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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 COMMITTEES—ESTIMATES HEARINGS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—That the order of the Senate of 7 December 2006 relating to committee groupings for estimates hearings, as amended, be modified as follows:

Group A:

Environment, Communications, Information Technology and the Arts
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

Group B:

Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

Question put and passed.

3 NATIVE TITLE AMENDMENT BILL 2006

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

In the committee

Consideration resumed of the bill, as amended.

On the motion of the Minister for Justice and Customs (Senator Johnston) the following amendments, taken together by leave, were debated and agreed to:

Schedule 2, item 35, page 31 (lines 4 to 6), omit subparagraph 87A(1)(c)(iii).

Schedule 2, item 52, page 39 (table item 3), omit the table item, substitute:

3 a party that is provided with the Attorney-General
funds by the Attorney-General
under section 183

Senator Ludwig moved the following amendments together by leave:

No. 1—Schedule 2, item 51, page 38 (line 28) to page 39 (line 2), omit subsection 136G(3B).

No. 2—Schedule 2, item 53, page 44 (line 20), at the end of subsection 136GE(2), add “; provided that the parties to the proceeding agree.”.

No. 3—Schedule 2, item 57, page 46 (lines 8 to 10), omit subsection 138B(3).

No. 4—Schedule 2, item 67, page 50 (line 18), after “must”, insert “, provided the parties consent,”.

No. 5—Schedule 2, page 52 (after line 22), after item 73, insert:

73A Subsection 203C(1)

After “body”, insert “or a prescribed body corporate”.

Debate ensued.

Senator Ludwig, by leave, withdrew amendment no. 5 and moved the following further amendments:

Schedule 2, page 52 (after line 22), after item 73, insert:

73A At the end of section 203C

Add:

- (4) For the purposes of this Division, *representative body* also includes a prescribed body corporate under Division 6.

Schedule 2, page 52 (after line 22), after item 73, insert:

73B Paragraph 203CA(1A)(a)

After “203AH”, insert “or the prescribed body is replaced under section 60”.

Schedule 2, page 52 (after line 22), after item 73, insert:

73C Paragraph 203CA(1A)(b)

After “withdrawal”, insert “or replacement”.

Schedule 2, page 52 (after line 22), after item 73, insert:

73D At the end of subsection 203CA(1A)

Add “or the replacement occurs”.

Debate continued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, items 2, 19, 31, 36, 47, 52, 73, 89 and 90.

Schedule 2, items 2, 19, 31, 36, 47, 52, as amended, 73, 89 and 90 agreed to.

Senator Bartlett moved the following amendments together by leave:

Schedule 2, item 35, page 31 (lines 1 to 3), omit subparagraph 87A(1)(c)(ii).

Schedule 2, item 48, page 37 (lines 4 to 8), omit subsection 136DA(1), substitute:

- (1) Subject to subsections (2) and (3), if the presiding member considers that a party to a proceeding:
- (a) is not a person covered by paragraph 66(3)(a); and
 - (b) does not have an interest that may be effected by a determination in the proceeding;

he or she may refer to the Federal Court the question of whether the party should cease to be a party to the proceeding.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, items 2, 31, 33, 36, 45, 47, 51, 53 to 67 and 73.

Schedule 2, items 2, 31, 33, 36, 45, 47, 51, 53 to 67 and 73 agreed to.

Senator Bartlett moved the following amendment:

Schedule 2, item 2, page 26 (after line 5), after subsection 66C(2), insert:

- (2A) Advice by the NNTT Registrar in accordance with subsection (1) is not of itself sufficient for the dismissal of the proceedings but the Federal Court retains its discretion to do so.

Debate ensued.

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

Senator Bartlett moved the following amendment:

Schedule 2, page 30 (after line 14), after item 33, insert:

33A At the end of section 86E

Add:

- (3) A report or a plan in accordance with paragraph (2)(a) or (b) must:
- (a) be prepared after consultation by the NNTT with all representative bodies in whose areas the region concerned is located; and
 - (b) must take account of the views of and the terms of any operational or strategic plan of those representative bodies.

Debate ensued.

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

Senator Bartlett moved the following amendment:

Schedule 2, item 36, page 32 (after line 33), at the end of section 94B, add:

- (2) If a report is provided to the Court under subsection (1), a copy of the report must also be provided to the other party to the proceedings.

Debate ensued.

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

On the motion of Senator Johnston the following amendment was debated and agreed to:

Schedule 2, item 53, page 44 (after line 15), at the end of subsection 136GE(1), add:

However, the findings of the review are not binding on any of the participating parties.

Senator Ludwig moved the following amendment:

Schedule 2, item 62, page 49 (lines 10 to 12), omit subsection 154A(3), substitute:

- (3) The Tribunal may direct that a hearing, or part of a hearing, be held in public, providing that the parties consent to this.

Debate ensued.

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

On the motion of Senator Bartlett the following amendment was agreed to:

Schedule 2, item 62, page 49 (line 11), after “so”, insert “and the consent of the parties has been obtained”.

Senator Bartlett moved the following amendments together by leave:

Schedule 2, item 53, page 42 (line 7), at the end of subsection 136GC(2), add:
; and (c) the applicant has consented to the review being conducted.

Schedule 2, item 53, page 44 (line 17), omit “may provide”, substitute “must obtain the consent of a party before providing”.

Schedule 2, item 57, page 46 (lines 8 to 10), omit subsection 138B(3).

Schedule 2, item 67, page 50 (line 18), after “must”, insert “, if the parties have consented,”.

Debate ensued.

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

On the motion of Senator Johnston the following amendments, taken together by leave, were agreed to:

Schedule 2, item 73, page 51 (lines 28 and 29), omit the heading to subsection 190D(6), substitute:

Where all avenues for review of Registrar’s decision exhausted

Schedule 2, item 73, page 52 (lines 6 to 13), omit paragraph 190D(6)(b), substitute:

- (b) the Court is satisfied that the avenues for:
- (i) the review under this section of the Registrar’s decision; and
 - (ii) the review of orders made in the determination of an application under this section; and
 - (iii) the review of the Registrar’s decision under any other law;

have all been exhausted without the registration of the claim.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2, as amended, be agreed to—put.

The committee divided—

AYES, 30

Senators—

Abetz	Coonan	Joyce	Payne
Adams	Ferguson	Kemp	Ronaldson
Barnett	Fielding	Macdonald, Ian	Scullion
Bernardi	Fierravanti-Wells	Mason	Troeth
Boswell	Fifield	McGauran	Trood
Brandis	Heffernan	Minchin	Watson
Calvert	Humphries	Nash (Teller)	
Colbeck	Johnston	Parry	

NOES, 27

Senators—

Allison	Evans	McEwen	Siewert
Bartlett	Forshaw	McLucas	Stephens
Bishop	Hogg	Moore	Sterle
Brown, Carol	Hurley	Murray	Webber
Campbell, G (Teller)	Hutchins	Nettle	Wong
Conroy	Ludwig	Polley	Wortley
Crossin	Marshall	Ray	

Schedule agreed to.

After 2 pm: The President resumed the chair and the Chair of Committees (Senator Hogg) reported progress.

4 QUESTIONS

Questions without notice were answered.

5 LAW AND JUSTICE—AUSTRALIAN FEDERAL POLICE—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Minister for Justice and Customs (Senator Johnston), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Ludwig on 22 March 2007 relating to the Australian Federal Police.

6 QUESTION TIME—SUPPLEMENTARY QUESTIONS—STATEMENT BY PRESIDENT

The President made a statement relating to supplementary questions asked by Senators Nash and Fierravanti-Wells on 22 March 2007 and the prohibition on senators asking that ministers comment on the policies of other political parties.

7 SUPERANNUATION—FUTURE FUND—COMMUNICATIONS—BROADBAND—ANSWERS TO QUESTIONS

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked today relating to superannuation and the Future Fund and to broadband telecommunications infrastructure.

Debate ensued.

Question put and passed.

8 ENVIRONMENT—CLIMATE CHANGE—ANSWER TO QUESTION

The Leader of the Australian Democrats (Senator Allison) 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 Allison today relating to climate change.

Question put and passed.

9 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Allison, from 31 petitioners, requesting that the Senate take action to abandon plans to expand uranium mining, enrich uranium and build nuclear power plants in Australia.

Senator McLucas, from 175 petitioners, requesting that the Senate take action to re-introduce the Commonwealth Dental Scheme, reduce waiting times for public dental health services and train more public dentists.

Senator Stephens, from 72 petitioners, requesting that the Senate urge the Government to ensure Mr Hicks is granted a fair trial or repatriated to Australia.

10 NOTICES

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

- (a) notes the resolution of the European Parliament on 14 March 2007 regarding the third session of the Nuclear Non-Proliferation Treaty (NPT) Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons from 30 April to 11 May 2007 in Vienna, Austria, in:
 - (i) committing the European Union (EU), by consensus, to reviving and strengthening the NPT resolution of the European Parliament on 14 March 2007,
 - (ii) emphasising the importance of nuclear non-proliferation and disarmament, describing the proliferation of weapons of mass destruction (WMD) and their means of delivery as one of the most important threats to international peace and security,
 - (iii) recalling the statement in the report of the United Nations (UN) Secretary-General's High Level Panel on Threats, Challenges and Change, *A more secure world: our shared responsibility*, that 'we are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation',
 - (iv) taking into account the growing international consensus on the urgency of nuclear disarmament, promoted by the New Agenda Coalition and in the Rome Declaration of the World Summit of Nobel Peace Prize Winners (convened by Mikhail Gorbachev and the Mayor of Rome, Walter Veltroni) of 30 November 2006,
 - (v) highlighting the role of parliaments and parliamentarians in promoting nuclear non-proliferation and disarmament and in this perspective welcoming the efforts of the global Parliamentary Network on Nuclear Disarmament, and
 - (vi) re-affirming its position that the NPT is the cornerstone of the global nuclear non-proliferation regime, the essential foundation for promoting cooperation in the peaceful uses of nuclear energy and an important element in furthering the goal of achieving nuclear disarmament and general disarmament in accordance with Article VI of the Treaty;
- (b) notes that the resolution:
 - (i) calls upon all states whose activities violate the non-proliferation regime to stop their unwise and irresponsible behaviour and to comply fully with their obligations under the NPT, and reiterates its call on all states not part of the NPT to accede to the Treaty,
 - (ii) urges both the Council and the Commission to actively participate in the discussions being held at the Vienna NPT Preparatory Committee (PrepCom) meeting and to make a coordinated, substantial and visible contribution towards a positive outcome of the 2010 NPT Review Conference,
 - (iii) invites both the Council and the Commission to clarify which steps they envisage undertaking to strengthen the Non-Proliferation Treaty and to pursue effective multilateralism as stated in the December 2003 EU Strategy against the Proliferation of Materials and Weapons of Mass Destruction,
 - (iv) affirms that, for multilateral efforts to be effective, they must be set within a well-developed vision of achieving a nuclear-weapon-free world at the earliest possible date,

- (v) urges the [EU] Presidency to produce regularly, before the Review Conference of 2010, a progress report on the implementation of each of the 43 measures adopted in the 2005 EU Common Position of 25 April 2005 relating to the 2005 NPT Review Conference, as well as a list of new commitments the Council hopes to achieve at the 2010 NPT Review Conference,
 - (vi) urges the [EU] Presidency to promote at PrepCom a number of disarmament initiatives, based on the ‘Statement of Principles and Objectives’ agreed upon at the end of the 1995 NPT Review Conference and on the ‘13 Practical steps’ agreed to unanimously at the Year 2000 NPT Review Conference, which should be improved and implemented in order to make progress (to avoid regress or standstill),
 - (vii) urges, in particular, the [EU] Presidency to break the deadlock on establishing a verifiable Fissile Material Cut-Off Treaty, to speed up the signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by all countries, especially those required for it to enter into force and a full stop of all nuclear weapon testing awaiting the CTBT to enter into force, and to prioritise the importance of lowering the risk of nuclear terrorism by developing and enforcing effective export and border controls on sensitive WMD-related materials, equipment and/or technologies,
 - (viii) calls on the international community to promote initiatives towards an international multilateral process of uranium enrichment under the control of the International Atomic Energy Agency (IAEA),
 - (ix) recommends that the European Parliament send a delegation to Vienna to participate in the NPT PrepCom events and requests the [EU] Presidency to include representatives of the European Parliament in the EU delegation (in accordance with the precedent set by the delegation to the UN Program of Action Review Conference in New York in 2006), and
 - (x) invites its President to forward this resolution to the Council, the Commission, the UN Secretary-General, and the governments and parliaments of the member states of the UN, the Director General of the IAEA, the Parliamentary Network on Nuclear Disarmament, Mayors for Peace, as well as to the other organisers of the international conference on nuclear disarmament at the European Parliament, scheduled on 19 April 2007; and
- (c) calls on the Australian Government to:
- (i) endorse the EU motion in all respects,
 - (ii) send a cross-party delegation of Australian federal parliamentarians to Vienna to participate in the NPT PrepCom events,
 - (iii) encourage federal parliamentarians to form an Australian Parliamentary Network on Nuclear Disarmament, and
 - (iv) encourage mayors to form an Australian Mayors for Peace organisation. (*general business notice of motion no. 754*)

The Chair of the Legal and Constitutional Affairs Committee (Senator Barnett): To move on the next day of sitting—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 29 March 2007, from 5.30 pm, to take evidence for the committee’s inquiry into the provisions of the Migration Amendment (Maritime Crew) Bill 2007. (*general business notice of motion no. 755*)

Senators Carol Brown, O'Brien, Polley and Sherry: To move on the next day of sitting—That the Senate—

- (a) congratulates the Tasmanian Tigers cricket team on winning their first ever Pura Cup final at Bellerive Oval on Friday, 23 March 2007;
- (b) conveys, on behalf of all Tasmanians, the state's pride and congratulations for the performances of all the team members who have played in the team over the course of the season; and
- (c) expresses its thanks to all the team's support staff and others who have contributed to the success of the team. (*general business notice of motion no. 756*)

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

- (a) notes:
 - (i) the 200th anniversary of the Slave Trade Act, passed by the British Parliament on 25 March 1807, abolishing slavery in the United Kingdom,
 - (ii) the efforts of abolitionist, House of Commons MP, Mr William Wilberforce in leading the campaign against slavery, and
 - (iii) that slavery still occurs in some parts of the world, particularly in the trafficking of children and women in the sex trade; and
- (b) records its condemnation of slavery in all its forms. (*general business notice of motion no. 757*)

Senator Siewert: To move on the next day of sitting—That the Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch (2007 Fishing Year) Determination (cited as 2007 SESSF D3), made under section 24 of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003, be disallowed.

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

- (a) notes the start of preliminary hearings of the United States of America military commission established to try Mr David Hicks; and
- (b) calls on the Government to return Mr Hicks to Australia. (*general business notice of motion no. 758*)

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

- (a) regrets the actions of Senator Heffernan in gatecrashing the press conference of a Labor front-bencher;
- (b) notes that this is the second time Senator Heffernan has committed such an offence;
- (c) calls on the Prime Minister (Mr Howard) to counsel his close friend, Senator Heffernan, as to the courtesies extended to fellow parliamentarians; and
- (d) believes that retaliation for Senator Heffernan's actions will not add to the dignity of the parliamentary process. (*general business notice of motion no. 759*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That the government business orders of the day relating to the Tax Laws Amendment (2006 Measures No. 7) Bill 2006 and the Tax Laws Amendment (2007 Measures No. 1) Bill 2007 may be taken together for their remaining stages.

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

- (a) notes that Monday, 26 March 2007 marks the arraignment of Mr David Hicks before a military commission on a single charge of providing material support for terrorism; and
- (b) recognises that the trial process at Guantanamo Bay allows for conviction on evidence obtained by coercion and evidence that detainees will never be allowed to see, removal of the right to a speedy trial, and removal of the right of habeas corpus. (*general business notice of motion no. 760*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to give back Australian workers their public holidays, meal breaks, penalty rates and overtime and to protect their redundancy, and for related purposes. ***Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007***. (*general business notice of motion no. 761*)

Senator Milne: To move on the next day of sitting—That the Senate calls on the Government to ensure that both the Stockholm Convention and the Biodiversity Convention will be upheld in assessing Gunns Limited's proposed pulp mill in Tasmania. (*general business notice of motion no. 762*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 28 March 2007—That the Senate calls on the Minister for the Environment and Water Resources to ensure that federal guidelines for assessing Gunns Limited's proposed pulp mill in Tasmania include the impact, direct and indirect, on rare and endangered species. (*general business notice of motion no. 763*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Amendment (Border Integrity) Bill 2006, allowing it to be considered during this period of sittings.

Document: Senator Abetz tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Migration Amendment (Border Integrity) Bill 2006 in the 2007 autumn sittings.

11 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Milne for today, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts Committee, postponed till 29 March 2007.

12 LEAVE OF ABSENCE

Senator Webber, by leave, moved—That leave of absence be granted to Senator Kirk from 26 March to 29 March 2007, on account of parliamentary business overseas.

Question put and passed.

13 FOOD SAFETY (TRANS FATS) BILL 2007

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 680—That the following bill be introduced:

A Bill for an Act to prohibit the addition of synthetic trans fatty acids to food, and for related purposes.

Question put and passed.

Senator Nettle presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

14 DEATH OF PROFESSOR TANYA REINHART

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 751—That the Senate—

- (a) notes the recent death of Israeli linguist, author and peace activist Professor Tanya Reinhart;
- (b) sends its condolences to her family and friends; and
- (c) recognises the contribution that Professor Reinhart has made to achieving peace and justice in Palestine and Israel.

Question put and passed.

15 ENVIRONMENT—WORLD DAY FOR WATER

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 745—That the Senate—

- (a) notes:
 - (i) that Thursday, 22 March 2007, has been designated World Day for Water 2007, and that this year's theme is 'Coping with Water Scarcity',
 - (ii) that the South Australian Government has indicated that it will cut water flows to nine key lakes, wetlands and lagoons if its water allocation falls below 50 per cent or weir levels cannot be sustained, and
 - (iii) the comments by Murray-Darling Basin Commission Chief Executive Wendy Craik, that climate change will have significant long-term impacts on inflows into the Murray-Darling river system; and
- (b) calls on the Government to ensure that:
 - (i) water allocations are acquired such that supplies to wetlands in South Australia, including Lake Bonney, Gurra Gurra Lakes, Horseshoe Lagoon, Ross Lagoon and Murbko South Wetland are maintained, and

- (ii) water management plans in the Murray-Darling Basin are consistent with sustainable extraction levels and can take into account projections of reduced inflows into the basin due to climate change.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

16 ENVIRONMENT—MURRAY-DARLING BASIN

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 746—That the Senate—

(a) notes:

- (i) the listing of the Murray-Darling Basin in the WWF study 'World's top 10 rivers at risk',
- (ii) that threats such as invasive species, over-allocation and climate change are the reasons the river system has been listed as 'at risk', and
- (iii) the report's recommendations that returning significantly greater environmental flows to the river will have major benefits in reducing the prevalence of some invasive species and improving river health; and

(b) calls on the Government to begin purchasing water licences without further delay in order to return environmental flows to the Murray-Darling river system.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

17 ENVIRONMENT—CLIMATE CHANGE

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. 750—That the Senate endorses the climate change action plan proposed by the Australian Council of Trade Unions, including its call for:

- (a) government subsidies for energy efficient retrofitting of buildings;
- (b) mandatory green building codes;
- (c) large-scale reuse of treated effluent;
- (d) improved vehicle fuel efficiency;
- (e) greater use of shipping to cut greenhouse gas emissions;
- (f) the right to reject work which harms the environment; and
- (g) a mandatory renewable energy target of 10 per cent, as called for by the Australian Greens in 2002.

Question put.

The Senate divided—

AYES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
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NOES, 52

Senators—

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

Question negatived.

18 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. 749—That the Senate—

- (a) notes the 'Bring David Hicks Home' campaign launched in Bennelong, Sydney, in the week beginning 18 March 2007 by GetUp; and
- (b) calls on the Government to bring Mr Hicks home.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 51

Senators—

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

Question negatived.

19 FOREIGN AFFAIRS—IRAQ

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. 752—That the Senate—

(a) notes:

- (i) the report by the Pentagon dated March 2007 on the situation in Iraq in the last quarter of 2006, which advises that:
 - (A) there were record levels of violence and hardening sectarian divisions,
 - (B) ‘sectarian cleansing’ was forcing 9 000 civilians to leave Iraq every month,
 - (C) weekly attacks rose to more than 1 000 in the quarter, and
 - (D) daily casualties increased to more than 140 with approximately 100 civilians killed or wounded a day,
- (ii) that these statistics were based on the violence observed by or reported to the United States of America (US) military and that these are likely to be out by a factor of two, and that the cited United Nations estimate, based on hospital reports, is that more than 6 000 Iraqi civilians were killed or wounded in December 2006 alone,
- (iii) the quote in the report that ‘Some elements of the situation in Iraq are properly descriptive of a “civil war”, including the hardening of ethno-sectarian identities and mobilization, the changing character of the violence, and population displacements’,
- (iv) the failure of the US military to meet its objective of handing over security responsibility to the Iraq provinces by the end of 2006,
- (v) that, although nearly 329 000 Iraqi police officers and soldiers had been trained as of February 2007, only a half or two-thirds of that total is on duty and that coalition forces remain hampered by militia infiltration, logistical deficiencies and corruption,
- (vi) that detention centres in Iraq have sub-standard facilities and do a poor job of tracking detainees, and
- (vii) that scores of Iraqi jails are overcrowded, with one jail housing three detainees for every bed; and

(b) calls on the Government, in the light of this report, to recognise that:

- (i) Australia’s involvement in training Iraqi troops is likely to be ineffectual,
- (ii) the military strategy put in place by the US Administration cannot succeed without political reconciliation, and
- (iii) Australia should withdraw its troops.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

20 LAW AND JUSTICE—EUTHANASIA LAWS

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. 753—That the Senate—

- (a) recognises that 27 March 2007 marks the 10th anniversary of the enactment of the *Euthanasia Laws Act 1997*, which overturned the Northern Territory's *Rights of the Terminally Ill Act 1995*;
- (b) notes the results of a 2007 Newspoll, which found that 80 per cent of Australians thought that doctors should be allowed to provide a lethal dose to a patient experiencing unrelievable suffering and with no hope of recovery; and
- (c) calls on the Government to engage in a debate on end of life care, which includes the option of terminally ill and severely suffering people having choice about the timing and method of their death.

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

Law and justice—Euthanasia laws—

Condolence books [12] on the absence of legislation permitting rights for the terminally ill.

Letter from Founder (Dr Phillip Nitschke), Exit International and President (the Honourable Kep Enderby, QC), Voluntary Euthanasia Society (NSW), to the Leader of the Australian Democrats (Senator Allison).

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

21 CAMBODIA AND VIETNAM—VISIT BY THE PRESIDENT—DOCUMENT

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

Cambodia and Vietnam—Visit by the President, 14 to 23 February 2007—Report by Senator the Honourable Paul Calvert, President of the Senate, dated March 2007.

22 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—AUSTRALIA'S RELATIONSHIP WITH MALAYSIA

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's relationship with Malaysia—Report, dated March 2007.

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

Question put and passed.

23 TREATIES—JOINT STANDING COMMITTEE—83RD REPORT

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

Treaties—Joint Standing Committee—83rd report—Treaties tabled on 20 June (2), 17 October, 28 November (2) 2006 and CO₂ sequestration in sub-seabed formations, dated February 2007.

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

Debate ensued.

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

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

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

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

25 DOCUMENTS

The following documents were tabled by the Clerk:

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

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos—

CASA EX11/07—Exemption – navigation and anti-collision lights [F2007L00714]*.

CASA EX12/07—Exemption – night acrobatic flight [F2007L00756]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—

AD/A109/55—Hydraulic Pipe Interference [F2007L00701]*.

AD/A109/56—Exhaust Duct Clamps [F2007L00700]*.

AD/AMD 50/40—Software Integrity Check and Enhanced Avionics System Upgrade [F2007L00699]*.

AD/B767/229—Main Tank Fuel Boost Pump Flame Arrestor [F2007L00698]*.

AD/ECUREUIL/120 Amdt 1—Engine Controls – Twist Grip Assembly [F2007L00725]*.

AD/LEARJET 35/40—Standby Fuel Pump Annunciators [F2007L00697]*.

AD/SA 315/14—Main Gearbox – Pinion Splines [F2007L00694]*.

106—AD/V2500/3—No. 3 Bearing [F2007L00693]*.

107—

AD/PFP/19—Blade Leading Edge Protection [F2007L00696]*.

AD/PMTV/2—Blade Leading Edge Protection [F2007L00695]*.

Corporations Act—ASIC Class Order [CO 07/123] [F2007L00668]*.

Customs Act—Tariff Concession Orders—

0615762 [F2007L00739]*.

0618693 [F2007L00672]*.

0618734 [F2007L00673]*.

0618759 [F2007L00674]*.

0619471 [F2007L00684]*.

0619500 [F2007L00685]*.

0619540 [F2007L00734]*.

0619682 [F2007L00735]*.

0619683 [F2007L00732]*.

0619718 [F2007L00727]*.

0619720 [F2007L00728]*.

0619978 [F2007L00729]*.

0619996 [F2007L00730]*.

0619997 [F2007L00731]*.

Migration Act—Statement for period 1 July to 31 December 2006 under section 33, dated 16 March 2007.

Product Rulings—

Addendum—PR 2006/122.

PR 2007/21-PR 2007/23.

Sales Tax Rulings—Notices of Withdrawal—ST 2174-ST 2177, ST 2179-ST 2181, ST 2183-ST 2189 and ST 2192-ST 2197.

Taxation Determinations—

Notice of Withdrawal—TD 95/52.

TD 2007/5.

* Explanatory statement tabled with legislative instrument.

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

The following documents were 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—Statements of compliance—

Australian Public Service Commission.

Environment and Heritage portfolio agencies.

27 HEALTH INSURANCE AMENDMENT (PROVIDER NUMBER REVIEW) BILL 2007

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

Message no. 521, dated 22 March 2007—A Bill for an Act to amend the *Health Insurance Act 1973*, 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.

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

28 NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2006 [2007]

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

Message no. 522, dated 22 March 2007—Non-Proliferation Legislation Amendment Bill 2006 [2007].

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

Senator Bartlett, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 9 May 2007:

All aspects of the Federal Government's 10 point National Plan for Water Security, including:

- (a) whether it will return sufficient water to the Murray-Darling Basin to meet the environmental needs of the Murray-Darling Basin catchment; and
- (b) what mechanisms are in place to ensure farmers and the environment obtain maximum value from the funds expended.

Debate ensued.

Question put and negatived.

30 NATIVE TITLE AMENDMENT BILL 2006

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

In the committee

Consideration resumed of the bill, as amended.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 3, item 2.

Schedule 3, item 2 debated and agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Justice and Customs (Senator Johnston) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Bill read a third time.

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

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Brandis)—That this bill be now read a second time.

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator Wortley was speaking.

32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.09 pm till Tuesday, 27 March 2007 at 12.30 pm.

33 ATTENDANCE

Present, all senators except Senators Ferris*, Kirk*, Lightfoot* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate