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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**1 MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

**2 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

*Australian Meat and Live-stock Industry Act 1997*—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2006.

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

*Crimes Act 1914*—Authorisations for acquisition and use of assumed identities for 2005-06—Australian Taxation Office.

*Customs Act 1901*—Customs (Prohibited Exports) Regulations 1958—Report on permissions to export human embryos for the period 1 July to 31 December 2006.

Foreign Investment Review Board—Report for 2005-06.

*Migration Act 1958*—Reports for the period 1 July to 31 October 2006—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days.

*Native Title Act 1993*—Native title representative bodies—South West Aboriginal Land and Sea Council Aboriginal Corporation—Report for 2005-06.

*Surveillance Devices Act 2004*—Report for 2005-06 on the operation of the Act.

Treaties—

*Bilateral*—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds, and Exchange of Notes, done at Canberra on 6 December 2006.

*Multilateral*—Text, together with national interest analysis and annexure—Measure 4 (2006) Specially Protected Species: Fur Seals (Edinburgh, 23 June 2006).

*War Crimes Act 1945*—Report for 2005-06 on the operation of the Act.

Wheat Export Authority—Report for 1 October 2005 to 30 September 2006.

**3 CONSIDERATION OF LEGISLATION**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—

- (1) 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:

ACIS Administration Amendment (Unearned Credit Liability) Bill 2007

Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007

Broadcasting Legislation Amendment Bill 2007

Family Law (Divorce Fees Validation) Bill 2007

Migration Amendment (Maritime Crew) Bill 2007

Superannuation Legislation Amendment (Simplification) Bill 2007

Income Tax Amendment Bill 2007

Income Tax (Former Complying Superannuation Funds) Amendment Bill 2007

Income Tax (Former Non-resident Superannuation Funds) Amendment Bill 2007

Income Tax Rates Amendment (Superannuation) Bill 2007.

- (2) That, after the motion for the second reading of the Superannuation Legislation Amendment (Simplification) Bill 2007 and four related bills has been moved, they may be taken together for their remaining stages with the Tax Laws Amendment (Simplified Superannuation) Bill 2006 and five related bills.

Question put and passed.

- 4 **TAX LAWS AMENDMENT (SIMPLIFIED SUPERANNUATION) BILL 2006**  
**SUPERANNUATION (EXCESS CONCESSIONAL CONTRIBUTIONS TAX) BILL 2006**  
**SUPERANNUATION (EXCESS NON-CONCESSIONAL CONTRIBUTIONS TAX) BILL 2006**  
**SUPERANNUATION (EXCESS UNTAXED ROLL-OVER AMOUNTS TAX) BILL 2006**  
**SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) BILL 2006**  
**SUPERANNUATION (SELF MANAGED SUPERANNUATION FUNDS) SUPERVISORY LEVY AMENDMENT BILL 2006**  
**SUPERANNUATION LEGISLATION AMENDMENT (SIMPLIFICATION) BILL 2007**  
**INCOME TAX AMENDMENT BILL 2007**  
**INCOME TAX (FORMER COMPLYING SUPERANNUATION FUNDS) AMENDMENT BILL 2007**  
**INCOME TAX (FORMER NON-RESIDENT SUPERANNUATION FUNDS) AMENDMENT BILL 2007**  
**INCOME TAX RATES AMENDMENT (SUPERANNUATION) BILL 2007**

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

Debate resumed.

Senator Sherry moved the following amendment:

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

- (a) notes that Labor governments laid the foundation for Australia’s modern superannuation system by introducing compulsory superannuation contributions;
- (b) in supporting the bills, notes that the measures will:
  - (i) improve the retirement incomes of many Australians,
  - (ii) enhance simplicity of the compulsory superannuation system, and
  - (iii) give certainty and stability in the critical public policy area of savings for retirement;
- (c) notwithstanding support for the bills as a whole, notes the unanimous concern by the Economics Committee in respect of:
  - (i) the tax increase from 15 per cent to 46.5 per cent of contributions where an employer fails to provide an employee or member tax file number,
  - (ii) the treatment of Australian Defence Force disability pensions,
  - (iii) the disparity in income tax treatment of non-superannuation income for members aged 60 and above of ‘untaxed’ funds compared to members of other funds, and

- (iv) the need for a subsequent amending bill before 30 June 2007 to address any issues that require further consultation; and
- (d) notes:
  - (i) that the Government's own projections of new benefit lump sum and pension outcomes indicate a nil or very small improvement in retirement income for those with small retirement savings, and
  - (ii) the need to develop and implement further policy to improve the retirement savings of middle- and low-income Australians".

Debate ensued.

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

## 5 QUESTIONS

Questions without notice were answered.

## 6 FAMILY AND COMMUNITY SERVICES—PROPOSED ACCESS CARD—ANSWER TO QUESTION

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

Debate ensued.

Question put and passed.

## 7 ENVIRONMENT—RENEWABLE ENERGY—ANSWER TO QUESTION

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

Question put and passed.

## 8 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

The President and Senator Humphries, from 28 and 106 petitioners, respectively, requesting that the Senate legislate to create an offence of transmission by mail of child pornography and child abuse material.

## 9 NOTICES

*Notices of motion:*

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

- (a) notes the recent polling conducted by the Australian Research Group on community attitudes to climate change solutions which found that:
  - (i) Australians want to embrace new, clean renewable energy technologies to deal with the challenge of climate change,
  - (ii) Australians support a future based on new renewable energy industries rather than a continuing reliance on coal or a move to nuclear power, and
  - (iii) the renewable options of more solar panels (91 per cent support) and more wind turbines (82 per cent support) were favoured alongside the proposal of reducing overall energy consumption (78 per cent support); and

- (b) calls on the Government to introduce effective policies that will result in significant clean energy investment and greenhouse abatement through support for:
- (i) the renewable energy market, by extending and expanding the existing Mandatory Renewable Energy Target, a renewable energy trading 'green' certificate scheme,
  - (ii) the increased deployment of solar power through dual market of continuing the photovoltaic rebate scheme and introducing a feed-in-tariff,
  - (iii) energy efficiency markets, by introducing a national energy efficiency target and an energy efficiency trading 'white' certificate scheme, and
  - (iv) a transition to clean energy, by introducing a carbon emissions target and carbon emissions trading 'black' certificate scheme. (*general business notice of motion no. 721*)

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

- (a) notes that:
- (i) 8 March is International Women's Day,
  - (ii) International Women's Day is now an official holiday in Armenia, Russian Federation, Azerbaijan, Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Mongolia, Tajikistan, Ukraine, Uzbekistan and Vietnam, and
  - (iii) recent average weekly earnings data from the Australian Bureau of Statistics show that female earnings are 66 per cent of male earnings; and
- (b) calls on the Government to:
- (i) take immediate action to address wage discrepancies between Australian men and women,
  - (ii) reinstate the Office for the Status of Women in the Department of the Prime Minister and Cabinet, and
  - (iii) repeal the WorkChoices legislation, which is disadvantaging female workers. (*general business notice of motion no. 722*)

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

- (a) notes that:
- (i) the term 'comfort women' refers to an estimated 200 000 women who were forced into sexual slavery by the Japanese Government during World War II,
  - (ii) the enslavement of comfort women was officially commissioned and orchestrated by the Government of Japan to include gang rape, forced abortions, sexual violence, human trafficking and numerous other crimes against humanity,
  - (iii) for the past 16 years, since 1992, survivors in Korea have been holding weekly 'Wednesday demonstrations', and
  - (iv) on 7 March 2007 the 'Friends of Comfort Women' in Australia will hold a similar Wednesday demonstration at midday outside the Japanese Consulate in Sydney; and

- (b) calls on the Government to:
  - (i) demand an official and unequivocal apology from the Japanese Government for its sexual enslavement of comfort women during the duration of World War II,
  - (ii) urge the Japanese Government to establish a system of payment and reparations to the comfort women, and
  - (iii) urge the Japanese Government to accurately teach the history of comfort women in Japanese schools. (*general business notice of motion no. 723*)

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

- (a) notes:
  - (i) that on 28 February 2007 people around the world will participate in an international day of action against the proposed Salween dams in Burma and along the Thai-Burma border, and
  - (ii) the Salween dams will permanently degrade Southeast Asia's longest free flowing rivers, fisheries, floodplains, teak forests and wildlife habitats, and flood villages and fertile agricultural land; and
- (b) calls on the Government to oppose the dams and to place pressure on the Thai and Burmese Governments to halt plans to dam the Salween River. (*general business notice of motion no. 724*)

Senator Nettle: To move on the next day of sitting—That the Senate calls on the Government to return Mr David Hicks to Australia. (*general business notice of motion no. 725*)

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

- (a) notes the sudden death of Mr Murray Chapman in Canberra on 24 February 2007;
- (b) acknowledges:
  - (i) the contribution of Mr Chapman's energy, commitment and dedication to the land rights movement during his long and distinguished career in Aboriginal affairs at both the national and the state level, with the Aboriginal and Torres Strait Islander Commission, the Human Rights and Equal Opportunity Commission and the Indigenous Land Corporation, and
  - (ii) his appointment, in November 2003, as New South Wales Aboriginal Land Council Administrator, a position he served with distinction until his sudden and premature passing; and
- (c) expresses its condolences to Mr Chapman's family, the Land Council network and the broader Indigenous community. (*general business notice of motion no. 726*)

*Notices of motion withdrawn:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 26 February 2007, withdrew notices of motion standing in his name as follows:

Business of the Senate notices of motion nos 1, 2, 3, 5, 6 and 7 for 5 sitting days after today for the disallowance of the following instruments:

Approved Code of Practice for Manual Handling (Maritime Industry), made under subsection 109(1) of the *Occupational Health and Safety (Maritime Industry) Act 1993*.

Approved Form for Application for Initial Approval as a Rehabilitation Program Provider, made under paragraph 34C(1)(a) and subsection 34S(1) of the *Safety, Rehabilitation and Compensation Act 1988*.

Approved Form for Application for Renewal of Approval as a Rehabilitation Program Provider, made under paragraph 34K(1)(a) and subsection 34S(1) of the *Safety, Rehabilitation and Compensation Act 1988*.

Direction Relating to Foreign Currency Transactions and to North Korea, made under regulation 5 of the Banking (Foreign Exchange) Regulations 1959.

Prescribed Courses for Applicants for Registration as a Migration Agent, made under paragraph 5(1)(a) of the Migration Agents Regulations 1998.

Variation of Criteria for Approval or Renewal of Approval of Rehabilitation Program Providers, made under section 34D of the *Safety, Rehabilitation and Compensation Act 1988*.

Business of the Senate notices of motion nos 1 and 2 for 9 sitting days after today for the disallowance of the following instruments:

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

Social Security (Partially Asset-test Exempt Income Stream – Exemption) (FACS) Principles 2005, made under paragraph (c) of the definition of *partially asset-test exempt income stream* in subsection 1118(1A) of the *Social Security Act 1991*.

#### 10 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Siewert and Milne for today, proposing the reference of matters to the Rural and Regional Affairs and Transport Committee, postponed till 28 February 2007.

#### 11 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 708—That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts Committee be extended as follows:

- (a) Australia's national parks—to 29 March 2007; and
- (b) Australia's Indigenous visual arts and craft sector—to 12 June 2007.

Question put and passed.

#### 12 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 709—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on Australia's public diplomacy be extended to 12 June 2007.

Question put and passed.



**13 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Parry, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 710—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate on Wednesday, 28 February 2007, and Wednesday, 21 March 2007, to take evidence for the committee's inquiry into Australia's trade with Mexico and the region.

Question put and passed.

**14 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Parry, at the request of Senator Watson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 712—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate as follows:

- (a) on Wednesday, 28 February 2007, from 11.30 am to 1 pm, to take evidence for the committee's review of Auditor-General's reports; and
- (b) on Thursday, 1 March and 29 March 2007, from 10.30 am to 1 pm, and Wednesday, 28 March 2007, from 11.15 am to 1.30 pm, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and the Defence Materiel Organisation.

Question put and passed.

**15 COMMUNITY AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Parry, at the request of the Chair of the Community Affairs Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 713—That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 March 2007, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Aged Care Amendment (Security and Protection) Bill 2007.

Question put and passed.

**16 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 714—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 March 2007, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the AusCheck Bill 2006.

Question put and passed.

**17 QANTAS SALE (KEEP JETSTAR AUSTRALIAN) AMENDMENT BILL 2007**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 719—That the following bill be introduced:

A Bill for an Act to protect Jetstar from foreign ownership and ensure jobs and operations stay in Australia, and for related purposes.

Question put and passed.

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

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

#### 18 WOMEN—NATIONAL OVARIAN CANCER AWARENESS WEEK

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senators Ferris, Moore and Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 711—That the Senate—

- (a) notes that:
  - (i) National Ovarian Cancer Awareness Week runs from Sunday, 25 February to Sunday, 4 March 2007,
  - (ii) more than 1 000 women get ovarian cancer every year,
  - (iii) between 1991 and 2001 there was a 23 per cent increase in the number of new cases of ovarian cancer and other cancers of the female genital organs, and
  - (iv) the relative 5 year survival rate for ovarian cancer is less than half that for breast cancer;
- (b) draws attention to the Community Affairs Committee report *Breaking the silence: A national voice for gynaecological cancers* which was tabled in the Senate on 19 October 2006; and
- (c) calls on the Government to implement the recommendations in the report.

Question put and passed.

#### 19 FOREIGN AFFAIRS—BANGLADESH—MR SALAH UDDIN SHOAIB CHOUDHURY

Senator Stephens amended general business notice of motion no. 717 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
  - (i) the plight of Mr Salah Uddin Shoaib Choudhury, a Bangladeshi journalist who is on trial for sedition, an offence punishable by death, because as editor of an English-language newspaper he has been critical of Islamic extremism and has expressed his belief in interfaith dialogue, particularly between Christians, Muslims and Jews,
  - (ii) that Mr Choudhury was detained in Dhaka Central Jail in November 2003 for passport violation, was charged with sedition, interrogated and was held in prison for 17 months without legal recourse until April 2005 when he was released on bail after intervention by the United States Department of State,
  - (iii) that on 6 July 2006 Mr Choudhury's newspaper offices were bombed by an Islamic extremist organisation after the newspaper published articles in support of the Ahmadiyya Muslim minority,

- (iv) that on 18 September 2006 a Bangladeshi judge ruled that Mr Choudhury would stand trial for sedition and that his trial commenced, only to be suspended when a state of emergency was declared in Bangladesh on 11 January 2007 and a caretaker government was installed by the military on 22 January 2007,
  - (v) that Mr Choudhury's trial has been suspended while the new government is established, and
  - (vi) that the previous government admitted that there was no basis for the charges against Mr Choudhury and the Public Prosecutor testified that there was no evidence against him; and
- (b) calls on the Government of Bangladesh to:
- (i) ensure a fair trial for Mr Choudhury,
  - (ii) ensure his confiscated possessions are returned, and
  - (iii) investigate those responsible for his harassment and intimidation.

Question put and passed.

## 20 FOREIGN AFFAIRS—NUCLEAR WEAPONS

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 704—That the Senate—

- (a) notes the growing international concern regarding nuclear weapons proliferation, as shown by the:
- (i) decision by the advisory board of the *Bulletin of the Atomic Scientists*, on 17 January 2007, to move the hands of the 'Doomsday Clock' from 7 minutes to midnight to 5 minutes to midnight,
  - (ii) statement by the Director General of the International Atomic Energy Agency and Nobel Peace prize winner Mohammed El Baradei, on 9 January 2007, stressing that 'In addition to non-proliferation, it is also important to make progress on the second leg of the NPT – namely, the commitment by the nuclear weapon States to proceed in good faith towards complete nuclear disarmament',
  - (iii) statements published in the *Wall Street Journal* of 4 January 2007, by Henry A Kissinger, George P Schultz, William J Perry and Senator Sam Nunn, emphasising the urgency of agreed practical steps to achieve a world free of nuclear weapons, and
  - (iv) statements by Kofi Annan, on 28 November 2006, and the Rome Summit of Peace Nobels, on 19 November 2006, emphasising the urgency of eliminating nuclear weapons; and
- (b) calls on the Government to:
- (i) review all existing uranium contracts with a view to ensuring that atoms of Australian uranium will never facilitate, in any way, nuclear weapons in any country,
  - (ii) give an assurance that uranium will never be exported to any state that is not an Nuclear Non-Proliferation Treaty (NPT) signatory,
  - (iii) make representations to the United States of America (US), urging it to place greater importance not only on non-proliferation and counter-proliferation efforts, but also on its Article VI NPT obligation to achieve the total elimination of its nuclear arsenal,

- (iv) press the US and China, in particular, to ratify the Comprehensive Nuclear-Test-Ban Treaty, and
- (v) continue its co-sponsorship of the resolution ‘Renewed determination towards the total elimination of nuclear weapons’, and support all other nuclear disarmament initiatives on the floor of the First Committee and General Assembly including the New Agenda resolution ‘Reducing Nuclear Danger’ and the annual Non-Aligned Movement resolution.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 34

Senators—

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

Question negatived.

## 21 ENVIRONMENT—HOPE DOWNS IRON ORE PROJECT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 703—That there be laid on the table by the Minister representing the Minister for the Environment and Water Resources, any briefing packages produced by the former Department of the Environment and Heritage for the Minister’s consideration of the Hope Downs Iron Ore Project proposed by Hope Downs Management Services Pty Ltd.

Question put and negatived.

## 22 FOREIGN AFFAIRS—IRAN

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 715—That the Senate—

(a) notes:

- (i) the growing tension between the United States of America (US) and Iran, including the military build-up in the Persian Gulf,

- (ii) the indication by US Vice President Dick Cheney, while in Sydney from 22 February to 25 February 2007, that a military strike on Iran is an option, and
  - (iii) that US intelligence bases in Australia are likely to be used in any military strike on Iran; and
- (b) calls on the Government to:
- (i) support a diplomatic resolution to the crisis, and
  - (ii) rule out Australian support for a military strike on Iran.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 55

Senators—

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

Question negatived.

### 23 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 716—That the Senate—

- (a) notes:
- (i) the comments on 26 February 2007 by former Family Court Chief Justice Alastair Nicholson that the Prime Minister, the Minister for Foreign Affairs and the Attorney-General could be charged with war crimes for insisting Mr David Hicks face trial before a United States of America military commission,
  - (ii) the Federal Court case examining the Government's breach of its protective duty to Australian citizen Mr Hicks, and
  - (iii) that Mr Hicks has been detained for 1 909 days; and
- (b) calls on the Government to fulfil its duty of care and return Mr Hicks to Australia.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 53

Senators—

Abetz	Ellison	Ludwig	Payne
Adams	Ferguson	Lundy	Polley
Barnett	Fierravanti-Wells	Macdonald, Ian	Ray
Bernardi	Fifield	Macdonald, Sandy	Ronaldson
Boswell	Forshaw	Marshall	Santoro
Brown, Carol	Heffernan	Mason	Stephens
Campbell, G (Teller)	Hogg	McEwen	Sterle
Campbell, Ian	Hurley	McGauran	Troeth
Carr	Hutchins	McLucas	Watson
Chapman	Johnston	Minchin	Webber
Colbeck	Joyce	Moore	Wortley
Conroy	Kemp	Nash	
Crossin	Kirk	Parry	
Eggleston	Lightfoot	Patterson	

Question negatived.

#### 24 ENVIRONMENT—GREENHOUSE GAS EMISSIONS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 720—That the Senate—

- (a) welcomes the call from the electricity sector for a greenhouse gas emissions trading scheme to promote investor confidence;
- (b) notes that:
  - (i) the purpose of an emissions trading scheme is to create an economically efficient mechanism to reduce greenhouse gas emissions, and
  - (ii) notes that international emissions trading is a key mechanism of the Kyoto Protocol;
- (c) rejects the McKibbin-Wilcoxon proposal because it fails to cap greenhouse gas emissions and creates an unacceptable risk that long-term emission permits will be over-allocated; and
- (d) calls on the Government to announce the rules of an emissions trading scheme by 2008, for commencement in 2010.

Question put.

The Senate divided—

AYES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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## NOES, 54

Senators—

Abetz	Ellison	Ludwig	Patterson
Adams	Fielding	Lundy	Payne
Allison	Fierravanti-Wells	Macdonald, Ian	Polley
Barnett	Fifield	Macdonald, Sandy	Ray
Bartlett	Forshaw	Marshall	Ronaldson
Bernardi	Heffernan	Mason	Santoro
Boswell	Hogg	McEwen	Stephens
Brown, Carol	Hurley	McGauran	Sterle
Campbell, George	Hutchins	McLucas	Stott Despoja
Campbell, Ian	Johnston	Minchin	Troeth
Chapman	Joyce	Moore	Watson
Colbeck	Kemp	Murray	Wortley
Crossin	Kirk	Nash	
Eggleston	Lightfoot	Parry (Teller)	

Question negatived.

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

## 25 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. 718—That the Senate—

(a) notes:

- (i) growing international concern about nuclear proliferation and recent speculation about a possible United States of America (US) or Israeli attack on Iranian nuclear facilities,
- (ii) Australia is a member of the Nuclear Suppliers Group (NSG) which makes its decisions by consensus,
- (iii) the US-India nuclear cooperation deal would breach the guidelines of the NSG that restricts trade with non-nuclear-weapon states that do not accept full-scope International Atomic Energy Agency safeguards,
- (iv) exemptions from NSG guidelines would erode the credibility of the NSG's effort to restrict nuclear trade to those states that meet global nuclear non-proliferation and disarmament standards, and
- (v) the next NSG meeting is in April 2007 and the US is expected to seek agreement to allow the US-India nuclear cooperation deal to proceed; and

- (b) calls on the Government to preserve the integrity of the Nuclear Non-Proliferation Treaty by blocking the US-India deal at the NSG meeting in April 2007 and ruling out the supply of uranium to India.

Question put.

The Senate divided—

## AYES, 8

Senators—

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

## NOES, 48

## Senators—

Abetz	Fielding	Lightfoot	Parry
Adams	Fierravanti-Wells	Ludwig	Payne
Barnett	Fifield	Lundy	Polley
Bernardi	Forshaw	Macdonald, Ian	Ray
Boswell	Heffernan	Macdonald, Sandy	Ronaldson
Brown, Carol	Hogg	Marshall	Santoro
Campbell, George	Hurley	Mason	Stephens
Chapman	Hutchins	McEwen	Sterle
Colbeck	Johnston	McGauran	Troeth
Crossin	Joyce	McLucas	Watson
Eggleston	Kemp	Moore	Webber
Ellison	Kirk	Nash (Teller)	Wortley

Question negatived.

**26 COMMUNITY AFFAIRS—STANDING COMMITTEE—GOVERNMENT RESPONSE—  
GYNAECOLOGICAL CANCER IN AUSTRALIA**

The Minister for Ageing (Senator Santoro) tabled the following document:

Community Affairs—Standing Committee—Report—Breaking the silence: A national voice for gynaecological cancers—Government response, dated February 2007.

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

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Australian Democrats (Senator Allison) in continuation.

**27 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—  
DEPARTMENTAL AND AGENCY CONTRACTS**

The Chair of the Finance and Public Administration Committee (Senator Mason) tabled the following report and documents:

Finance and Public Administration—Standing Committee—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)—Report, dated February 2007 and Hansard record of proceedings.

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

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

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

**28 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (2006  
MEASURES NO. 7) BILL 2006**

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

Economics—Standing Committee—Tax Laws Amendment (2006 Measures No. 7) Bill 2006—Report, dated February 2007 and submissions [5].

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



**29 DOCUMENTS**

The following documents were tabled by the Clerk:

Class Rulings CR 2007/11-CR 2007/13.

Product Rulings—

Addendum—PR 2006/163A.

PR 2007/9-PR 2007/11.

Sales Tax Rulings—Notices of Withdrawal—SST 19, ST 2066, ST 2069-ST 2073, ST 2075, ST 2077, ST 2079, ST 2081, ST 2085-ST 2088, ST 2090-ST 2092, ST 2094, ST 2095 and ST 2384.

Taxation Rulings—Notices of Withdrawal—Old series—IT 2069, IT 2381, IT 2559, IT 2560 and IT 2678W.

**30 EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT  
(WELFARE TO WORK AND VOCATIONAL REHABILITATION SERVICES) BILL 2006**

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

Message no. 499, dated 26 February 2007—A Bill for an Act to amend the *Social Security Act 1991*, and for other purposes.

The Minister for the Arts and Sport (Senator Brandis) 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 Brandis moved—That this bill be now read a second time.

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

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

Senator O'Brien, pursuant to notice, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by the first sitting day in June 2007:

An examination of the effect on regional and rural Australia of the Government's February 2007 decision to phase-out non-forestry managed investment schemes, including:

- (a) the effect on jobs and investment in rural and regional Australia;
- (b) the identity of agricultural industries which will be most affected;
- (c) the regional and rural communities which will be most affected;
- (d) the effect on exports; and
- (e) the merits of maintaining non-forestry managed investment schemes and alternatives to the Government's decision.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

**32 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—APPOINTMENT**

The following message from the House of Representatives was reported:

Message no. 498, dated 26 February 2007—Agreeing to the Senate resolution establishing the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

**33 TAX LAWS AMENDMENT (SIMPLIFIED SUPERANNUATION) BILL 2006  
SUPERANNUATION (EXCESS CONCESSIONAL CONTRIBUTIONS TAX) BILL 2006  
SUPERANNUATION (EXCESS NON-CONCESSIONAL CONTRIBUTIONS TAX) BILL 2006  
SUPERANNUATION (EXCESS UNTAXED ROLL-OVER AMOUNTS TAX) BILL 2006  
SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX) BILL 2006  
SUPERANNUATION (SELF MANAGED SUPERANNUATION FUNDS) SUPERVISORY LEVY AMENDMENT BILL 2006  
SUPERANNUATION LEGISLATION AMENDMENT (SIMPLIFICATION) BILL 2007  
INCOME TAX AMENDMENT BILL 2007  
INCOME TAX (FORMER COMPLYING SUPERANNUATION FUNDS) AMENDMENT BILL 2007  
INCOME TAX (FORMER NON-RESIDENT SUPERANNUATION FUNDS) AMENDMENT BILL 2007  
INCOME TAX RATES AMENDMENT (SUPERANNUATION) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That these bills be now read a second time—and on the amendment moved by Senator Sherry (see entry no. 4).

Debate resumed.

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

Senator Murray moved the following amendment in respect of the Superannuation Legislation Amendment (Simplification) Bill 2007:

At the end of the motion, add “whilst the Senate acknowledges the Australian Democrats’ view that the ‘Simple Super’ package of 11 bills makes a genuine and systematic effort to simplify superannuation rules and taxation, and to encourage older Australians to work and save more, the Senate accepts the Australian Democrats’ view that the bills are inadequate because they only address part of a much larger problem—problems remaining in the superannuation system and the broader income taxation system include the need to significantly improve the disposable income of low-income Australians both in work and retirement, to address the markedly lower super funds accumulated by women overall, and the continuation of super discrimination against same sex couples”.

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

Main question put and passed.

Bills read a second time.

An amendment to the Superannuation Legislation Amendment (Simplification) Bill 2007 was circulated but the senator concerned indicated that he did not wish to move it and no other senator required that the bills be considered in committee.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bills were read a third time.

#### 34 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.

*At 6.50 pm:* Debate was interrupted while Senator Fifield was speaking.

**35 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

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

*Australian Meat and Live-stock Industry Act 1997*—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2006. Motion to take note of document moved by Senator Ian Macdonald and debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Wheat Export Authority—Report for 1 October 2005 to 30 September 2006. Motion to take note of document moved by Senator Moore. Debate adjourned till Thursday at general business, Senator Moore in continuation.

*Migration Act 1958*—Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2006. Motion to take note of document moved by Senator Moore. Debate adjourned till Thursday at general business, Senator Moore in continuation.

*Migration Act 1958*—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2006. Motion to take note of document moved by Senator Bartlett. On the motion of Senator Moore debate was adjourned till Thursday at general business.

*Surveillance Devices Act 2004*—Report for 2005-06 on the operation of the Act. Motion to take note of document moved by Senator Moore. Debate adjourned till Thursday at general business, Senator Moore in continuation.

Treaties—*Bilateral*—Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds, and Exchange of Notes, done at Canberra on 6 December 2006. Motion to take note of document moved by Senator Ian Macdonald. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

General business order of the day no. 10 relating to government documents was called on but no motion was moved.

**36 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 9 pm till Wednesday, 28 February 2007 at 9.30 am.

**37 ATTENDANCE**

Present, all senators except Senator Vanstone.

**HARRY EVANS**  
Clerk of the Senate