

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 158

WEDNESDAY, 15 AUGUST 2007

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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 September to 31 December 2006.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2007-08.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 200/07 to 214/07—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

Treaties—

*Bilateral*—Explanatory statement 4 of 2007—Amendment to Annex 2-B (United States Tariff Schedule) of the Australia-United States Free Trade Agreement (AUSFTA) of 18 May 2004.

*Multilateral*—

Explanatory statements—

1 of 2007—Amendment, adopted at Christchurch in November 2006, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of 19 June 2001.

2 of 2007—Amendments, done at Anchorage, Alaska 28-31 May 2007, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946.

3 of 2007—Amendment, adopted at Paris on 7 February 2007, to Annex 1 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping In Sport of 19 October 2005.

Text, together with national interest analysis and annexures—

Patent Law Treaty, done at Geneva on 1 June 2000.

Singapore Treaty on the Law of Trademarks adopted at Singapore on 27 March 2006.

**3 ROUTINE OF BUSINESS—VARIATION**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—That, immediately after Senator Cormann's first speech on Wednesday, 15 August 2007, valedictory statements may be made relating to Senator Calvert.

Question put and passed.

**4 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2007  
OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2007**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) and the Minister for Finance and Administration (Senator Minchin) and pursuant to notice, moved government business notices of motion nos 2 and 3—That the following bills be introduced:

A Bill for an Act to amend the *National Health Act 1953* in relation to the Pharmaceutical Benefits Scheme, and for other purposes.

A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes.

Question put and passed.

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

Question put and passed.

Bills read a first time.

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

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

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

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

Question put and passed.

- 5 **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007**  
**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007**  
**FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008**

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

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*In the committee*

**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007—**

Consideration resumed of the bill—*and of the amendment moved by the Leader of the Opposition in the Senate (Senator Evans):*

Page 9 (after line 14), after clause 5, insert:

**5A Review of operation etc. of Part 4**

The Minister must cause to be conducted, as soon as practicable after the first anniversary of the day on which this Act receives the Royal Assent, a review of the operation and effectiveness of Part 4 (Acquisition of rights, titles and interests in land).

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*Document:* Senator Siewert, by leave, tabled the following document:

Northern Territory National Emergency Response Bill 2007—Petitioning document from 12 947 signatories relating to consideration of the Northern Territory national emergency response bills.

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Debate ensued.

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

Senator Bartlett moved the following amendment:

Clause 6, page 9 (after line 27), at the end of the clause, add:

- (3) The Minister must cause an independent and comprehensive annual review of this Act, the *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*; and the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* to:
  - (a) gauge their impact on Indigenous communities; and
  - (b) ensure that the Act's outcomes are consistent with the recommendations of the *Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007*.
- (4) The person or organisation undertaking the review must give the Minister a written report of the review.
- (5) The Minister must cause a copy of the report to be tabled in each House of Parliament within 15 sitting days of receiving it.
- (6) These annual reviews are to continue until the end of the 5 year sunset clause, with the first review due to report 12 months after this Act is passed.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

Abetz	Chapman	Heffernan	Nash (Teller)
Adams	Colbeck	Johnston	Parry
Barnett	Coonan	Joyce	Patterson
Bernardi	Cormann	Kemp	Payne
Birmingham	Eggleston	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Ian	Scullion
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Brandis	Fifield	Mason	Watson
Calvert	Fisher	McGauran	

Question negatived.

Senator Evans moved the following amendments together by leave:

Clause 37, page 33 (line 21), omit “might”, substitute “must”.

Clause 49, page 42 (line 13), omit “might”, substitute “must”.

Clause 60, page 49 (lines 17 to 21), omit subclause 60(2), substitute:

- (2) If the operation of this Part, or an act referred to in paragraphs (1)(b) or (c), would result in an acquisition of property, the Commonwealth is liable to pay compensation in just terms to the person.

Clause 60, page 49 (lines 25 and 26), omit “such reasonable amount of compensation as the court determines”, substitute “compensation on just terms”.

Clause 61, page 50 (lines 1 to 14), omit the clause, substitute:

**61 Amounts paid or payable**

For the purposes of section 60, in determining just compensation that is payable in relation to land, the Court must take account of:

- (a) any amounts of rent paid or payable in relation to the land under section 62; and
- (b) any amounts of compensation paid or payable by the Commonwealth under the Special Purposes Leases Act or the Crown Lands Act in relation to the land; and
- (c) any improvements to the land that are funded by the Commonwealth (whether before or after a lease is granted to, or all rights, titles or interests are vested in, the Commonwealth), including the construction of, or improvements to, any buildings or infrastructure on the land.

Clause 134, page 94 (lines 13 to 17), omit subclause 134(2), substitute:

- (2) If the operation of this Act (other than Part 4) would result in an acquisition of property, the Commonwealth is liable to pay compensation on just terms to the person.

Clause 134, page 94 (lines 21 and 22), omit “such reasonable amount of compensation as the court determines”, substitute “compensation on just terms”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

Abetz	Chapman	Fisher	Nash (Teller)
Adams	Colbeck	Heffernan	Parry
Barnett	Coonan	Johnston	Patterson
Bernardi	Cormann	Kemp	Payne
Birmingham	Eggleston	Lightfoot	Ronaldson
Boswell	Ellison	Macdonald, Ian	Scullion
Boyce	Ferguson	Macdonald, Sandy	Trood
Brandis	Fierravanti-Wells	Mason	Watson
Calvert	Fifield	McGauran	

Question negatived.

Senator Evans moved the following amendment:

Clause 134, page 94 (lines 7 to 10), omit subclause 134(1).

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

Question—That the bill be agreed to—divided in respect of Part 4.

Part 4 debated.

Question—That Part 4 stand as printed—put.

The committee divided—

AYES, 39

Senators—

Adams	Fielding	McEwen	Ronaldson
Barnett	Fierravanti-Wells	McGauran	Scullion
Bernardi	Fifield	McLucas	Sherry
Birmingham	Fisher	Moore	Stephens
Boyce	Forshaw	Nash (Teller)	Trood
Chapman	Hurley	Parry	Watson
Colbeck	Hutchins	Patterson	Webber
Cormann	Kemp	Payne	Wong
Crossin	Kirk	Polley	Wortley
Evans	Ludwig	Ray	

NOES, 8

Senators—

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

Part agreed to.



Senator Bartlett, also on behalf of Senator Evans, moved the following amendment:

Clause 35, page 32 (after line 26), at the end of the clause, add:

- (12) The rights of traditional Aboriginal land owners, notwithstanding their absence from their traditional lands and in accordance with section 71 of the *Aboriginal Land Rights Act 1976*, continue despite this section.

Debate ensued.

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

Senator Bartlett moved the following amendment:

Clause 37, page 34 (after line 11), after subclause (6), insert:

- (6A) If the Land Trust proposes to grant, terminate or vary a town lease, it must not do so until after it has consulted with an Indigenous Consultative Land Council (ICLC) comprising:
  - (a) one representative of the federal Government;
  - (b) one representative from the Northern Territory Government; and
  - (c) three representatives from the local Indigenous land councils;all of whom must have had relevant experience in town leases.

Debate ensued.

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*At 12.45 pm:* The Acting Deputy President (Senator Watson) resumed the chair and the Temporary Chair of Committees reported progress.

## 6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

*Suspension of sitting:* On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the sitting of the Senate was suspended at 1.52 pm till 2 pm.

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*At 2 pm—*

## 7 QUESTIONS

Questions without notice were answered.

## 8 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

## 9 HEARING AWARENESS WEEK—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Ellison) to a question without notice asked by Senator Boyce today relating to Hearing Awareness Week.

Question put and passed.

## 10 NOTICES

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

- (a) notes that 14 August 2007 was the parliamentary launch of *Securing our Survival (SOS): The Case for a Nuclear Weapons Convention*, published by the International Campaign to Abolish Nuclear Weapons;
- (b) considers that a nuclear weapons convention would offer the international community the best way to prevent proliferation and nuclear terrorism and achieve disarmament; and
- (c) urges the Government to actively pursue multinational negotiations, leading to a nuclear weapons convention. (*general business notice of motion no. 872*)

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

- (a) notes that:
  - (i) 19 October 2007 is the sixth anniversary of the sinking of the boat known as the Suspected Illegal Entry Vessel X (SIEV X), which was bound for Australia and sank with the loss of 353 lives, including 146 children and 142 women,
  - (ii) a temporary memorial to the SIEV X victims, featuring painted timber poles to represent the children, women and men who drowned, will be erected on 2 September 2007 at Weston Park, in the Australian Capital Territory, on the Canberra lakeshore and will stay in place for 6 weeks, with the approval of the National Capital Authority (NCA) and the Australian Capital Territory Government,
  - (iii) this memorial is supported by people from church, school and community groups from every state and territory in Australia, by the families of the victims, and by the Australian Capital Territory Government, and
  - (iv) approval for a permanent memorial to the SIEV X victims is ultimately the responsibility of the Canberra National Memorials Committee (CNMC), chaired by the Prime Minister (Mr Howard);
- (b) calls on the NCA and the CNMC to give permission for the SIEV X memorial project to be established as a permanent memorial on the Canberra lakeshore; and
- (c) expresses its regret and sympathy at the tragic loss of so many innocent lives. (*general business notice of motion no. 873*)

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

- (a) notes:
  - (i) that the policy of restricting Jobs, Education and Training (JET) Child Care Fee Assistance funding to 12 months limits the capacity of single parents to complete most courses of study,
  - (ii) the importance of further education opportunities to advance the earning capacity and living standards of single parent families, and
  - (iii) that the new restrictions on the JET program are hurting single parents; and
- (b) calls on the Government to lift the restriction of 12 months funding for JET assistance in order to enable single parents to better access education opportunities. (*general business notice of motion no. 874*)

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

- (a) notes that:
- (i) legal deposit is a statutory provision found in the legislation of most countries requiring producers of publications to deposit gratis copies of their works in libraries, usually the national library,
  - (ii) in Australia, the *Copyright Act 1968* requires Australian publishers to deposit one copy of every publication with the National Library of Australia (NLA),
  - (iii) the *National Library Act 1960* requires the NLA to develop and maintain a national collection of library material relating to Australia and the Australian people and legal deposit is a major factor enabling the NLA to meet this requirement,
  - (iv) legal deposit has ensured that an outstanding collection of Australian publications in print form has been acquired by the NLA on behalf of the nation,
  - (v) the NLA is seeking revision of the legal deposit section within the *Copyright Act 1968* to encompass publications in non-print form due to the impact of new technologies and the Internet on the creation, publication and dissemination of information, which has been profound in recent years,
  - (vi) a significant amount of Australia's documentary heritage is now published in electronic form and unless the NLA is given a mandate through legal deposit to collect non-print publications, many of these works will be lost to future generations, especially as many electronic works have a very short life-span on the Internet, and
  - (vii) the NLA is collecting a very small proportion of Australian electronic publications, as this endeavour requires seeking permission on a publication-by-publication basis, which is very resource intensive and unsustainable into the future;
- (b) calls on the Government, as a matter of urgency, to introduce legislation to extend legal deposit to non-print publications, as such legislation is of strategic importance to the future collection and preservation role of the NLA; and
- (c) recognises that other countries have already acknowledged this and legal deposit legislation has been amended in the United Kingdom, Canada, New Zealand, South Africa, France, Japan and the Scandinavian countries. (*general business notice of motion no. 875*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 8 sitting days after today—That the Investigation Principles 2007, made under subsection 96-1(1) of the *Aged Care Act 1997*, be disallowed.

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

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes that:
- (i) Australia is experiencing a period of record economic growth, and
  - (ii) the 2007-08 Federal Budget provided tax cuts to those earning more than \$75 000, at a cost of \$3.5 billion per year; and
- (b) calls on the Government to invest approximately \$3 billion per year to lift the aged pension by \$60 per fortnight. (*general business notice of motion no. 876*)

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

- (a) notes that:
  - (i) the week beginning 19 August is Hearing Awareness Week 2007,
  - (ii) currently one in six Australians are deaf or hearing impaired, and
  - (iii) this is projected to increase to one in four Australians by 2050;
- (b) further notes that:
  - (i) since 1 July 2007, the Film Finance Corporation (FFC) requires captioning on all FFC financed films,
  - (ii) it is 4 years since the Human Rights and Equal Opportunity Commission and the Australian free-to-air television industry agreed to increase captioning to 52 per cent of total programming by 31 December 2007,
  - (iii) only 10 cinemas in Australia screen captioned movies,
  - (iv) promotional material, community service announcements, repeats and daytime sporting events are usually not captioned, and
  - (v) digital multi-channels do not provide captioning; and
- (c) calls on the Government to:
  - (i) implement annual targets for the free-to-air channels over the next 3 years to achieve 100 per cent captioning by 31 December 2010,
  - (ii) remove the exemption from captioning requirements from digital multi-channels, and
  - (iii) explain what it is doing to ensure that nearly four million deaf and hearing-impaired Australians will be able to access cinemas to see the movies the FFC is ensuring are captioned. (*general business notice of motion no. 877*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That, if the Senate is sitting at midnight on Thursday, 16 August 2007, the sitting of the Senate shall be suspended till 9.30 am on Friday, 17 August 2007.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That, on Tuesday, 11 September 2007:

- (a) the hours of meeting shall be 2.30 pm to adjournment; and
- (b) the routine of business shall be:
  - (i) questions without notice, and
  - (ii) the items specified in standing order 57(1)(b)(iii) to (xii).

## 11 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Faulkner for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, postponed till 16 August 2007.

**12 FOREIGN AFFAIRS—MONTREAL PROTOCOL**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 842—That the Senate—

(a) notes:

- (i) that 2007 marks the 20th anniversary of the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), arguably the most successful multilateral environmental agreement,
- (ii) that since 1987, the Montreal Protocol has resulted in a 95 per cent reduction in consumption of ozone depleting substances through the use of binding controls with strict compliance measures, financing mechanisms and trade restrictions,
- (iii) that actions taken under the Montreal Protocol have made an important contribution in addressing climate change because many ozone depleting substances that have been phased out have high global warming potentials, and
- (iv) a number of parties to the Montreal Protocol have proposed adjustments to the Montreal Protocol to accelerate the phase-out of hydrochlorofluorocarbons (HCFCs); and

(b) calls on the Government to support an accelerated phase-out of HCFCs at the 19th meeting of the parties in Montreal, Canada, to be held in September 2007.

Question put and passed.

**13 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Campbell, at the request of the Deputy Chair of the Employment, Workplace Relations and Education Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 864—That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on the current level of academic standards of school education be extended to 13 September 2007.

Question put and passed.

**14 COMMUNICATIONS—MEDIA—SEXUALISATION OF CHILDREN**

Senator Stott Despoja, at the request of the Leader of the Australian Democrats (Senator Allison), also on behalf of the Minister for Communications, Information Technology and the Arts (Senator Coonan), amended general business notice of motion no. 835 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes the reports of the harmful effect of sexualisation in the media of children, especially young girls, including the:

- (i) negative impact on development, self-image and emotional development including shame, anxiety and even self disgust,
- (ii) increased incidence of eating disorders, depression and low self-esteem,
- (iii) negative consequences on sexuality, and
- (iv) the promotion of negative stereotypes of women as sex objects;

- (b) agrees that the Government will call for the forthcoming reviews of each of the Commercial Television Industry Codes of Practice and the Commercial Radio Codes of Practice to specifically address:
  - (i) sources and beneficiaries of sexualisation of children, and
  - (ii) short- and long-term effects of viewing or buying sexualising and objectifying images, and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and
- (c) agrees that the Australian Media and Communications Authority will provide a report to Government by 31 March 2008 and make recommendations on:
  - (i) strategies to prevent and/or reduce the sexualisation of children in the media, and
  - (ii) the effectiveness of different approaches to reducing the amount of sexualisation that occurs and to ameliorating its effects.

Question put and passed.

#### **15 FAMILY AND COMMUNITY SERVICES—ST VINCENT DE PAUL SOCIETY**

Senator Hutchins, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 865—That the Senate notes that:

- (a) the St Vincent de Paul Society's annual Winter Appeal ends on 31 August 2007;
- (b) more than half of the people assisted by the St Vincent de Paul Society in New South Wales and the Australian Capital Territory are families;
- (c) in New South Wales and the Australian Capital Territory in 2006:
  - (i) more than 750 000 people were assisted by the St Vincent de Paul Society,
  - (ii) St Vincent de Paul Society volunteers visited more than 500 000 people in their homes to deliver food parcels, household supplies or vouchers for bills, and
  - (iii) Vinnies Centres distributed more than \$3 million worth of clothing, bedding, furniture and other donated items to more than 75 000 people;
- (d) there is a growing gap between rich and poor in Australia, evidenced by data from the Australian Bureau of Statistics showing that:
  - (i) the wealthiest 20 per cent of households in 2005-06 accounted for 61 per cent of total household net worth, with average net worth of \$1.7 million per household, and
  - (ii) the poorest 20 per cent of households accounted for 1 per cent of total household net worth and had an average net worth of \$27 000 per household; and
- (e) the Prime Minister (Mr Howard) still claims that 'families have never been better off' under the Coalition Government.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

Abetz	Cormann	Johnston	Nash
Adams	Eggleston	Joyce	Parry (Teller)
Barnett	Ellison	Kemp	Patterson
Bernardi	Ferguson	Lightfoot	Payne
Birmingham	Fierravanti-Wells	Macdonald, Ian	Scullion
Boyce	Fifield	Macdonald, Sandy	Trood
Calvert	Fisher	Mason	Watson
Chapman	Heffernan	McGauran	
Colbeck	Humphries	Minchin	

Question negatived.

16 ENVIRONMENT—FOREST CONSERVATION

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 868—That the Senate calls on the Minister for the Environment and Water Resources (Mr Turnbull) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to protect Australia's remaining forests of high conservation value, including those which are the habitat of rare, vulnerable or endangered species.

Question put.

The Senate divided—

AYES, 8

Senators—

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

## NOES, 57

Senators—

Abetz	Ellison	Kirk	Parry (Teller)
Adams	Ferguson	Lightfoot	Patterson
Barnett	Fielding	Ludwig	Payne
Bernardi	Fierravanti-Wells	Lundy	Scullion
Birmingham	Fifield	Macdonald, Ian	Sherry
Bishop	Fisher	Macdonald, Sandy	Stephens
Boyce	Forshaw	Marshall	Sterle
Calvert	Heffernan	Mason	Trood
Campbell	Hogg	McEwen	Watson
Carr	Humphries	McGauran	Webber
Chapman	Hurley	McLucas	Wong
Colbeck	Hutchins	Minchin	Wortley
Cormann	Johnston	Moore	
Crossin	Joyce	Nash	
Eggleston	Kemp	O'Brien	

Question negatived.

## 17 FOREIGN AFFAIRS—NUCLEAR WEAPONS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 866—That the Senate—

- (a) notes on 6 December 2006 in the General Assembly of the United Nations 125 countries voted for the commencement of multilateral negotiations leading to an early conclusion of a nuclear weapons convention and that Australia was one of 29 abstentions; and
- (b) calls on the Government to work for the immediate commencement of negotiations towards a nuclear weapons convention to ban the development, production, use and threat of use of nuclear weapons.

Question put.

The Senate divided—

## AYES, 31

Senators—

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

## NOES, 35

Senators—

Abetz	Cormann	Humphries	Minchin
Adams	Eggleston	Johnston	Nash
Barnett	Ellison	Joyce	Parry (Teller)
Bernardi	Ferguson	Kemp	Patterson
Birmingham	Fielding	Lightfoot	Payne
Boyce	Fierravanti-Wells	Macdonald, Ian	Scullion
Calvert	Fifield	Macdonald, Sandy	Trood
Chapman	Fisher	Mason	Watson
Colbeck	Heffernan	McGauran	

Question negatived.



**18 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 867—That the Senate—

(a) notes that:

- (i) India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT),
- (ii) the United States of America (US) and India have agreed to the terms of a deal to exempt India from US laws and international rules that seek to prevent states that are not parties to the NPT from using commercial imports of nuclear technology and fuel to aid their nuclear weapons ambitions,
- (iii) under the India-US nuclear deal two reactors dedicated to making plutonium for nuclear weapons and nine power reactors, including a plutonium breeder reactor that is under construction, will be outside international safeguards,
- (iv) India needs to import uranium to relieve an acute fuel shortage for its existing nuclear reactors and that importing uranium will free up more of India's domestic uranium for its military program,
- (v) Pakistan has expressed its fears about the India-US nuclear deal, and
- (vi) any sale of Australian uranium to India would contravene the NPT; and

(b) calls on the Government to reject any sale of Australian uranium to non-NPT states, including India.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

Abetz	Cormann	Johnston	Nash
Adams	Eggleston	Joyce	Parry (Teller)
Barnett	Ellison	Kemp	Patterson
Bernardi	Ferguson	Lightfoot	Payne
Birmingham	Fielding	Macdonald, Ian	Scullion
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Calvert	Fifield	Mason	Watson
Chapman	Fisher	McGauran	
Colbeck	Humphries	Minchin	

Question negatived.

**19 ENVIRONMENT—NORTHERN AUSTRALIA—PRISTINE ENVIRONMENTS**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 870—That the Senate notes that:

- (a) a new scientific study, *The Nature of Northern Australia*, has found that northern Australia has the largest and least damaged tropical savannah in the world;
- (b) northern Australia is emerging as one of the last great natural areas on earth and that its ecosystems are globally significant;
- (c) good land management practices will be critical to the long-term survival of northern Australia's pristine environments;
- (d) elsewhere in the tropics, and in the rest of Australia, the health and functioning of lands and waters have been impaired and that inappropriate development is a major threat to the northern Australian savannah; and
- (e) a new approach to development and conservation is needed to ensure that northern Australia remains one of the world's great natural places.

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

Abetz	Cormann	Joyce	Parry (Teller)
Adams	Eggleston	Kemp	Patterson
Barnett	Ellison	Lightfoot	Payne
Bernardi	Ferguson	Macdonald, Ian	Scullion
Birmingham	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Calvert	Fisher	McGauran	
Chapman	Humphries	Minchin	
Colbeck	Johnston	Nash	

Question negatived.

**20 EDUCATION—STUDENT INCOME SUPPORT**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 871—That the Senate—

- (a) notes the final report of *Australian University Student Finances 2006*, released on 8 August 2007, highlights the urgent need to improve financial support for students; and
- (b) calls on the Government to introduce concrete measures to increase direct financial support to students including, but not limited to:
  - (i) lowering the age of independence to 18, and

- (ii) providing a level of financial support that ensures all full-time students can financially support themselves during teaching periods without the need to seek further employment.

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

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 49

Senators—

Adams	Eggleston	Kirk	Patterson
Barnett	Ferguson	Lightfoot	Payne
Bernardi	Fielding	Ludwig	Scullion
Birmingham	Fierravanti-Wells	Lundy	Stephens
Bishop	Fifield	Macdonald, Ian	Sterle
Boyce	Fisher	Macdonald, Sandy	Trood
Calvert	Forshaw	Marshall	Watson
Campbell (Teller)	Hogg	Mason	Webber
Carr	Humphries	McEwen	Wong
Chapman	Hurley	McLucas	Wortley
Colbeck	Johnston	Moore	
Cormann	Joyce	Nash	
Crossin	Kemp	Parry	

Question negatived.

**21 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 10 OF 2007**

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

Scrutiny of Bills—Standing Committee—Alert Digest no. 10 of 2007, dated 15 August 2007.

Senator Campbell moved—That the Senate take note of the document.

Question put and passed.

**22 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF HIZBALLAH'S EXTERNAL SECURITY ORGANISATION (ESO)**

Senator Nash, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Review of the re-listing of Hizballah's External Security Organisation (ESO)—Report, dated July 2007.

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

Question put and passed.

**23 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007 AND RELATED NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILLS**

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

Legal and Constitutional Affairs—Standing Committee—Report—Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, Northern Territory National Emergency Response Bill 2007, Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007, Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008 and Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008—Additional information.

**24 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—6TH, 7TH AND 8TH REPORTS OF 2007**

Senator Joyce, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

6th report of 2007—Proposed fit-out of new leased premises for the Department of Health and Ageing at the Woden Town Centre, dated August 2007.

7th report of 2007—Proposed Royal Malaysian Air Force Base Butterworth, Malaysia—Australian Defence Force facilities rationalisation, dated August 2007.

8th report of 2007—Proposed RAAF Base Pearce redevelopment stage 1, Pearce, Western Australia, dated August 2007.

Senator Joyce moved—That the Senate take note of the reports.

Debate ensued.

Question put and passed.

**25 DOCUMENTS**

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—Simplified GST Accounting Methods Legislative Instrument (No. 1) 2007 [F2007L02577]\*.

Australian Participants in British Nuclear Tests (Treatment) Act—Instrument No. R11/2007—Treatment Principles ((Australian Participants in British Nuclear Tests) 2006 – Access to RAP Equipment in Institutions and under Health Programs) Instrument 2007 [F2007L02430]\*.

Broadcasting Services Act—Broadcasting Services (Technical Planning) Guidelines 2007 [F2007L02469]\*.

Commonwealth Places (Mirror Taxes) Act—Select Legislative Instrument 2007 No. 241—Commonwealth Places (Mirror Taxes) Amendment Regulations 2007 (No. 2) [F2007L02401]\*.

Customs Act—Tariff Concession Orders—

0701754 [F2007L02517]\*.  
0703580 [F2007L02477]\*.  
0704854 [F2007L02508]\*.  
0705201 [F2007L02506]\*.  
0705494 [F2007L02492]\*.  
0705496 [F2007L02494]\*.  
0705505 [F2007L02495]\*.  
0705685 [F2007L02496]\*.  
0705863 [F2007L02488]\*.  
0705864 [F2007L02490]\*.  
0706102 [F2007L02500]\*.  
0706105 [F2007L02486]\*.  
0706106 [F2007L02487]\*.  
0706158 [F2007L02499]\*.  
0706222 [F2007L02498]\*.  
0706223 [F2007L02537]\*.  
0706227 [F2007L02516]\*.  
0706304 [F2007L02513]\*.  
0706311 [F2007L02538]\*.  
0706384 [F2007L02484]\*.  
0706455 [F2007L02511]\*.  
0706457 [F2007L02540]\*.  
0706695 [F2007L02505]\*.  
0706740 [F2007L02509]\*.  
0706837 [F2007L02515]\*.  
0706855 [F2007L02519]\*.  
0707018 [F2007L02547]\*.  
0707021 [F2007L02503]\*.  
0707024 [F2007L02504]\*.  
0707215 [F2007L02510]\*.  
0707358 [F2007L02502]\*.  
0707608 [F2007L02407]\*.

Defence Act—Determination under section 58B—Defence Determination 2007/53—Increments and pay grade placements.

Family Law Act—Select Legislative Instrument 2007 No. 242—Family Law Amendment Rules 2007 (No. 2) [F2007L02483]\*.

Higher Education Support Act—Other Grants Guidelines 2006—Amendment No. 4 [F2007L02425]\*.

Military Rehabilitation and Compensation Act—Instrument No. M12/2007—MRCA Treatment Principles (Access to RAP Equipment in Institutions and under Health Programs) Instrument 2007 [F2007L02428]\*.

Privacy Act—Select Legislative Instrument 2007 No. 236—Privacy (Private Sector) Amendment Regulations 2007 (No. 3) [F2007L02440]\*.

Telecommunications (Consumer Protection and Service Standards) Act—Regional Telecommunications Independent Review Committee (First Review Starting Date) Determination (No. 1) 2007 [F2007L02560]\*.

Telecommunications (Interception and Access) Act—Select Legislative Instrument 2007 No. 237—Telecommunications (Interception and Access) Amendment Regulations 2007 (No. 1) [F2007L02415]\*.

Trade Practices Act—Select Legislative Instrument 2007 No. 240—Trade Practices (Industry Codes — Franchising) Amendment Regulations 2007 (No. 1) [F2007L02475]\*.

Veterans' Entitlements Act—

Instrument No. R10/2007—Veterans' Entitlements (Treatment Principles – Access to RAP Equipment in Institutions and under Health Programs) Instrument 2007 [F2007L02429]\*.

Select Legislative Instrument 2007 No. 239—Veterans' Entitlements (Special Assistance — Motorcycle Purchase) Amendment Regulations 2007 (No. 1) [F2007L02214]\*.

Wheat Marketing Act—Non-bulk Wheat Quality Assurance Scheme 2007 [F2007L02478]\*.

*Governor-General's Proclamations—Commencement of Provisions of an Act*

*Native Title Amendment (Technical Amendments) Act 2007*—Items 1 to 83 of Schedule 1—1 September 2007 [F2007L02416]\*.

\* Explanatory statement tabled with legislative instrument.

## 26 APEC PUBLIC HOLIDAY BILL 2007

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

Message no. 622, dated 14 August 2007—A Bill for an Act relating to the public holiday appointed in metropolitan Sydney to facilitate the holding of an APEC meeting on 7 September 2007, and for other purposes.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

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*Explanatory memorandum:* Senator Colbeck tabled a revised explanatory memorandum relating to the bill.

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

**27 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (TERRORIST MATERIAL) BILL 2007**

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

Message no. 624, dated 15 August 2007—A Bill for an Act to amend the *Classification (Publications, Films and Computer Games) Act 1995*, and for related purposes.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) 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 Colbeck moved—That this bill 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.

**28 WATER BILL 2007  
WATER (CONSEQUENTIAL AMENDMENTS) BILL 2007**

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

Message no. 625, dated 15 August 2007—A Bill for an Act to make provision for the management of the water resources of the Murray-Darling Basin, and to make provision for other matters of national interest in relation to water and water information, and for related purposes.

Message no. 626, dated 15 August 2007—A Bill for an Act to deal with consequential matters in connection with the *Water Act 2007*, and for related purposes.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) 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 Colbeck moved—That these bills be now read a second time.

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*Explanatory memorandum:* Senator Colbeck tabled a revised explanatory memorandum relating to the Water Bill 2007.

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

- 29 **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007**  
**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007**  
**FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008**

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

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*In the committee*

**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007—**

Consideration resumed of the bill—and of the amendment moved by Senator Bartlett (see entry no. 5).

Debate resumed.

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*Document:* Senator Crossin, by leave, tabled the following document:

Northern Territory National Emergency Response Bill 2007—Response from the Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation to remarks made by Senator Heffernan in the Senate on 14 August 2007.

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

Question—That the bill be agreed to—divided in respect of Part 5.

Part 5 debated.

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*After 5 pm:* The President resumed the chair and the Temporary Chair of Committees (Senator Forshaw) reported progress.

30 **FIRST SPEECH**

Pursuant to order (see entry no. 3, 8 August 2007), Senator Cormann made his first speech.

31 **VALEDICTORY STATEMENTS**

Pursuant to order (see entry no. 3), senators made statements relating to the retirement of Senator Calvert.



- 32 **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007**  
**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007**  
**FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008**

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

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*In the committee*

**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007—**

Consideration resumed of Part 5.

Part 5 further debated.

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*At 6.50 pm:* The Acting Deputy President (Senator Moore) resumed the chair and the Temporary Chair of Committees reported progress.

33 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Community Services (Senator Scullion), by leave, moved—That consideration of government documents not be proceeded with today and that consideration of government business continue till 7.20 pm.

Debate ensued.

Question put and passed.

- 34 **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007**  
**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007**  
**FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008**  
**APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008**

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

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*In the committee*

**NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007—**

Consideration resumed of Part 5.

Part 5 further debated and agreed to.

Question—That the bill be agreed to—divided in respect of clauses 90 and 91.

Clauses 90 and 91 debated.

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*At 7.20 pm:* The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Crossin) reported progress.

**35 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.55 pm till Thursday, 16 August 2007 at 9.30 am.

**36 ATTENDANCE**

Present, all senators except Senator Troeth (on leave).

**HARRY EVANS**  
Clerk of the Senate