

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 25

MONDAY, 1 SEPTEMBER 2008

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1 MEETING OF SENATE

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

2 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—PROPOSED REFERENCE

Leave refused: Senator Parry sought leave to move a motion to refer the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 to the Environment, Communications and the Arts Committee.

An objection was raised and leave was not granted.

3 ECONOMICS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Economics Committee (Senator Hurley), by leave, moved—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 and three related bills.

Question put and passed.

4 GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That this bill be now read a second time.

Debate resumed.

Document: Senator Boswell, by leave, tabled the following document:

Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008—
Copy of letter from Mr Peter Aston to Senator Xenophon, dated 17 August 2008.

Debate continued.

Reference to committee: The Leader of The Nationals in the Senate (Senator Scullion), also on behalf of the Leader of the Family First Party (Senator Fielding), moved the following amendment:

At the end of the motion, add “and the bill be referred to the Environment, Communications and the Arts Committee for inquiry and report by 23 September 2008”.

Debate ensued.

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) moved the following amendment to Senator Scullion’s proposed amendment:

Omit “23 September 2008”, substitute “15 September 2008”.

Question—That Senator Stephens’ amendment to Senator Scullion’s proposed amendment be agreed to—put and passed.

Question—That the amendment, as amended, be agreed to—put and passed.

Main question, as amended, put and passed.

Bill read a second time.

5 TAX LAWS AMENDMENT (2008 MEASURES NO. 3) 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.

On the motion of the Minister for Human Services (Senator Ludwig) the debate was adjourned till a later hour.

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

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 MOTION TO TAKE NOTE OF ANSWER

Senator Birmingham 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 Birmingham today relating to the Coorong and Lower Lakes in South Australia.

Debate ensued.

Question put and passed.

8 NOTICES

Notices of motion:

The Leader of the Australian Greens (Senator Bob Brown): To move on 3 September 2008—That the Senate—

- (a) notes the finding by the United Nations and Afghanistan Government that the military of the United States of America (US) killed at least 90 civilians, including 60 children, in the Afghan village of Nawabad on 21 August and 22 August 2008;
- (b) regrets the deaths of these innocent civilians; and
- (c) calls on the Minister for Foreign Affairs (Mr Smith) to urge the US to acknowledge the civilian death toll of its military operation in Nawabad and to support the Afghanistan Government's call for a full-scale review of US and the North Atlantic Treaty Organization military operations in the wake of the country's mounting civilian death toll. (*general business notice of motion no. 169*)

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

- (a) notes that on Wednesday, 27 August 2008 as part of Privacy Awareness Week 2008, the inaugural Australian Privacy Awards and the Australian Privacy Medal were awarded; and

(b) congratulates:

- (i) Justice Michael Kirby as the first recipient of the Australian Privacy Medal, for his work over more than two decades on privacy laws and principles not only in Australia but, through his work with the Organisation for Economic Cooperation and Development, on the development of the privacy principles that underpin privacy laws throughout the developed world,
- (ii) Medicare Australia for winning the Grand Award for its dedicated implementation of privacy practices throughout the organisation, as well as its commitment to privacy training,
- (iii) the other category winners, including Telstra Corporation (Large Business Award), Australian Dental Association NSW Branch (Community & NGO Award), Child Support Agency (Symantec Government Award), and Data Solutions Australia (Microsoft Small-Medium Business Award), and
- (iv) the Privacy Commissioner, Karen Curtis, and the Office of the Privacy Commissioner, for their work initiating these awards, the first of their kind in the world. (*general business notice of motion no. 170*)

The Chair of the Community Affairs Committee (Senator Moore): To move on 15 September 2008—That the following matter be referred to the Community Affairs Committee for inquiry and report by the last sitting day in March 2009:

Progress with the implementation of the recommendations in the reports by the Community Affairs References Committee, *Lost Innocents: Righting the Record*, a report on child migration tabled in August 2001, and *Forgotten Australians*, a report on Australians who experienced institutional or out-of-home care as children tabled in August 2004.

Senator Troeth: To move on the next day of sitting—That the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2] be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 17 September 2008.

Senator Hanson-Young: To move on 4 September 2008—That the Senate—

- (a) notes it has been more than 60 years since the conclusion of World War II, and the Japanese comfort women have yet to receive an apology or any official acknowledgment of the grave human rights abuses that were suffered at the hands of the Japanese military; and
- (b) calls on the Australian Government to urge the Japanese Government to:
 - (i) accept responsibility for the unequivocal sexual exploitation and enslavement suffered by more than 200 000 women during World War II,
 - (ii) provide fair compensation to these victims, and
 - (iii) accurately teach the history of comfort women in schools. (*general business notice of motion no. 171*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 2 for 6 sitting days after today for the disallowance of the following instrument:

Migration Amendment Regulations 2007 (No. 14), as contained in Select Legislative Instrument 2007 No. 356 and made under the *Migration Act 1958*.

Business of the Senate notice of motion no. 1 for 8 sitting days after today for the disallowance of the following instrument:

Torres Strait Regional Authority Section 142S Declaration 2008, made under subsection 142S(1) of the *Aboriginal and Torres Strait Islander Act 2005*.

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

9 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Polley today, on account of ill health.

Question put and passed.

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

Senator O'Brien, at the request of Senator Feeney and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 166—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11 am to 2 pm, to review reports of the Auditor-General, as follows:

Wednesday, 17 September 2008

Wednesday, 24 September 2008

Wednesday, 12 November 2008.

Question put and passed.

11 FAMILY AND COMMUNITY SERVICES—SINGLE AGED PENSION

Senator Siewert amended general business notice of motion no. 162 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 to reflect that the cost of living for pensioners is in excess of the consumer price index and that pensioners deserve immediate relief.

Question put and passed.

12 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to the following senators:

- (a) Senator Eggleston from 1 September to 4 September 2008;
- (b) Senator Cormann for 3 September and 4 September 2008; and
- (c) Senator Birmingham from 2 September to 4 September 2008.

Question put and passed.

13 ENVIRONMENT—COORONG AND LOWER LAKES—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Climate Change and Water (Senator Wong), by leave, made a statement relating to the order of the Senate of 27 August 2008 for the production of documents concerning the Coorong and Lower Lakes in South Australia (*see entry no. 23, 27 August 2008*).

Senator Birmingham, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

14 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL AUSTRALIA—HEALTH SERVICES AND ROAD INFRASTRUCTURE

The Deputy President (Senator Ferguson) informed the Senate that Senator Nash had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure of the Rudd Labor Government to ensure the adequate provision of health services and road infrastructure for regional communities.

The proposal was supported by four senators and the matter was discussed.

15 EMPLOYMENT—REFORM OF EMPLOYMENT SERVICES IN AUSTRALIA—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) tabled the following document:

Employment—Reform of employment services in Australia—Ministerial statement by the Minister for Employment Participation (Mr O'Connor), dated 1 September 2008.

16 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—411TH AND 412TH REPORTS

Senator Bishop, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following reports:

Public Accounts and Audit—Joint Statutory Committee—

411th report—Progress on equipment acquisition and financial reporting in Defence, dated August 2008.

412th report—Audit reports reviewed during the 41st Parliament, dated August 2008.

Senator Bishop, by leave, moved—That the Senate take note of the 411th report.

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

17 ECONOMICS—STANDING COMMITTEE—REPORT—UNIT PRICING (EASY COMPARISON OF GROCERY PRICES) BILL 2008

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

Economics—Standing Committee—Unit Pricing (Easy comparison of grocery prices) Bill 2008—Report, dated September 2008, Hansard record of proceedings, documents presented to the committee and submissions.

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

18 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 Safety Regulations—Airworthiness Directives—Part 105—

AD/EC 225/3—Main Rotor Blade De-Icing System Harness Connectors [F2008L03223]*.

AD/HU 369/121 Amdt 1—Vertical Stabilizer Control System Adapter Tubes [F2008L03242]*.

AD/S-PUMA/78 Amdt 1—Main Rotor Blade De-Icing System Clamps [F2008L03222]*.

Commissioner of Taxation—Public rulings—

Class Ruling CR 2008/55.

Fuel Tax Ruling—Addendum—FTR 2007/1.

Goods and Services Tax Determination GSTD 2008/2.

Taxation Rulings—

Notice of Withdrawal—TR 94/12.

TR 2008/5-TR 2008/7.

Corporations Act—Accounting Standard AASB 2008-7—Amendments to Australian Accounting Standards – Cost of an Investment in a Subsidiary, Jointly Controlled Entity or Associate [F2008L03231]*.

Customs Act—

Tariff Concession Orders—

0720625 [F2008L03198]*.

0802394 [F2008L03011]*.

0802555 [F2008L03199]*.

0802666 [F2008L03200]*.

0802771 [F2008L03201]*.

0802963 [F2008L03203]*.

0803010 [F2008L03204]*.

0803237 [F2008L03099]*.

0803243 [F2008L03098]*.

0803608 [F2008L03205]*.

0803626 [F2008L03206]*.

0803925 [F2008L03105]*.

0804296 [F2008L03093]*.

0804311 [F2008L03094]*.

0804335 [F2008L03090]*.

0804345 [F2008L03092]*.

0804348 [F2008L03088]*.

0804353 [F2008L03089]*.

0804357 [F2008L03086]*.

0804363 [F2008L03087]*.

0804764 [F2008L03225]*.

0806087 [F2008L03109]*.

0807192 [F2008L03154]*.

0807510 [F2008L03134]*.

0807796 [F2008L03159]*.

0807826 [F2008L03158]*.
0807949 [F2008L03157]*.
0807953 [F2008L03127]*.
0808248 [F2008L03163]*.
0808249 [F2008L03162]*.
0809125 [F2008L03149]*.
0809131 [F2008L03148]*.
0809365 [F2008L03211]*.

Tariff Concession Revocation Instruments—

64/2008 [F2008L03212]*.
65/2008 [F2008L03213]*.
66/2008 [F2008L03214]*.
68/2008 [F2008L03216]*.
69/2008 [F2008L03217]*.

Financial Management and Accountability Act—Determinations—

2008/64—Section 32 (Transfer of Functions from the former DITR to DIISR)
[F2008L03218]*.

2008/65—Section 32 (Transfer of Functions from the former DCITA to
DBCDE) [F2008L03221]*.

Therapeutic Goods Act—Poisons Standard Amendment No. 2 of 2008
[F2008L03261]*.

* Explanatory statement tabled with legislative instrument.

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

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

Departmental and agency contracts for 2008—Letters of advice—

Finance and Deregulation portfolio agencies.

Human Services portfolio agencies.

Prime Minister and Cabinet portfolio agencies.

Treasury portfolio agencies.

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

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2007—Statement of compliance—Office of the Official Secretary to the Governor-General.

21 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Humphries) informed the Senate that the President had received letters nominating senators to be members of committees.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, moved—That senators be appointed to committees as follows:

Australian Crime Commission—Joint Statutory Committee—

Appointed—Senator Fielding

Regional and Remote Indigenous Communities—Select Committee—

Appointed—Participating members: Senators Hanson-Young and Ludlam.

Question put and passed.

**22 TAX LAWS AMENDMENT (2008 MEASURES NO. 4) BILL 2008
FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER
MEASURES) BILL 2008**

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

Message no. 134, dated 28 August 2008—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 136, dated 28 August 2008—A Bill for an Act to amend the *Family Law Act 1975*, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That these bills be now read a second time.

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

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

Question put and passed.

23 COMMITTEE MEMBERSHIP

Messages from the House of Representatives were reported informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 135, dated 28 August 2008—Intelligence and Security—Joint Statutory Committee—Mr Robb.

Message no. 137, dated 1 September 2008—Public Works—Joint Statutory Committee—Mr Price in place of Mr Hale.

24 FIRST SPEECHES

Pursuant to order (*see entry no. 3, 27 August 2008*), Senators Cameron, Hanson-Young and Feeney made their first speeches.

**25 AUSTRALIAN DEFENCE FORCE PARLIAMENTARY PROGRAM—STATEMENT BY
LEAVE**

Senator Adams, by leave, made a statement relating to the Australian Defence Force Parliamentary Program.

Statement by leave: Senator Hurley, by leave, made a statement relating to the matter.

26 TAX LAWS AMENDMENT (2008 MEASURES NO. 3) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

27 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That government business order of the day no. 3 (National Greenhouse and Energy Reporting Amendment Bill 2008) be postponed till the next day of sitting.

Question put and passed.

28 TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008

A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—GENERAL) AMENDMENT BILL 2008

A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—CUSTOMS) AMENDMENT BILL 2008

A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—EXCISE) AMENDMENT BILL 2008

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

Debate resumed.

Personal explanation: Senator Hutchins, by leave, made a personal explanation relating to comments made in the House of Representatives by Mr Slipper today and to newspaper articles of 31 August 2008 concerning alleged security breaches on HMAS *Stuart*.

Debate continued.

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

29 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.09 pm till Tuesday, 2 September 2008 at 12.30 pm.

30 ATTENDANCE

Present, all senators except Senators Carol Brown, Cormann, Eggleston* and Polley* (* on leave).

HARRY EVANS
Clerk of the Senate