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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 4 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 436 petitioners, requesting that the Senate take action to urge the Chinese Communist Party to release all detained Falun Gong practitioners, to establish an inquiry into the allegation of organ harvesting and to discourage Australian citizens from travelling to China for organ transplants.

Senator Hogg, from 77 petitioners, requesting that the Senate call on the Prime Minister to sign the Kyoto agreement on behalf of the citizens of Australia and move to implement safe policies that will ensure Australia achieves the targets set out in the agreement.

Senator Hogg, from 242 petitioners, requesting that the Senate take action to ensure that enough medical professionals are trained to maintain the quality care provided by hospitals and other health services.

Senator Wong, from 49 petitioners, requesting that the Senate legislate to create an offence of transmission by mail of child pornography and child abuse material.

3 NOTICES

Notices of motion:

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That, on Tuesday, 20 March 2007:

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

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

- (a) notes:
 - (i) the recent statements by the United States of America military lawyer Major Mori that Australian citizen Mr David Hicks wanted to join the Australian Defence Force but was unable to because of his education qualifications, and
 - (ii) that Mr Hicks has been detained for 1 930 days; and
- (b) calls on the Government to return Mr Hicks to Australia. (*general business notice of motion no. 736*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Aged Care Amendment (Security and Protection) Bill 2007
 Appropriation Bill (No. 3) 2006-2007 and Appropriation Bill (No. 4) 2006-2007
 Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007
 Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007 and Bankruptcy (Estate Charges) Amendment Bill 2007

Corporations Amendment (Takeovers) Bill 2007
 Farm Household Support Amendment Bill 2007
 Health Insurance Amendment (Provider Number Review) Bill 2007
 Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007
 Human Services (Enhanced Service Delivery) Bill 2007
 Migration Legislation Amendment (Information and Other Measures) Bill 2007
 Offshore Petroleum Amendment (Greater Sunrise) Bill 2007 and Customs Tariff
 Amendment (Greater Sunrise) Bill 2007
 Schools Assistance (Learning Together—Achievement Through Choice and
 Opportunity) Amendment Bill 2007
 Tax Laws Amendment (2007 Measures No. 1) Bill 2007.

Documents: Senator Ellison tabled the following documents:

Consideration of legislation—Statements of reasons [13] for introduction and
 passage of bills in the 2007 autumn sittings.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator
 Watson): To move 15 sitting days after today—That the Veterans' Entitlements
 (Special Disability Trust Beneficiary Requirements) Nomination of Agreement 2006,
 made under subsection 52ZZZWA(3) of the *Veterans' Entitlements Act 1986*, be
 disallowed. [F2006L03097]

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

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
 notice of motion no. 1 standing in his name for 3 sitting days after today for the
 disallowance of Determination No. HIB 29/2006, made under paragraph (1)(bj) of
 Schedule 1 of the *National Health Act 1953*.

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

4 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2007**

Senator Parry, at the request of the Chair of the Selection of Bills Committee (Senator
 Ferris), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 OF 2007

1. The committee met in private session on Wednesday, 28 February 2007 at
 4.16 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Migration Amendment (Maritime Crew) Bill 2007
 be *referred immediately* to the Legal and Constitutional Affairs
 Committee for inquiry and report by 20 April 2007; and
 - (b) the Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007 be
referred immediately to the Economics Committee for inquiry and
 report by 20 March 2007.

3. The committee resolved to recommend—That the following bills *not* be referred to committees:

Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007
 Australian Territories Rights of the Terminally Ill Bill 2007
 Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007
 Bankruptcy (Estate Charges) Amendment Bill 2007
 Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007
 Broadcasting Legislation Amendment Bill 2007
 Corporations Amendment (Takeovers) Bill 2007
 Customs Tariff Amendment (Greater Sunrise) Bill 2007
 Family Law (Divorce Fees Validation) Bill 2007
 Offshore Petroleum Amendment (Greater Sunrise) Bill 2007
 Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2007
 Tax Laws Amendment (2007 Measures No. 1) Bill 2007
 Tourism Australia Amendment Bill 2007.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007
 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2007.

Stephen Parry
 Deputy Chair
 1 March 2007.

Senator Parry moved—That the report be adopted.

Question put and passed.

5 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Justice and Customs (Senator Ellison) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 6 Classification (Publications, Films and Computer Games) Amendment Bill 2006.
 No. 7 Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006 [2007].
 Broadcasting Legislation Amendment Bill 2007.
 No. 8 Veterans' Affairs Legislation Amendment (Statements of Principles and Other Measures) Bill 2006.
 No. 9 Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Bill 2006.
 No. 10 Family Law (Divorce Fees Validation) Bill 2007.
 No. 11 Non-Proliferation Legislation Amendment Bill 2006 [2007].
 No. 12 ACIS Administration Amendment (Unearned Credit Liability) Bill 2007.

Question put and passed.

Senator Ellison moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 731 standing in the name of Senator Wong relating to nuclear energy; and
- (b) orders of the day relating to government documents.

Question put and passed.

6 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 21 March 2007.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the reference of a matter to the Community Affairs Committee, postponed till 21 March 2007.

The Leader of the Australian Greens (Senator Bob Brown), by leave and at the request of Senator Nettle, moved—That general business notice of motion no. 729 standing in the name of Senator Nettle for today, relating to Mr David Hicks, be postponed till the next day of sitting.

Question put and passed.

7 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Arts and Sport (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design and content of the Women Artwork at Reconciliation Place.

Question put and passed.

8 MARRIAGE (RELATIONSHIPS EQUALITY) AMENDMENT BILL 2007

The Leader of the Australian Greens (Senator Bob Brown), at the request of Senator Nettle and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 730—That the following bill be introduced:

A Bill for an Act to amend the *Marriage Act 1961* to create marriage equality for all relationships regardless of sexuality or gender identity, and for related purposes.

Question put and passed.

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

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

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

**9 ELECTORAL (GREATER FAIRNESS OF ELECTORAL PROCESSES) AMENDMENT
BILL 2007**

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 734—That the following bill be introduced:

A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

Question put and passed.

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

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

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

**10 MIGRATION LEGISLATION AMENDMENT (REMOVAL OF UNJUST RESTRICTIONS)
BILL 2007**

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 728—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to remove unjust restrictions on applications for protection visas, and for related purposes.

Question put and passed.

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

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

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

11 MIGRATION LEGISLATION AMENDMENT (ACCESS TO JUDICIAL REVIEW OF MIGRATION DECISIONS) BILL 2007

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 727—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to provide fair access to judicial review of migration decisions.

Question put and passed.

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

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

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

12 ENVIRONMENT—NUCLEAR POWER STATIONS

Motion determined as not formal: Senator Milne requested that general business notice of motion no. 735 standing in her name for today, relating to nuclear power stations, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Proposed suspension of standing orders: Senator Milne, at the request of the Leader of the Australian Greens (Senator Bob Brown) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bob Brown moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 735.

Debate ensued.

Senator Milne, by leave, withdrew the motion to suspend standing orders.

Statement by leave: Senator Watson, by leave, made a statement relating to the motion and withdrew his objection to the notice of motion being taken as formal.

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate endorses Australian law which bans nuclear power stations.

Question put and passed.

13 CHARTER OF POLITICAL HONESTY BILL 2000 [2004]—GENERAL BUSINESS ORDER OF THE DAY DISCHARGED

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 733—That general business order of the day no. 2, relating to the Charter of Political Honesty Bill 2000 [2004], be discharged from the *Notice Paper*.

Question put and passed.

14 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matters be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 14 August 2007:

- (a) a review of Commonwealth exemptions provided to religious or other organisations, or individual members thereof, on the grounds of religion, belief or conscience;
- (b) whether such Commonwealth exemptions should be maintained, withdrawn or restricted, and whether, in specific instances, they are abused or are made no longer appropriate by the conduct of individuals or organisations conflicting with the justification being provided for the exemption;
- (c) whether any religious organisation, as a result of its beliefs, prevents an adequate and productive education of minors or young persons, including at the tertiary level, contrary to the public interest;
- (d) whether statutory or administrative changes in respect of Commonwealth law or practice relating to such matters are necessary; and
- (e) any other relevant matters.

Question put and negatived.

15 EDUCATION—NATIONAL CURRICULUM

The Leader of the Australian Greens (Senator Bob Brown), at the request of Senator Nettle and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 732—That the Senate insists that Australia's teachers, through their unions, be directly involved in formulating a national curriculum.

Question put.

The Senate divided—

AYES, 3

Senators—

Brown, Bob

Milne

Siewert (Teller)

NOES, 51

Senators—

Adams

Allison

Barnett

Bernardi

Brown, Carol

Calvert

Campbell, George

Carr

Chapman

Colbeck

Coonan

Crossin

Ellison

Ferguson

Fielding

Fierravanti-Wells

Fifield

Forshaw

Hurley

Hutchins

Johnston

Kemp

Kirk

Ludwig

Lundy

Macdonald, Ian

Macdonald, Sandy

Marshall

Mason

McEwen

McLucas

Moore

Murray

Nash (Teller)

O'Brien

Parry

Patterson

Payne

Polley

Ray

Ronaldson

Sherry

Sterle

Stott Despoja

Troeth

Trood

Vanstone

Watson

Webber

Wong

Wortley

Question negatived.

Statement by leave: The Leader of the Australian Democrats (Senator Allison), by leave, made a statement relating to the motion.

16 PUBLICATIONS—STANDING COMMITTEE—19TH REPORT

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

**PUBLICATIONS COMMITTEE
19TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 15 February 2007, recommends that the following be printed:

Commonwealth Grants Commission—State revenue sharing relativities—2007 update.

National Environment Protection Council—Report for 2005-06.

Wheat Export Authority—Report for 2005-06.

Senator Guy Barnett
Chairperson
1 March 2007.

Senator Barnett moved—That the report be adopted.

Question put and passed.

17 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, March to December 2006.

**18 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND
INVESTMENTS COMMISSION**

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and document:

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated March 2007 and Hansard record of proceedings.

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

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

Debate ensued.

Question put and passed.

19 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—CUSTOMS LEGISLATION AMENDMENT (MODERNISING IMPORT CONTROLS AND OTHER MEASURES) BILL 2006

Senator Nash, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne), tabled the following document:

Legal and Constitutional Legislation Committee—Report—Customs Legislation Amendment (Modernising Import Controls and Other Measures) Bill 2006—Additional information.

20 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2005-06 AND 2006-07 AND BUDGET ESTIMATES 2006-07

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

Additional estimates 2005-06—Finance and Public Administration—Standing Committee—Additional information received between 8 February and 28 February 2007—Prime Minister and Cabinet portfolio.

Budget estimates 2006-07—

Community Affairs—Standing Committee—Additional information received between—

8 February and 12 February 2007—Health and Ageing portfolio.

8 February and 28 February 2007—Families, Community Services and Indigenous Affairs portfolio.

Employment, Workplace Relations and Education—Standing Committee—Additional information received between—

20 October 2006 and 25 January 2007—Employment and Workplace Relations portfolio.

2 November 2006 and 12 February 2007—Education, Science and Training portfolio.

Additional estimates 2006-07—

Finance and Public Administration—Standing Committee—Additional information received between 8 February and 28 February 2007—

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Rural and Regional Affairs and Transport—Standing Committee—

Documents presented to the committee.

Hansard record of proceedings.

Budget estimates 2006-07 (Supplementary)—

Economics—Standing Committee—Additional information received between 29 November 2006 and 28 February 2007—

Industry, Tourism and Resources portfolio.

Treasury portfolio.

Employment, Workplace Relations and Education—Standing Committee—Additional information received between—

8 December 2006 and 26 February 2007—Employment and Workplace Relations portfolio.

15 December 2006 and 26 February 2007—Education, Science and Training portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 8 February and 28 February 2007—

Finance and Administration portfolio.

Human Services portfolio.

Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 6 December 2006 and 1 March 2007—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 6 February and 27 February 2007—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

21 ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING AMENDMENT BILL 2007

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

Message no. 504, dated 28 February 2007—A Bill for an Act to amend the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, and for other purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

22 BROADCASTING LEGISLATION AMENDMENT BILL 2007

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

Message no. 508, dated 28 February 2007—A Bill for an Act to amend the *Broadcasting Services Act 1992*, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan moved—That this bill be now read a second time.

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

23 AVIATION TRANSPORT SECURITY AMENDMENT (ADDITIONAL SCREENING MEASURES) BILL 2007
CORPORATIONS AMENDMENT (TAKEOVERS) BILL 2007
OFFSHORE PETROLEUM AMENDMENT (GREATER SUNRISE) BILL 2007
CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2007
TAX LAWS AMENDMENT (2007 MEASURES NO. 1) BILL 2007

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

Message no. 505, dated 28 February 2007—A Bill for an Act to amend the *Aviation Transport Security Act 2004*, and for related purposes.

Message no. 503, dated 28 February 2007—A Bill for an Act to amend the *Corporations Act 2001*, and for related purposes.

Message no. 507, dated 28 February 2007—A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes.

Message no. 509, dated 28 February 2007—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 506, dated 28 February 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan 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 Coonan moved—That the Offshore Petroleum Amendment (Greater Sunrise) Bill 2007 and the Customs Tariff Amendment (Greater Sunrise) Bill 2007 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

24 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—TRANSPARENCY AND ACCOUNTABILITY OF COMMONWEALTH PUBLIC FUNDING AND EXPENDITURE

Pursuant to order, Senator Nash, at the request of the Chair of the Finance and Public Administration Committee (Senator Mason), tabled the following report and documents:

Finance and Public Administration—Standing Committee—Transparency and accountability of Commonwealth public funding and expenditure—Report, dated March 2007, Hansard record of proceedings and submissions [10].

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

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

Debate ensued.

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

**25 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of Senator Siewert—

- (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 climatic variability for Australian agriculture;
 - (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; and
 - (d) the effectiveness of the National Plan for Water Security in meeting the challenges of protecting the health of our rivers, floodplains, wetlands and other dependent environments, ensuring secure water supplies for our towns and cities, and maintaining the viability of our agricultural sector.

Debate resumed.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 36

Senators—

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

Question negatived.

26 AUSTRALIAN TECHNICAL COLLEGES (FLEXIBILITY IN ACHIEVING AUSTRALIA'S SKILLS NEEDS) AMENDMENT BILL (NO. 2) 2006

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That this bill be now read a second time—*and on the amendment moved by Senator Carr:*

At the end of the motion, add “but the Senate considers that the present government has been complacent and neglectful about the Australian economy by:

- (a) presiding over a skills crisis through its continued failure over more than 10 long years in office to ensure Australians get the training they need to get a skilled job and meet the skills needs of the economy;
- (b) failing to:
 - (i) make the necessary investments in our schools and technical and further education systems to create opportunities for young Australians to access high quality vocational education and training, including at schools, and
 - (ii) increase the number of school-based traditional apprentices and provide funding support for schools in taking up the places;
- (c) creating expensive, inefficient, stand-alone colleges, without cooperation with the states within the existing vocational education and training framework;
- (d) riding roughshod over the states and territories in establishing these colleges, despite the role the states and territories play in vocational education and training;
- (e) making Australian industry wait until 2010 for the Australian technical colleges to produce their first qualified tradesperson; and
- (f) failing to provide support to other regions that have skill shortages, but are not listed for a technical college”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Main 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.

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

Debate ensued.

Question put and passed.

Bill read a third time.

**27 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT
BILL 2006**

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

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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**28 BANKRUPTCY LEGISLATION AMENDMENT (SUPERANNUATION CONTRIBUTIONS)
BILL 2006 [2007]**

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.

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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

29 BROADCASTING LEGISLATION AMENDMENT BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

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 Fisheries, Forestry and Conservation (Senator Abetz) the bill was read a third time.

**30 VETERANS' AFFAIRS LEGISLATION AMENDMENT (STATEMENTS OF PRINCIPLES
AND OTHER MEASURES) BILL 2006**

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

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.

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

Debate ensued.

Question put and passed.

Bill read a third time.

**31 MARITIME LEGISLATION AMENDMENT (PREVENTION OF AIR POLLUTION FROM
SHIPS) BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That this bill be now read a second time.

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 Human Services (Senator Ian Campbell) the bill was read a third time.

32 FAMILY LAW (DIVORCE FEES VALIDATION) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—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 Human Services (Senator Ian Campbell) the bill was read a third time.

33 NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2006 [2007]

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (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.

The Leader of the Australian Democrats (Senator Allison) moved the following amendments together by leave:

Schedule 1, page 4 (after line 5), before item 9, insert:

8A At the end of section 3

Add:

- (3) A further object of this Act is to ensure that communities in which a nuclear facility is to be established have authorised that establishment and have consented to the health, welfare, safety and environmental impacts and risks of the establishment of the nuclear facility.

Schedule 1, page 4 (after line 15), after item 12, insert;

12A After subsection 16A(1)

Insert:

Consultation before grant of permit

- (1A) Before granting a permit in accordance with this section, the Minister must initiate a comprehensive consultation process as follows:
 - (a) the relevant State Minister for the environment must be notified in writing with comprehensive information about the facility for which a permit is sought 60 days before the granting of a permit;
 - and

- (b) the Mayor of every local council within 0.5km of the boundary of the facility for which a permit is sought must be notified in writing with comprehensive information about the proposed facility 60 days before the granting of a permit; and
 - (c) a plebiscite must be conducted by the Electoral Commission in every federal electorate within 0.5km of the boundary of the facility for which a permit is sought, seeking approval for the establishment of the facility.
- (1B) If, as a result of the plebiscite conducted in accordance with paragraph (1A)(c), a simple majority disapproves of the establishment of the facility, a permit must not be granted in accordance with subsection (1).

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 Chair of Committees (Senator Hogg) reported accordingly.

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

34 **ACIS ADMINISTRATION AMENDMENT (UNEARNED CREDIT LIABILITY) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—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 Human Services (Senator Ian Campbell) the bill was read a third time.

Suspension of sitting: On the motion of Senator Ian Campbell the sitting of the Senate was suspended at 1.57 pm till 2 pm.

At 2 pm—

35 **QUESTIONS**

Questions without notice were answered.

36 ORDERS FOR PRODUCTION OF DOCUMENTS—EXPLANATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, gave an explanation of why the following orders for the production of documents had not been complied with (*see entry no. 6, 28 February 2007*):

- (a) the orders of 12 May and 14 June 2005 relating to a proposed pulp mill in Tasmania; and
- (b) the order of 21 June 2005 relating to deductible gift recipient status of environment groups.

37 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

38 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S DEFENCE RELATIONS WITH THE UNITED STATES

The Minister for Human Services (Senator Ian Campbell) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia's defence relations with the United States—Government response, dated February 2007.

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

Question put and passed.

39 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—ADEQUACY OF FUNDING FOR AUSTRALIA'S ANTARCTIC PROGRAM

The Minister for Human Services (Senator Ian Campbell) tabled the following document:

National Capital and External Territories—Joint Standing Committee—Report—Antarctica: Australia's pristine frontier: The adequacy of funding for Australia's Antarctic Program—Government response.

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

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

40 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND ACCOUNT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—OPERATION OF NATIVE TITLE REPRESENTATIVE BODIES

The Minister for Human Services (Senator Ian Campbell) tabled the following document:

Native Title and the Aboriginal and Torres Strait Islander Land Account—Joint Statutory Committee—Report—Operation of native title representative bodies—Government response.

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

Debate ensued.

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

41 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT

Senator George Campbell, at the request of the Chair of the Standing Committee of Senators' Interests (Senator Webber), tabled the following report:

Senators' Interests—Standing Committee—Report 1 of 2007: Annual report 2006, dated March 2007.

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

42 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian National University Act—Fees Statute 2006—Fees Rules 2007 [F2007L00514]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX05/07—Exemption – Eastern Australia Airlines operations into Lord Howe Island [F2007L00305]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part 106—

AD/CF34/13—Uncontained Fan Disk Failure [F2007L00543]*.

AD/SMA/2 Amdt 1—Engine Electronic Control Unit [F2007L00544]*.

Instrument No. CASA EX06/07—Exemption – provision of ARFFS at Avalon Aerodrome [F2007L00306]*.

Defence Act—Defence Force Regulations—Defence Practice Area – Shoalwater Bay Declaration 2007.

Corporations Act—ASIC Class Order [CO 07/43] [F2007L00507]*.

Migration Act—Statements under sections—

48B.

91L [4].

91Q.

195A [9].

197AB [9].

Telecommunications Act—Telecommunications Numbering Plan Variation 2007 (No. 1) [F2007L00501]*.

* Explanatory statement tabled with legislative instrument.

43 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2006—Letters of advice—

Agriculture, Fisheries and Forestry portfolio agencies.

Defence.

Education, Science and Training portfolio agencies.

Environment and Water Resources portfolio agencies.

Families, Community Services and Indigenous Affairs portfolio agencies.

Human Services portfolio agencies.

Prime Minister and Cabinet portfolio agencies.

Transport and Regional Services portfolio agencies.

44 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2006—Statement of compliance—Human Services portfolio agencies.

**45 MIGRATION AMENDMENT (MARITIME CREW) BILL 2007
CUSTOMS LEGISLATION AMENDMENT (AUGMENTING OFFSHORE POWERS AND OTHER MEASURES) BILL 2006**

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

Message no. 510, dated 28 February 2007—A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Message no. 512, dated 1 March 2007—A Bill for an Act to amend the law relating to customs, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Scullion moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

General business was called on.

46 ENVIRONMENT—NUCLEAR ENERGY

Senator Wong, pursuant to notice, moved general business notice of motion no. 731—That the Senate—

(a) notes that:

(i) nuclear energy is not economically viable in Australia,

(ii) nuclear energy is not a climate change solution for Australia, and

(iii) the delay in establishing nuclear power would only exacerbate the 11 years of inaction under the Howard Government; and

(b) calls on the Government to publish the details of any plans, including possible locations, for nuclear reactors and high level nuclear waste dumps in Australia.

Debate ensued.

At 6 pm: Debate was interrupted while Senator McEwen was speaking.

47 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Tourism Australia—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Murray-Darling Basin Commission—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document debated and agreed to.

Australian Landcare Council—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document agreed to.

Fisheries Research and Development Corporation—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document debated and agreed to.

Declaration of interest: Senator Ian Macdonald declared an interest in relation to the matter under discussion.

Sugar Research and Development Corporation—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Commonwealth Grants Commission—Report—State revenue sharing relativities—2007 update. Motion of Senator Ian Macdonald to take note of document debated. Debate adjourned till Thursday at general business, Senator Sterle in continuation.

General business concluded.

48 COMMITTEES—CHANGES IN MEMBERSHIP

The Acting Deputy President (Senator Forshaw) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to committees as follows:

Employment, Workplace Relations and Education—Standing Committee—

Appointed—

Substitute member: Senator Crossin to replace Senator George Campbell for the committee's inquiry into the current level of academic standards of school education

Participating member: Senator George Campbell

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—

Substitute members: Senators Trood, Ian Macdonald, Joyce, Hogg and Moore to replace Senators McGauran, Ferris, Nash, Sterle and McEwen, respectively, for the committee's inquiry into options for additional water supplies for South East Queensland

Participating members: Senators Ferris, McEwen, McGauran, Nash and Sterle.

Question put and passed.

49 AUSTRALIAN CITIZENSHIP BILL 2006

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 511, dated 1 March 2007—Australian Citizenship Bill 2006.

**50 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—
CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

Finance and Public Administration—Standing Committee—Report—Departmental and agency contracts: Second report on the operation of the Senate order for the production of lists of departmental and agency contracts (2003-06). Motion of the chair of the committee (Senator Mason) to take note of report called on. Debate adjourned till the next day of sitting, Senator Murray in continuation.

Senator Murray, by leave, moved—That recommendations 11 and 13 of the second report of the Finance and Public Administration Committee on the operation of the Senate order for the production of lists of departmental and agency contracts be adopted.

Question put and passed.

In accordance with recommendation 13, procedural orders and resolutions of the Senate of continuing effect were amended as follows:

Orders for documents

9 Departmental and agency contracts

- (7) The Finance and Public Administration Committee consider the ongoing operation of the order and report on relevant developments from time to time.

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of ASG, JuA, GIA and GSPC. Motion of Senator Patterson to take note of report debated and agreed to.

Community Affairs—Standing Committee—Report—Breaking the silence: A national voice for gynaecological cancers—Government response. Motion of Senator Ferris to take note of document debated. Debate adjourned till the next day of sitting, Senator Webber in continuation.

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the manufacture, importation and use of amphetamines and other synthetic drugs (AOSD) in Australia. Motion of the chair of the committee (Senator Ian Macdonald) to take note of report debated and agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Corporations Amendment (Takeovers) Bill 2006 [Exposure Draft]. Motion to take note of report moved, by leave, by the chair of the committee (Senator Chapman) and agreed to.

Economics—Standing Committee—Report—Tax Laws Amendment (2006 Measures No. 7) Bill 2006—Hansard record of proceedings. Motion of Senator Ludwig to take note of document called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Legal and Constitutional Affairs—Standing Committee—Report—Unfinished business: Indigenous stolen wages. Motion of the chair of the committee (Senator Payne) to take note of report debated. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

51 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 18 of 2006-07—Performance audit—ASIC's processes for receiving and referring for investigation statutory reports of suspected breaches of the *Corporations Act 2001*: Australian Securities and Investments Commission. Motion of Senator Wong to take note of document agreed to.

Auditor-General—Audit report no. 20 of 2006-07—Performance audit—Purchase, chartering and modification of the new fleet oiler: Department of Defence; Defence Materiel Organisation. Motion to take note of document moved by Senator Hogg. Debate adjourned till the next day of sitting, Senator Hogg in continuation.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

52 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.09 pm till Tuesday, 20 March 2007 at 12.30 pm.

53 ATTENDANCE

Present, all senators except Senator Nettle.

HARRY EVANS

Clerk of the Senate