

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 23

WEDNESDAY, 27 AUGUST 2008

**Contents**

1	Meeting of Senate.....	727
2	Government Documents .....	727
3	Routine of Business—Variation—First Speeches.....	727
4	Migration Legislation Amendment Bill (No. 1) 2008.....	727
5	Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008.....	729
6	Senator Sworn.....	729
7	Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008.....	729
8	Legal and Constitutional Affairs—Standing Committee—Leave to Meet During Sitting.....	730
9	National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008.....	730
10	Matters of Public Interest.....	730
11	Questions.....	730
12	Motions to Take Note of Answer.....	730
13	Notices .....	731
14	Selection of Bills—Standing Committee—Report No. 8 of 2008 .....	732
15	Postponements .....	733
16	Finance and Public Administration Committee—Extension of Time to Report .....	733
17	Environment, Communications and the Arts—Standing Committee— Extension of Time to Report.....	733
18	Legal and Constitutional Affairs—Standing Committee—Extension of Time to Report.....	734
19	Law and Justice—Recreational Fishermen—Criminal Convictions.....	734
20	Rural and Regional Affairs and Transport—Standing Committee— Reference .....	734
21	Environment—Bass Coast—Desalination Plant .....	735

22	State Government Financial Management—Select Committee—Extension of Time to Report.....	736
23	Environment—Coorong and Lower Lakes—Order for Production of Documents .....	736
24	Death of Signaller Sean McCarthy .....	736
25	Environment—Tasmania—Pulp Mill—Proposed Order for Production of Documents .....	736
26	Immigration—MV <i>Tampa</i> —Anniversary .....	737
27	Health—National Hearing Awareness Week.....	738
28	Urgency Motion Withdrawn .....	739
29	Scrutiny of Bills—Standing Committee—7th Report and Alert Digest No. 7 of 2008.....	739
30	Economics—Standing Committee—Report—Excise Legislation Amendment (Condensate) Bill 2008 and Excise Tariff Amendment (Condensate) Bill 2008.....	739
31	Economics—Standing Committee—Report—Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008 .....	739
32	Economics—Standing Committee—Interim Report—National Fuelwatch (Empowering Consumers) Bill 2008 and National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008.....	739
33	Family and Community Services—Unannounced Visits at Nursing Homes—Ministerial Statement—Document.....	740
34	Documents.....	740
35	Committee Membership .....	740
36	Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 Therapeutic Goods Legislation Amendment (Annual Charges) Bill 2008 Financial Framework Legislation Amendment Bill 2008 .....	740
37	Environment, Communications and the Arts—Standing Committee—Proposed Reference.....	741
38	First Speeches .....	741
39	Notice.....	741
40	Community Affairs—Standing Committee—Proposed Reference.....	742
41	Notice.....	742
42	Government Documents—Consideration.....	743
43	Adjournment.....	743
44	Attendance.....	743

**1 MEETING OF SENATE**

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

**2 GOVERNMENT DOCUMENTS**

The following documents were tabled:

*Air Passenger Ticket Levy (Collection) Act 2001*—Report for 1 April 2007 to 31 March 2008.

Australian Government Solicitor (AGS)—Statement of corporate intent 2008-09.

Australian Landcare Council—Report for 2006-07.

Australian Postal Corporation (Australia Post)—Statement of corporate intent 2008-09 to 2010-11.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2007-08—Australian Commission for Law Enforcement Integrity.

Productivity Commission—Report no. 43—

The market for retail tenancy leases in Australia, 31 March 2008.

Government response, August 2008.

**3 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECHES**

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That consideration of the business before the Senate on the following days be interrupted at 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Wednesday, 27 August 2008—Senators Pratt, Xenophon and Bilyk;

(b) Monday, 1 September 2008—Senators Cameron, Hanson-Young and Feeney;

(c) Tuesday, 2 September 2008—Senators Furner and Cash;

(d) Wednesday, 3 September 2008—Senators Farrell and Arbib;

(e) Monday, 15 September 2008—Senators Williams and Kroger; and

(f) Tuesday, 16 September 2008—Senators Ryan and Ludlam.

Question put and passed.

**4 MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

---

*In the committee*

Bill taken as a whole by leave.

---

*Explanatory memorandum:* The Minister for Immigration and Citizenship (Senator Evans) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

---

Senator Evans moved the following amendments together by leave:

Clause 2, page 2 (table item 7), omit the table item, substitute:

7. Schedule 5, items 1A to 16      A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

Schedule 1, heading, page 4 (lines 2 and 3), omit “**judicial and**”.

Schedule 1, item 37, page 11 (lines 16 to 19), omit subitem (4).

Schedule 1, item 37, page 11 (line 20), omit the note.

Schedule 2, page 15 (after line 18), after item 8, insert:

**8A At the end of section 64ACD**

Add:

- (4) An operator of an aircraft or ship commits a separate offence under subsection (1) or (2) in relation to each passenger or member of the crew in relation to whom the operator contravenes section 64ACA or 64ACB.

Schedule 2, page 17 (after line 12), after item 16, insert:

**16A At the end of section 245N**

Add:

- (4) An operator of an aircraft or ship commits a separate offence under subsection (1) or (2) in relation to each passenger or member of the crew in relation to whom the operator contravenes subsection 245L(2).

Schedule 5, page 30 (before line 6), before item 1, insert:

**1A Section 3**

Insert:

*Stateless Persons Convention* means the Convention Relating to the Status of Stateless Persons, done at New York on 28 September 1954 [1974] ATS 20.

Note:      The text of the Convention is set out in Australian Treaty Series 1974 No. 20. In 2008, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

Schedule 5, item 1, page 30 (line 8), omit “any country and the person”, substitute “any country, or if article 1(2)(iii) of the Stateless Persons Convention applies to the person, and the person”.

Schedule 5, item 2, page 30 (lines 11 and 12), omit “any country”, substitute “any country, or if article 1(2)(iii) of the Stateless Persons Convention applies to the person”.

Schedule 5, item 14, page 32 (line 9), omit “items 1 to 13”, substitute “items 1A to 13”.

Debate ensued.

Senator Evans moved—That the committee report progress and ask leave to sit again.

Question put and passed.

---

The Acting Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Evans, that the committee have leave to sit again on the next day of sitting.

**5 HIGHER EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

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

On the motion of Senator O’Brien the resumption of the debate was made an order of the day for a later hour.

**6 SENATOR SWORN**

Nicholas John Sherry, senator for the state of Tasmania, attending for the first time since his current term of service commenced, pursuant to the Constitution of the Commonwealth of Australia, made and subscribed the oath of allegiance at the table.

**7 HIGHER EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

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

Senator O'Brien, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

**9 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—COST RECOVERY) BILL 2008**

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

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Colbeck was speaking.

**10 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

—————

*At 2 pm—*

**11 QUESTIONS**

Questions without notice were answered.

—————

*Distinguished visitors:* The President welcomed members of a parliamentary delegation from Canada led by the Speaker of the House of Commons, the Honourable Peter Milliken, MP, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

—————

Further questions without notice were answered.

—————

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

Administration—Audit of the CMAX Communications contract for the 2020 Summit—Copy of letter from the Auditor-General (Mr Ian McPhee) to Senator Ronaldson, dated 20 August 2008.

—————

Further questions without notice were answered.

**12 MOTIONS TO TAKE NOTE OF ANSWER**

Senator Bernardi moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Coonan today relating to the cost of living.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to proposed developments in Queensland.

Question put and passed.

### 13 NOTICES

*Notices of motion:*

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the implementation, operation and administration of the legislation underpinning Carbon Sink Forests be extended to 3 September 2008. (*general business notice of motion no. 158*)

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

- (a) that many Australians are worse off today than they were in 2007;
- (b) that many Australians are experiencing difficulties due to increasing cost of living pressures; and
- (c) the Government's failure to address these difficulties. (*general business notice of motion no. 159*)

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

- (a) notes with sadness the passing of Yvonne Butler, a Townsville elder and a tireless campaigner for social justice and Indigenous rights;
- (b) acknowledges the important role that Yvonne played in highlighting the injustice done to Aboriginal and Torres Strait Islander workers whose paid labour was controlled by the Government and which was instrumental in the establishment of the inquiry into stolen wages by the Legal and Constitutional Affairs Committee, and also led to an apology and reparations scheme from the Queensland Government;
- (c) recognises Yvonne's bravery in coming forward to tell her story and the stories of her family, the important impact of her tireless efforts to encourage others to do the same and acknowledges the unanimous finding of the committee report, *Unfinished business: Indigenous stolen wages*, that for many Indigenous Australians whose wages and benefits were withheld across Australia this remains unfinished business; and
- (d) offers its condolences to her family and friends. (*general business notice of motion no. 160*)

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for emergency measures to ensure the environmental and economic sustainability of the Murray-Darling Basin, and for related purposes. ***Emergency Water (Murray-Darling Basin Rescue) Bill 2008***. (*general business notice of motion no. 161*)

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

- (a) notes the urgent and warranted pleas of National Seniors Australia and pensioners around Australia about the dire economic circumstances facing many older Australians; and
- (b) calls on the Treasurer (Mr Swan) to raise, as a priority measure, the single aged pension \$30 per week above the consumer price index adjustment at 30 September 2008. (*general business notice of motion no. 162*)

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

- (a) notes that:
- (i) at 3 pm on Tuesday, 26 August 2008, there were 24 people who could not get a bed at the Townsville General Hospital because of overcrowding,
  - (ii) at the hospital ambulances are being used as makeshift beds in the first recorded case of ‘ramping’,
  - (iii) at 10 am on 26 August 2008 there were 18 patients in the emergency department waiting for inpatient beds, and
  - (iv) in August 2006 the then Labor Premier of Queensland made an election commitment to commence work on a new \$85 million wing at the hospital in the 2007-08 financial year;
- (b) acknowledges that the Government Medicare threshold rebate proposals will throw additional inpatient bed pressure on the Townsville General Hospital already incapable of dealing with current demand; and
- (c) calls on the Commonwealth and Queensland Governments to urgently fund and commence construction of the promised new wing of the Townsville General Hospital. (*general business notice of motion no. 163*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 2 September 2008—That the Senate calls on the Government to explain the recent release of adverse comments about the New Zealand Prime Minister Helen Clarke. (*general business notice of motion no. 164*)

Senators Macdonald and Joyce: To move on the next day of sitting—That the Senate—

- (a) notes that on 27 August 2008 a petition of 10 300 signatures was presented to the Queensland State Parliament to stop the demolition of the National Trust listed (Endangered Building) and National Estate registered, Cairns Yacht Club; and
- (b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to accede to the Emergency Listing Request made by the ‘People Against Demolishing the Yacht Club’ for the Cairns Yacht Club under the National Heritage guidelines. (*general business notice of motion no. 165*)

*Notice of motion withdrawn:* Senator O’Brien, at the request of the Minister for Climate Change and Water (Senator Wong), withdrew business of the Senate notice of motion no. 2 standing in the name of Senator Wong for today, proposing a reference to the Rural and Regional Affairs and Transport Committee.

#### 14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2008

The Chair of the Selection of Bills Committee (Senator O’Brien) tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 8 OF 2008

1. The committee met in private session on Tuesday, 26 August 2008 at 4.16 pm.
2. The committee resolved to recommend—That the following bills *not* be referred to committees:

Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008  
Aviation Legislation Amendment (International Airline Licences and  
Carriers' Liability Insurance) Bill 2008  
Financial Framework Legislation Amendment Bill 2008  
National Greenhouse and Energy Reporting Amendment Bill 2008.

*The committee recommends accordingly.*

3. The committee deferred consideration of the Plastic Bag Levy (Assessment and Collection) Bill 2002 [2008] to its next meeting.

Kerry O'Brien  
Chair  
27 August 2008.

Senator O'Brien moved—That the report be adopted.

Question put and passed.

#### 15 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator O'Brien for today, proposing a reference to the Rural and Regional Affairs and Transport Committee, postponed till 28 August 2008.

General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 28 August 2008.

General business notice of motion no. 156 standing in the name of Senator Siewert for 1 September 2008, proposing the introduction of the Food Safety (Trans Fats) Bill 2008, postponed till 15 October 2008.

#### 16 FINANCE AND PUBLIC ADMINISTRATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Finance and Public Administration Committee (Senator Polley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 145—That the time for the presentation of the report of the Finance and Public Administration Committee on the lobbying code of conduct be extended to 3 September 2008.

Question put and passed.

#### 17 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 146—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on waste management in Australia and the Drink Container Recycling Bill 2008 be extended to 3 September 2008.

Question put and passed.

**18 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 153—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the provisions of the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 be extended to 28 August 2008.

Question put and passed.

**19 LAW AND JUSTICE—RECREATIONAL FISHERMEN—CRIMINAL CONVICTIONS**

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. 154—That the Senate:

- (a) notes that:
  - (i) 4 years ago more than 100 fishermen in Queensland had criminal convictions recorded against them and were each fined \$2 500 for innocently dropping a fishing line in water which is part of the Great Barrier Reef Marine Park, and
  - (ii) 2 years ago the Federal Government downgraded the offence to an infringement with a \$1 100 fine and no criminal conviction, however, the fishermen still have a criminal conviction recorded against their name; and
- (b) calls on the Federal Government to fix this anomaly by making sure these fishermen are given a pardon and do not have the permanent stain of a criminal record to their names.

*Statements by leave:* The Minister for Human Services (Senator Ludwig) and Senators Joyce, Macdonald and Boswell, by leave, made statements relating to the motion.

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

**20 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REFERENCE**

Senator Hanson-Young, also on behalf of the Leader of the Australian Greens (Senator Bob Brown) and Senators Siewert, Xenophon, Birmingham and Fisher, and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

- (1) That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report no later than 30 September 2008:
  - (a) the volume of water which could be provided into the Murray-Darling system to replenish the Lower Lakes and Coorong;
  - (b) options for sourcing and delivering this water, including:
    - (i) possible incentive and compensation schemes for current water holders who participate in a once-off voluntary contribution of water to this national emergency,
    - (ii) alternative options for the acquisition of sufficient water,
    - (iii) likely transmission losses and the most efficient and effective strategies to manage the delivery of this water,

- (iv) Commonwealth powers to obtain and deliver water and possible legislative or regulative impediments, and
  - (v) assessment of the potential contribution of bringing forward irrigation infrastructure spending under the Council of Australian Governments agreement to deliver water to save the Coorong and lower lakes;
  - (c) the impact of any water buybacks on rural and regional communities and Adelaide including compensation and structural adjustment; and
  - (d) any other related matters.
- (2) That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report no later than 4 December 2008:  
The implications for the long-term sustainable management of the Murray-Darling Basin system, with particular reference to:
- (a) the adequacy of current whole-of-basin governance arrangements under the Intergovernmental Agreement;
  - (b) the adequacy of current arrangements in relation to the implementation of the Basin Plan and water sharing arrangements;
  - (c) long-term prospects for the management of Ramsar wetlands including the supply of adequate environmental flows;
  - (d) the risks to the basin posed by unregulated water interception activities and water theft;
  - (e) the ability of the Commonwealth to bind state and territory governments to meet their obligations under the National Water Initiative;
  - (f) the adequacy of existing state and territory water and natural resource management legislation and enforcement arrangements; and
  - (g) the impacts of climate change on the likely future availability of water.

Question put and passed.

#### 21 ENVIRONMENT—BASS COAST—DESALINATION PLANT

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. 157—That the Senate—

- (a) recognises that the desalination plant planned for Victoria's Bass Coast near Phillip Island:
  - (i) will produce 1.4 million tonnes of greenhouse gases annually during construction and a further 1.2 million tonnes annually during operation,
  - (ii) will discharge 280 billion litres of saline concentrate effluent into the ocean annually,
  - (iii) may adversely affect several nationally protected species including the orange-bellied parrot, the growling grass frog and the giant Gippsland earthworm, and
  - (iv) may damage the rocky reef habitat directly off the proposed plant site and Aboriginal artefacts; and
- (b) notes, amongst other options, that the installation of rain water tanks in every Melbourne property would save an estimated 50 billion litres of water a year with no such environmental cost.

*Statements by leave:* The Minister for Human Services (Senator Ludwig) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put and passed.

**22 STATE GOVERNMENT FINANCIAL MANAGEMENT—SELECT COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Select Committee on State Government Financial Management (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 147—That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 17 September 2008.

Question put and passed.

**23 ENVIRONMENT—COORONG AND LOWER LAKES—ORDER FOR PRODUCTION OF  
DOCUMENTS**

Senator Parry, at the request of Senators Bernardi, Birmingham, Ferguson and Fisher and the Leader of the Opposition in the Senate (Senator Minchin), and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 149—That there be laid on the table, no later than noon on Thursday, 28 August 2008, the ‘urgent advice’ prepared for the Minister for Climate Change and Water by her department as requested on 18 June 2008 on ‘what we can do in the short-term’ to address the dire situation confronting the Coorong and Lower Lakes in South Australia.

Question put and passed.

*Statement by leave:* The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, made a statement relating to the motion.

**24 DEATH OF SIGNALLER SEAN MCCARTHY**

Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 150—That the Senate—

- (a) records its deep regret and sadness at the death of Signaller Sean McCarthy who died as part of a roadside bomb attack in Afghanistan on 8 July 2008;
- (b) commends his loyal and dedicated service to the Australian Defence Force since 2001, including a tour to East Timor and two tours to Afghanistan; and
- (c) expresses its sincere condolences to Signaller McCarthy’s parents, sisters and all loved ones for their tragic loss.

Question put and passed.

**25 ENVIRONMENT—TASMANIA—PULP MILL—PROPOSED ORDER FOR PRODUCTION  
OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 152—That there be laid on the table, no later than 4 pm on 28 August 2008, the report prepared for the Federal Government by Dr Michael Herzfeld, a Coastal Environmental Modeller with the Marine and Atmospheric Research section of the Commonwealth Scientific and Industrial Research Organisation in conjunction with the Gunns Pulp Mill Independent Expert Group on the potential marine impact of effluent from the Gunns pulp mill.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob	Hanson-Young	Milne	Xenophon
Fielding	Ludlam	Siewert (Teller)	

NOES, 50

Senators—

Adams	Conroy	Kroger	Payne
Arbib	Cormann	Ludwig	Polley
Barnett	Crossin	Lundy	Pratt
Bernardi	Ellison	Macdonald	Ronaldson
Bilyk	Farrell	Mason	Ryan
Birmingham	Feeney	Moore	Sherry
Boyce	Ferguson	McEwen	Stephens
Brown, Carol	Fifield	McGauran	Sterle
Cameron	Fisher	McLucas	Troeth
Carr	Forshaw	Marshall	Williams
Cash	Furner	Nash (Teller)	Wortley
Colbeck	Hurley	O'Brien	
Collins	Hutchins	Parry	

Question negatived.

*Statements by leave:* The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) and Senator Milne, by leave, made statements relating to the motion.

**26 IMMIGRATION—MV TAMPA—ANNIVERSARY**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 148—That the Senate—

- (a) notes that:
  - (i) 26 August marked the 7th anniversary of the rescue of 433 asylum seekers by the *MV Tampa*,
  - (ii) this rescue was followed by the refusal of the Coalition Government to allow the ship to enter Australian shores in direct violation of both maritime conventions and human rights obligations, and
  - (iii) the majority of the refugees, including children, were detained indefinitely on Nauru, as part of the Coalition's 'Pacific Solution'; and
- (b) calls on the Government, as part of the inquiry into immigration detention in Australia, to look into the psychological harm mandatory detention has caused children and their families as a matter of urgency.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob	Hanson-Young	Milne	Xenophon
Fielding	Ludlam	Siewert (Teller)	

NOES, 53

Senators—

Adams	Conroy	Kroger	Polley
Arbib	Cormann	Ludwig	Pratt
Barnett	Crossin	Lundy	Ronaldson
Bernardi	Ellison	Marshall	Ryan
Bilyk	Farrell	Mason	Sherry
Birmingham	Feeney	McEwen	Stephens
Boyce	Ferguson	McGauran	Sterle
Brown, Carol	Fifield	McLucas	Troeth
Bushby	Fisher	Minchin	Trood
Cameron	Forshaw	Moore	Williams
Carr	Furner	Nash (Teller)	Wortley
Cash	Hurley	O'Brien	
Colbeck	Hutchins	Parry	
Collins	Joyce	Payne	

Question negatived.

**27 HEALTH—NATIONAL HEARING AWARENESS WEEK**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 151—That the Senate—

(a) notes:

- (i) that the week beginning 24 August 2008 is National Hearing Awareness Week, and the theme for 2008 is 'one in six', which highlights the fact that around 3.55 million Australians experience some form of hearing impairment,
- (ii) threats to the hearing of younger people, for whom the major cause of hearing loss is recreational activities, particularly the misuse of ear phones,
- (iii) the continuing risk to hearing in industrial workplaces, farming activities, and from the use of do-it-yourself electrical equipment in the home,
- (iv) measures emerging in Europe to address volume control of personal sound systems and to limit noise in public venues frequented by young people,
- (v) the need for more research to increase public knowledge and awareness of these issues, and
- (vi) the absence of legislation to better protect the hearing of young Australians; and

(b) calls on the Government to further investigate the need for national legislation to address these important hearing issues.

Question put and passed.

**28 URGENCY MOTION WITHDRAWN**

The Deputy President (Senator Ferguson) informed the Senate that Senator Bernardi had withdrawn the urgency motion which he had indicated he intended to move today relating to the cost of living.

**29 SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND ALERT DIGEST NO. 7 OF 2008**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ellison) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

7th report of 2008, dated 27 August 2008.

Alert Digest No. 7 of 2008, dated 27 August 2008.

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

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

Question put and passed.

**30 ECONOMICS—STANDING COMMITTEE—REPORT—EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008 AND EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—Excise Legislation Amendment (Condensate)

Bill 2008 and Excise Tariff Amendment (Condensate) Bill 2008—Report, dated August 2008, Hansard record of proceedings and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

**31 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL 2008**

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008—Report, dated August 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

**32 ECONOMICS—STANDING COMMITTEE—INTERIM REPORT—NATIONAL FUELWATCH (EMPOWERING CONSUMERS) BILL 2008 AND NATIONAL FUELWATCH (EMPOWERING CONSUMERS) (CONSEQUENTIAL AMENDMENTS) BILL 2008**

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report:

Economics—Standing Committee—National Fuelwatch (Empowering Consumers)

Bill 2008 and National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008—Interim report, dated August 2008.

Report ordered to be printed on the motion of Senator O'Brien.

**33 FAMILY AND COMMUNITY SERVICES—UNANNOUNCED VISITS AT NURSING HOMES—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) tabled the following document:

Family and community services—Unannounced visits at nursing homes—Ministerial statement by the Minister for Ageing (Ms Elliot), dated 27 August 2008.

**34 DOCUMENTS**

The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations—2008/36—Benchmark schools – amendment.  
2008/37—Service residences – amendment.  
2008/38—Post indexes – amendment.

**35 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Carol Brown) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That Senator Hanson-Young be appointed as a member of the Joint Standing Committee on Migration.

Question put and passed.

**36 GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008**

**THERAPEUTIC GOODS LEGISLATION AMENDMENT (ANNUAL CHARGES) BILL 2008  
FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2008**

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

Message no. 126, dated 27 August 2008—A Bill for an Act to amend the law in relation to the Great Barrier Reef Marine Park, and for related purposes.

Message no. 127, dated 27 August 2008—A Bill for an Act to amend the law relating to therapeutic goods, and for related purposes.

Message no. 128, dated 27 August 2008—A Bill for an Act to amend the *Financial Management and Accountability Act 1997* and other legislation, and for other purposes.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) 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 McLucas moved—That these bills be now read a second time.

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

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

Question put and passed.

**37 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
PROPOSED REFERENCE**

The Leader of the Family First Party (Senator Fielding), pursuant to notice, moved business of the Senate notice of motion no. 4—That the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 be referred to the Environment, Communications and the Arts Committee for inquiry and report by 10 November 2008.

Debate ensued.

Question put.

The Senate divided—

**AYES, 34**

Senators—

Abetz	Cash	Heffernan	Payne
Adams	Colbeck	Johnston	Ronaldson
Barnett	Coonan	Joyce (Teller)	Ryan
Bernardi	Cormann	Macdonald	Scullion
Birmingham	Ellison	Mason	Troeth
Boswell	Ferguson	McGauran	Trood
Boyce	Fielding	Minchin	Williams
Brandis	Fifield	Nash	
Bushby	Fisher	Parry	

**NOES, 34**

Senators—

Arbib	Evans	Ludlam	Pratt
Bilyk	Farrell	Lundy	Sherry
Bishop	Feeney	Marshall	Siewert
Brown, Bob	Forshaw	McEwen	Stephens
Brown, Carol	Furner	McLucas	Sterle
Cameron	Hanson-Young	Milne	Wortley
Carr	Hogg	Moore	Xenophon
Conroy	Hurley	O'Brien (Teller)	
Crossin	Hutchins	Polley	

The ayes and noes were equal and so the question was negatived.

**38 FIRST SPEECHES**

Pursuant to order (*see entry no. 3*) Senators Pratt, Xenophon and Bilyk made their first speeches.

**39 NOTICE**

Senator Johnston gave a notice of motion as follows: To move on the next day of sitting—

- (1) That the following matters relating to the Western Australian gas crisis be referred to the Economics Committee for inquiry and report by 14 October 2008:
  - (a) the causes and responsibilities for the gas explosion at Varanus Island on 3 June 2008;
  - (b) the role of state and federal government agencies and the extent to which their inaction and failures may have contributed to the explosion and the subsequent gas crisis;

- (c) the role and responsibilities of the National Offshore Petroleum Safety Authority before and since the explosion;
  - (d) the economic impact of the Western Australia gas crisis, including but not limited to:
    - (i) the extent of losses faced by business and industry failing to meet production targets due to the lack of gas supplies,
    - (ii) the disproportionate disruption to industry in the south west of Western Australia, and
    - (iii) the nature of contractual arrangements forced on business and industry during the gas crisis and their status since the resumption of gas supplies from Varanus Island; and
  - (e) the government response to the Western Australian gas crisis, including but not limited to:
    - (i) the adequacy of the crisis management response,
    - (ii) the adequacy of reliance on one source supplies of gas for domestic markets,
    - (iii) the provision of reliable and affordable supplies of alternative energy,
    - (iv) the feasibility of developing emergency storage facilities of gas in depleted reservoirs or other repositories, and
    - (v) the justification for any refusals to release relevant facts and documents publicly.
- (2) That, in undertaking this inquiry, the committee:
- (a) call for the production by the Western Australian Government of all relevant correspondence, advice and reports; and
  - (b) take evidence in Perth and in major regional centres in Western Australia.

#### 40 COMMUNITY AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Bob Brown)—That the following matters be referred to the Community Affairs Committee for inquiry and report by 26 November 2008:

- (a) exemptions for the Exclusive Brethren and its members from Australian laws or administrative decisions;
- (b) public funding, tax or other arrangements which do or may advantage the Exclusive Brethren over other community organisations;
- (c) the activities of the Exclusive Brethren or its members which threaten or harm families, in particular, the best interests of children;
- (d) the covert, as against overt, activities of the Exclusive Brethren or its members in the political process in Australia; and
- (e) any related matters

Debate resumed.

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

#### 41 NOTICE

Senator Xenophon gave a notice of motion as follows: To move on the next day of sitting—That the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 September 2008, together with the reference to that committee agreed to on 27 August 2008.

**42 GOVERNMENT DOCUMENTS—CONSIDERATION**

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

Australian Landcare Council—Report for 2006-07. Motion to take note of document moved by Senator Barnett and agreed to.

General business orders of the day nos 64 to 73 relating to government documents were called on but no motion was moved.

**43 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.36 pm till Thursday, 28 August 2008 at 9.30 am.

**44 ATTENDANCE**

Present, all senators.

**HARRY EVANS**  
Clerk of the Senate