 per cent more likely than others to develop a tumour,
 - (iii) the authors of the study believe that there is a need for further exploration of the effects of long-term mobile phone use, and
 - (iv) in the United Kingdom a new study has recently been ordered where more than 200 000 volunteers, including long-term mobile phone users, are to be monitored for at least 5 years to plot mobile phone use against any serious diseases they may develop, including cancer, Parkinson's disease and Alzheimer's disease; and
- (b) recommends that the Government implements a similar long-term study in Australia. (*general business notice of motion no. 695*)

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

- (a) notes that:
 - (i) child care costs are continuing to rise, with the average cost doubling under the Howard Government, and
 - (ii) a recent report from the Department of the Treasury denies there is a crisis in accessible and affordable child care, instead saying that parents are too choosy; and

- (b) calls on the Government to improve the accessibility and affordability of child care for Australian families. (*general business notice of motion no. 696*)

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

- (a) notes:
 - (i) the continued scepticism of the Prime Minister (Mr Howard) over the link between human activity and climate change,
 - (ii) that the Howard Government has dragged the chain on climate change for more than 10 years, and
 - (iii) the environmental and economic cost of past inaction and any future delays in tackling this challenge; and
- (b) calls on the Government to recognise the link between human activity and climate change and join in the efforts of the international community by ratifying the Kyoto Protocol. (*general business notice of motion no. 697*)

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

- (1) That, in accordance with section 213 of the *Law Enforcement Integrity Commissioner Act 2006*, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity shall be as follows:
 - (a) That the committee consist of 10 members, 3 members of the House of Representatives to be nominated by the Government Whip or Whips, 2 members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent member, 2 senators to be nominated by the Leader of the Government in the Senate, 2 senators to be nominated by the Leader of the Opposition in the Senate and 1 senator to be nominated by any minority group or groups or independent senator or independent senators.
 - (b) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
 - (c) That the committee elect a member nominated by the Government Whips or the Leader of the Government in the Senate as its chair.
 - (d) That the committee elect a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
 - (e) That, in the event of an equal vote on a question before the chair, the chair, or the deputy chair when acting as chair, have a casting vote.
 - (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
 - (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
 - (i) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall comprise 1 Government member of either House and 1 non-Government member of either House.
 - (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
 - (k) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
 - (l) That the committee or any subcommittee may conduct proceedings in any place it sees fit.
 - (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
 - (n) That the committee may report from time to time.
 - (o) That, in carrying out its duties, the committee or any subcommittee ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
 - (p) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

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

- (1) The committee groupings set out in the order of the Senate of 7 December 2006 relating to estimates hearings be modified as follows:

Group A

Community Affairs
 Environment, Communications, Information Technology and the Arts
 Finance and Public Administration
 Legal and Constitutional Affairs

Group B

Economics
 Employment, Workplace Relations and Education
 Foreign Affairs, Defence and Trade
 Rural and Regional Affairs and Transport.

- (2) The continuing order relating to the allocation of departments and agencies to standing committees be amended to read as follows:

Departments and agencies are allocated to the legislative and general purpose standing committees as follows:

Community Affairs

Families, Community Services and Indigenous Affairs

Health and Ageing

Economics

Treasury

Industry, Tourism and Resources

Employment, Workplace Relations and Education

Employment and Workplace Relations

Education, Science and Training

Environment, Communications, Information Technology and the Arts

Environment and Water Resources

Communications, Information Technology and the Arts

Finance and Public Administration

Parliament

Prime Minister and Cabinet

Finance and Administration

Human Services

Foreign Affairs, Defence and Trade

Foreign Affairs and Trade

Defence (including Veterans' Affairs)

Legal and Constitutional Affairs

Attorney-General

Immigration and Citizenship

Rural and Regional Affairs and Transport

Transport and Regional Services

Agriculture, Fisheries and Forestry.

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

- (a) the Senate notes the likely impacts on agriculture, the community and the environment of the proposed dam on the Mary River at Traveston Crossing in Queensland; and
- (b) the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 27 March 2007:
 - (i) the impact on the Mary River, its dependent species and environs of the proposed dam,
 - (ii) the implications for communities living along the Mary River of the proposed dam to their livelihood and lifestyle, and
 - (iii) the balance of other options available to meet the region's water resource needs.

Senator Nettle: To move on the next day of sitting—That the Senate notes the right of the Australia Capital Territory Government to legislate for the legal recognition of same-sex relationships. (*general business notice of motion no. 698*)

The Leader of The Nationals in the Senate (Senator Boswell) and Senators Joyce and Trood: To move on 26 February 2007—That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report:

The examination of all reasonable options, including increased dam capacity, for additional water supplies for South East Queensland, including:

- (a) the merits of all options, including the Queensland Government's proposed Traveston Crossing Dam as well as raising the Borumba Dam; and
- (b) the social, environmental, economic and engineering impacts of the various proposals.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following matter be referred to the Community Affairs Committee for inquiry and report by 12 June 2007:

The role of the Exclusive Brethren, including its leadership, in:

- (a) breaching Australian Family Court agreements and denying access by ex-Brethren parents to their children;
- (b) ex-communicating family members;
- (c) prohibiting children from their Australian right to a university education;
- (d) banning unions from Exclusive Brethren workplaces;
- (e) discriminating against women in Australia;
- (f) the use of public monies; and
- (g) any related matters.

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

- (a) notes the rising tide of public protest in support of a fair go for Mr David Hicks who has been detained for 1 890 days; and
- (b) calls on the Government to return Mr Hicks to Australia to face justice. (*general business notice of motion no. 699*)

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

- (a) notes:
 - (i) that the Marrickville Council in Sydney has adopted the Oil Depletion Protocol which seeks to address the impact of peak oil by steadily reducing oil usage, and
 - (ii) the council will reduce its oil usage by 3 per cent per year; and
- (b) calls on the Government:
 - (i) to adopt the Oil Depletion Protocol to reduce Australia's dependence on oil and ensure an orderly restructure of the economy and society for the post-oil era, and
 - (ii) encourage state and local governments to adopt the protocol and reduce oil usage. (*general business notice of motion no. 700*)

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

- (a) notes that:
 - (i) the internationally significant Ramsar-listed wetlands, the Macquarie Marshes in New South Wales, are dying because of a lack of water,

- (ii) water for cotton irrigation upstream on the Macquarie River has been over-allocated and has starved the Macquarie Marshes of water, specifically the periodic flooding necessary for the marsh flora and fauna to survive, and
 - (iii) if there is not a substantial flood in the Macquarie Marshes in the near future, a substantial area of the marsh will be permanently damaged; and
- (b) calls on the Government to:
- (i) prioritise, for immediate buy-back, the over-allocation of water licences on the Macquarie River, and
 - (ii) ensure that a substantial and immediate environmental flow to save the marshes is allocated as soon as the drought breaks and water is available. (*general business notice of motion no. 701*)

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

- (a) notes the statements by Clean-Up Australia Day founder, Mr Ian Kiernan, regarding the ‘absolutely frightening’ contribution of Australia’s coal exports to greenhouse gas emissions and climate change; and
- (b) calls on the Government to work with state governments to reduce coal exports and provide a just transition for workers in the coal industry. (*general business notice of motion no. 702*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 and 8 standing in his name for 8 sitting days after today for the disallowance of the following instruments:

A New Tax System (Commonwealth-State Financial Arrangements) Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 258 and made under the *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*.

Social Security (Public Interest Certificate Guidelines) (DEWR) Determination 2006, made under subparagraph 209(1)(a)(i) and paragraph 209(1)(b) of the *Social Security (Administration) Act 1999*.

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

11 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Siewert and Milne for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee, postponed till 8 February 2007.

General business notice of motion no. 685 standing in the name of Senator Murray for today, relating to accountability and transparency in government operations, postponed till 8 February 2007.

General business notice of motion no. 692 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Australian Territories Rights of the Terminally Ill Bill 2007, postponed till 8 February 2007.

12 SUBSTITUTE MEMBERS OF COMMITTEES—TEMPORARY ORDER

The Minister for Justice and Customs (Senator Ellison), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following operate as a temporary order until the conclusion of the 2007 sittings:

If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

Question put and passed.

13 PRIVILEGES—STANDING COMMITTEE—REFERENCE

Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges:

Having regard to the material presented to the Senate by the President on 6 February 2007, whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.

Question put and passed.

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

Senator Ferris, at the request of the Chair of the Finance and Public Administration Committee (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 682—That the time for the presentation of the report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure be extended to 1 March 2007.

Question put and passed.

15 ENVIRONMENT—WETLANDS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 686—That the Senate—

- (a) notes that 2 February 2007 was World Wetlands Day;
- (b) understands that this date marks the anniversary of the signing of the Convention on Wetlands of International Importance (Ramsar Convention) in Ramsar, Iran on 2 February 1971;
- (c) notes, with concern, that the *Australia state of the environment 2006* report found that as many as 231 nationally important wetlands are under pressure across Australia, and that of our 64 Ramsar wetlands, 22 have changed in ecological character or have the potential to change;

- (d) notes that a recent report by the Inland Rivers Network on wetlands in crisis found that ‘changes in river flows have resulted in the loss of 90% of floodplain wetlands in the Murray-Darling Basin’;
- (e) recognises that the ongoing degradation of wetlands, particularly those listed as Ramsar Wetlands of International Importance, is a cause of national concern;
- (f) expresses concern that the continuing drought and the longer term impacts of climate change could cause further degradation of wetlands; and
- (g) calls on the Government to prioritise returning water flows to the degraded wetlands of the Murray-Darling system.

Question put and passed.

16 FOREIGN AFFAIRS—CONVENTION ON THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 688—That the Senate—

- (a) welcomes the adoption in December 2006 by the United Nations of the Convention on the Rights and Dignity of Persons with Disabilities; and
- (b) asks the Government to show leadership at home and to the international community by being one of the first countries to be a signatory to the Convention when this is possible after 30 March 2007.

Question put and passed.

17 HISTORICAL EVENTS—TASMANIA—1967 BLACK TUESDAY BUSHFIRES

Senator Milne, also on behalf of Senators Parry and Carol Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 689—That the Senate—

- (a) recalls that:
 - (i) 7 February is the 40th anniversary of the Tasmanian 1967 Black Tuesday bushfires, one of the worst disasters to have occurred in Australian history,
 - (ii) the Black Tuesday fires tragically killed 62 people, injured approximately 900 more, directly affected 35 000 people and left 7 000 homeless,
 - (iii) the Black Tuesday fires were the first in Australia to devastate suburbs of a capital city and caused extensive property loss, destroying approximately 1 300 homes in and around Hobart,
 - (iv) the worst of the fires was the Hobart fire, which burnt suburbs of Hobart killing 52 people, and
 - (v) the Black Tuesday fires caused extensive damage to agricultural property and livestock;
- (b) remembers the victims and their families and extends to all who suffered, profound sympathy and deepest condolences; and
- (c) also remembers the toll that the fires took on the Tasmanian community and expresses gratitude for the magnificent efforts of the volunteers who risked their own lives to help others.

Question put and passed.

18 WOMEN—RIGHTS OF WOMEN AND GIRLS

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 683—That the Senate—

- (a) welcomes the fifty-first session of the Commission on the Status of Women taking place from 26 February to 9 March 2007, with a theme of ‘The elimination of all forms of discrimination and violence against the girl child’;
- (b) acknowledges the vital role of the Commission in bringing the concerns of women and girls to the attention of the world community and in promoting women’s rights;
- (c) stresses that it is important for world democracy that women should take a full and equal part in political, social, economic and cultural life;
- (d) condemns the continuing grave violations of the human rights of women and girls throughout the world;
- (e) expresses grave concern over continued restrictions on women’s access to education and health care, employment outside the home, freedom of movement and freedom from intimidation, harassment and violence in many countries;
- (f) notes that women in many parts of the world still lack the capacity and support to speak out against violence and discrimination;
- (g) emphasises that violence and discrimination against women and girls is a public issue and societal responsibility and that the education and development of men and boys is inextricably linked to advancing the rights and well-being of women and girls;
- (h) encourages the Government to expand its support and funding for international organisations and programs providing high-quality education for girls, nutrition for early growth and development, sexual and reproductive health services, and safe spaces, legal structures and advocacy for girls;
- (i) urges the Government to support organisations and programs that engage men in tackling discrimination and violence against women and girls, including changing harmful traditions and practices; and
- (j) calls for Government leadership to end gender-based violence and eliminate discrimination against women and girls in Australia.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 37

Senators—

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

Question negatived.

19 **FOREIGN AFFAIRS—UNITED STATES OF AMERICA—MILITARY COMMISSIONS
ACT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 684—That there be laid on the table by the Minister representing the Attorney-General (Senator Ellison), no later than the end of question time on 8 February 2007, any legal advice the Australian Government has received regarding the legality of the United States of America's Military Commissions Act of 2006.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Fielding	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Campbell, G (Teller)	Kirk	Nettle	Wortley
Conroy	Ludwig	Polley	
Crossin	Lundy	Ray	
Faulkner	Marshall	Sherry	

NOES, 35

Senators—

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

Question negatived.

20 ENVIRONMENT—WIND ENERGY

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 687—That the Senate—

(a) notes that:

- (i) the World Wind Association has reported that the global installed capacity of wind energy at the end of December 2006 was 73 904 MW,
- (ii) based on the accelerated wind development in 2006, the World Wind Energy Association has increased its prediction for 2010 and now expects 160 000 MW to be installed by the end of 2010,
- (iii) the wind industry worldwide between 1997 and 2006 experienced a tenfold increase in installed capacity,
- (iv) the currently installed wind power capacity generates more than 1 per cent of global electricity consumption,
- (v) Germany has the highest proportion of installed capacity, where 5 per cent of electricity consumption is from wind, while Denmark's is as high as 20 per cent, and
- (vi) this compares to wind energy in Australia in 2006 representing only 0.5 per cent of Australia's electricity consumption; and

(b) calls on the Government to increase and extend the Mandatory Renewable Energy Target to support wind energy and other renewable technologies in order to meet with world minimum practice and to strive to world best practice.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Fielding	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Campbell, G (Teller)	Kirk	Nettle	Wortley
Conroy	Ludwig	Polley	
Crossin	Lundy	Ray	
Faulkner	Marshall	Sherry	

NOES, 35

Senators—

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

Question negatived.

21 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. 691—That the Senate—

(a) notes:

- (i) that Australian citizen, Mr David Hicks has been detained for 1 889 days,
- (ii) retrospective charges against Mr Hicks have been proposed by United States of America prosecutors, and
- (iii) further reports of mistreatment of Mr Hicks, including punishment for meeting with Australian officials; and

(b) calls on the Government to return Mr Hicks to face justice in Australia.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Fielding	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Milne	Sterle
Brown, Bob	Hurley	Moore	Stott Despoja
Brown, Carol	Hutchins	Murray	Webber
Campbell, G (Teller)	Kirk	Nettle	Wortley
Conroy	Ludwig	Polley	
Crossin	Lundy	Ray	
Faulkner	Marshall	Sherry	

NOES, 35

Senators—

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

Question negatived.

22 ENVIRONMENT—CLIMATE CHANGE

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 690—That the Senate—

- (a) notes that on 2 February 2007 the world's foremost authority on climate change, the Intergovernmental Panel on Climate Change, released a review of the state of climate change science, including the important conclusions that:
- (i) most of the global warming over the past 50 years is very likely (at least 90 per cent chance) to be due to human activity, and
 - (ii) the 'likely range' of temperature increases by 2100 for the range of modelled business-as-usual scenarios extends from 1.1°C to 6.4°C with 'best estimates' ranging from 1.8°C to 4°C;

- (b) recognises that a global temperature increase of above 2°C would pose an unacceptably high risk of dangerous climate change impacts; and
- (c) calls on the Government to introduce a policy framework that is underpinned by a commitment to contribute fairly to global efforts to constrain temperature rise to 2°C or less.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 58

Senators—

Abetz	Faulkner	Ludwig	Polley
Adams	Ferguson	Lundy	Ray
Barnett	Ferris	Macdonald, Ian	Ronaldson
Bernardi	Fielding	Macdonald, Sandy	Santoro
Bishop	Fierravanti-Wells	Marshall	Scullion
Boswell	Fifield	Mason	Sherry
Brandis	Forshaw	McEwen	Stephens
Brown, Carol	Heffernan	McGauran	Sterle
Calvert	Hogg	McLucas	Troeth
Campbell, Ian	Humphries	Minchin	Trood
Chapman	Hurley	Moore	Watson
Colbeck	Hutchins	Nash	Webber
Conroy	Johnston	Parry (Teller)	Wortley
Crossin	Kemp	Patterson	
Eggleston	Kirk	Payne	

Question negatived.

23 URGENCY MOTION—ENVIRONMENT—GREENHOUSE GAS EMISSION REDUCTION TARGETS

The President informed the Senate that he had received a letter from Senator Milne advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to set clear medium- and long-term greenhouse gas emission reduction targets to underpin national carbon pricing mechanisms such that deep cuts are achieved by 2050.

The proposal was supported by 4 senators.

Senator Milne moved the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 36

Senators—

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

Question negatived.

24 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, by leave, moved—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 8 February 2007, from 9.30 am to 1 pm, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Materiel Organisation.

Question put and passed.

25 SCRUTINY OF BILLS—STANDING COMMITTEE—1ST REPORT AND ALERT DIGEST NO. 1 OF 2007

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

1st report of 2007, dated 7 February 2007.

Alert Digest No. 1 of 2007, dated 7 February 2007.

Report ordered to be printed on the motion of Senator George Campbell.

Senator George Campbell moved—That the Senate take note of the report.

Question put and passed.

**26 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
ADDITIONAL INFORMATION AND DOCUMENT—WATER POLICY INITIATIVES**

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan) tabled the following documents:

Rural and Regional Affairs and Transport—Standing Committee—Report—Water policy initiatives—

Additional information.

Erratum.

Erratum ordered to be printed on the motion of Senator Heffernan.

**27 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT
(SIMPLIFIED SUPERANNUATION) BILL 2006 AND RELATED BILLS**

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

Economics—Standing Committee—Tax Laws Amendment (Simplified Superannuation) Bill 2006 [Provisions], Superannuation (Excess Untaxed Roll-over Amounts Tax) Bill 2006 [Provisions], Superannuation (Excess Concessional Contributions Tax) Bill 2006 [Provisions], Superannuation (Excess Non-concessional Contributions Tax) Bill 2006 [Provisions], Superannuation (Departing Australia Superannuation Payments Tax) Bill 2006 [Provisions] and Superannuation (Self Managed Superannuation Funds) Supervisory Levy Amendment Bill 2006 [Provisions]—Report, dated February 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [21].

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

**28 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—
CRIMES LEGISLATION AMENDMENT (NATIONAL INVESTIGATIVE POWERS AND
WITNESS PROTECTION) BILL 2006**

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

Legal and Constitutional Affairs—Standing Committee—Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006—Report, dated February 2007, Hansard record of proceedings, document presented to the committee and submissions [13].

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

**29 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
FINAL REPORT—AUSTRALIA'S FUTURE OIL SUPPLY**

Pursuant to order, the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan) tabled the following report and documents:

Rural and Regional Affairs and Transport—Standing Committee—Australia's future oil supply and alternative transport fuels—Final report, dated February 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [195].

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

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

Debate ensued.

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

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

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

Auditor-General—Audit report no. 24 of 2006-07—Performance audit—Customs' cargo management re-engineering project: Australian Customs Service.

31 DOCUMENTS

The following documents were tabled by the Clerk:

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

Anti-Money Laundering and Counter-Terrorism Financing Act—Policy (Civil Penalty Orders) Principles 2006.

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos—

CASA 34/07—Directions – for determining maximum weight [F2007L00226]*.

CASA 40/07—Permission and direction – helicopter special operations [F2007L00254]*.

CASA EX03/07—Exemption – solo flight training using ultralight aeroplanes registered with the RAA at Cambridge Airport [F2007L00211]*.

Customs Act—Tariff Concession Orders—

0614846 [F2007L00243]*.

0617771 [F2007L00241]*.

0617773 [F2007L00239]*.

0617774 [F2007L00237]*.

0617864 [F2007L00238]*.

0617947 [F2007L00249]*.

0617948 [F2007L00235]*.

0617970 [F2007L00250]*.

0617971 [F2007L00246]*.

0617972 [F2007L00247]*.

0617973 [F2007L00245]*.

0618073 [F2007L00251]*.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of—

Exempt native specimens, dated—

29 January 2007 [F2007L00228]*.

29 January 2007 [F2007L00229]*.

31 January 2007 [F2007L00252]*.

Threatened species, dated 9 January 2007 [F2007L00216]*.

Military Rehabilitation and Compensation Act—Military Rehabilitation and Compensation (Members) Determination 2007 [F2007L00230]*.

National Health Act—Determination PSO 1/2007 [F2007L00253]*.

Sydney Airport Curfew Act—Dispensation Report 01/07 [7 dispensations].

* Explanatory statement tabled with legislative instrument.

32 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Committee of Public Accounts and Audit, as follows:

Message no. 466, dated 6 February 2007—Mr Barresi in place of Mr ADH Smith.

33 MIGRATION AMENDMENT (EMPLOYER SANCTIONS) BILL 2006 [2007]

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

Message no. 467, dated 7 February 2007—Migration Amendment (Employer Sanctions) Bill 2006 [2007].

34 TAX LAWS AMENDMENT (2006 MEASURES NO. 7) BILL 2006

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

Message no. 468, dated 7 February 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) 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 Abetz moved—That this bill be now read a second time.

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

35 ECONOMICS—STANDING COMMITTEE—PROPOSED REFERENCE

The Leader of the Australian Greens (Senator Bob Brown) amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice, moved—

- (1) That the Senate notes that Qantas:
 - (a) plays a unique role in the Australian economy and in Australian society;
 - (b) provides an essential service to regional Australia and is a major employer; and
 - (c) is the backbone of the Australian tourism industry.
- (2) That the following matters be referred to the Economics Committee for inquiry and report by 20 March 2007:
 - (a) the proposed takeover of Qantas by the consortium Airline Partners Australia, including:
 - (i) the impact on air services to regional Australia and the tourism industry,
 - (ii) the implications for Qantas' 38 000 employees and its customers and frequent flyers,
 - (iii) the implications of the proposed executive remuneration,

- (iv) the track record of the potential new owners,
- (v) the competition implications of the sale,
- (vi) the potential taxation implications,
- (vii) the level of debt Qantas will be asked to carry, and
- (viii) the implications for air safety;
- (b) conditions that the Government should require for a sale;
- (c) the need to improve and clarify the regulatory environment covering commercial arrangements which affect the national interest to allay community concerns and provide investment certainty; and
- (d) any other related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 35

Senators—

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

Question negatived.

After 6.50 pm—

36 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 105/06 to 112/06. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 105/06 to 112/06. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Mid-year economic and fiscal outlook—2006-07—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), December 2006. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

37 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.37 pm till Thursday, 8 February 2007 at 9.30 am.

38 ATTENDANCE

Present, all senators.

HARRY EVANS
Clerk of the Senate