

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 37

MONDAY, 13 OCTOBER 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 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL**

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the National Portrait Gallery forecourt sculpture.

Question put and passed.

**3 SAFE WORK AUSTRALIA BILL 2008**

**SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—That these bills be now read a second time.

Debate resumed.

*At 2 pm:* Debate was interrupted.

**4 QUESTIONS**

Questions without notice were answered.

**5 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Humphries moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Humphries and Adams today relating to pensions.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Bob Brown) 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 Bob Brown today relating to an East Timorese citizen, Mr Campos.

Question put and passed.

**6 DEATH OF FORMER SENATOR GLENISTER FERMOY SHEIL**

The President informed the Senate of the death, on 29 September 2008, of Dr Glenister Fermoy Sheil, a senator for the state of Queensland from 1974 to 1981, and from 1984 to 1990.

The Leader of the Government in the Senate (Senator Evans), by leave, moved—That the Senate records its deep regret at the death, on 29 September 2008, of Dr Glenister (Glen) Fermoy Sheil former senator for Queensland, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his wife in her bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

## 7 NOTICES

### *Notices of motion:*

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the time for the presentation of reports of the Environment, Communications and the Arts Committee be extended as follows:

- (a) effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities—to the last sitting day in February 2009; and
- (b) Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008—to 4 December 2008. (*general business notice of motion no. 229*)

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the Environment, Communications and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 4.30 pm, to take evidence for the committee's inquiry into the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008. (*general business notice of motion no. 230*)

The Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall): To move on the next day of sitting—That the Education, Employment and Workplace Relations Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 10 am, to take evidence for the committee's inquiry into academic freedom in school and higher education. (*general business notice of motion no. 231*)

The Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on academic freedom in school and higher education be extended to 27 November 2008. (*general business notice of motion no. 232*)

Senator Xenophon: To move on the next day of sitting—That there be laid on the table by 1 November 2009 a report by the Productivity Commission on:

- (a) the total number and proportion of privately insured patients, in the latest 6-month period for which data is available prior to the report being issued, who were fully informed of the cost of hospital and specialist services before providing consent for treatment, in both public and private hospitals;
- (b) the comparative hospital, and medical, costs for each defined group of clinically similar procedures, as per the classification of Australian Refined Diagnostic Related Groups, as performed by the public and private hospital sectors separately in the latest 6-month period for which data is available prior to the report being issued; and
- (c) the rate (i.e. the number and proportion of all admissions) of hospital-acquired infections, by type, reported by individual public and private hospitals in the latest 6-month period for which data is available prior to the report being issued. (*general business notice of motion no. 233*)

Senator Xenophon: To move on the next day of sitting—That the Senate calls on the Prime Minister (Mr Rudd) and the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese) to take immediate action:

- (a) to secure from the Executive Council approval for Australia to enter into the 1999 Montreal Convention to ensure just compensation for Australian passengers injured on international flights; and
- (b) to lodge Australia's formal instrument of accession to the convention with the International Civil Aviation Organization. (*general business notice of motion no. 234*)

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

- (a) notes that:
  - (i) the week beginning 12 October 2008 is Anti-Poverty Week,
  - (ii) Aboriginal and Torres Strait Islanders are over represented amongst those living in poverty in Australia,
  - (iii) people living on income support payments including single parents, disability support pension and the age pension are over represented amongst those living in poverty in Australia, and
  - (iv) Australia currently gives foreign aid to the value of 0.32 per cent of gross national income; and
- (b) calls on the Government to:
  - (i) support the development of effective benchmarks to measure poverty,
  - (ii) institute policies that seek to eradicate poverty and strengthen social inclusion,
  - (iii) increase the base pension rate by \$30 per week which would have the added benefit of directly increasing cash flows during this time of economic crisis, and
  - (iv) increase the amount of foreign aid to 0.7 per cent in line with the recommendations of the United Nations. (*general business notice of motion no. 235*)

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

- (a) notes:
  - (i) that 9 October 2008 was World Sight Day, the theme for 2008 is vision and ageing, and
  - (ii) the importance of preventive measures and early detection of eye conditions in maintaining vision in later years of life; and
- (b) calls on the Government to ensure that Australians have access to good eye care services regardless of their age, geographical location and income. (*general business notice of motion no. 236*)

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

- (a) notes:
  - (i) that in September 2007, the Howard Government provided \$502 700 in funding towards the establishment of a much-needed paediatric ward at the Peel Health Campus under the Regional Partnerships Program,
  - (ii) the significant efforts made by the local community in raising \$2.4 million in funding through raffles, fund raising and other community events to raise the total project cost of \$3.8 million (including building and capital equipment),

- (iii) that the Western Australian Government committed to providing \$750 000 in funding towards this project,
- (iv) the Rudd Labor Government's shambolic approach to this very meritorious Regional Partnerships Project, having:
  - (A) initially halted funding for the Peel Health Campus paediatric ward as part of its blanket decision to end all funding under the Regional Partnerships Program,
  - (B) then, in the face of a major public outcry, agreed to re-examine projects that had already been approved,
  - (C) then, on 29 May 2008 reinstated funding to the Peel Health Campus subject to the project meeting certain conditions, and
  - (D) then, by letter dated 1 August, cruelly cancelled funding for the paediatric ward at Peel Health Campus again, claiming that the local project proponents had not complied with all the bureaucratic requirements, even though those had not been properly communicated,
- (v) that communications between the Department of Infrastructure, Transport, Regional Development and Local Government and the Peel Health Campus at no point revealed any obstacles that would stop the contracts being signed before the cut-off date of 31 July 2008,
- (vi) that as of 31 July 2008 the contracts were not signed and the Peel Health Campus Trust was informed by letter, dated 1 August 2008, that their application had been rejected, and
- (vii) the Rudd Government's attempts to hide behind cold bureaucratic stone walling claiming that its outrageous decision was based on:
  - (A) concern over management of the building contract for the project, even though this issue had been resolved in early July, and
  - (B) concern that a funding commitment of \$330 000 from a third party (the Variety Club) was not finalised by 30 June 2008, even though the project had sufficient funding from other contributors and was never dependant on the Variety Club funding; and
- (b) calls on the Rudd Government immediately to reinstate its share of funding for the much needed paediatric ward at the Peel Health Campus to the agreed level of \$502 700, so that the children of the rapidly growing Mandurah region will not have to continue to be treated in adult wards. (*general business notice of motion no. 237*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That—

- (a) the reference of residential and community aged care in Australia, referred to the Economics Committee on 25 September 2008, be transferred to the Finance and Public Administration Committee; and
- (b) in considering this matter, the Finance and Public Administration Committee may consider the relevant evidence and records of the Economics Committee.

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the time for the presentation of the report of the Economics Committee on Australia's mandatory Last Resort Home Warranty Insurance scheme be extended to 13 November 2008. (*general business notice of motion no. 238*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the time for the presentation of reports of the Economics Committee be extended as follows:

- (a) disclosure regimes for charities and not-for-profit organisations—to 4 December 2008; and
- (b) Australia's space science and industry sector—to 12 November 2008. (*general business notice of motion no. 239*)

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

- (a) notes the call by Griffith University Professor Angela Arthington, and by world fish expert Professor Gene Helfman of the Institute of Ecology at the University of Georgia, United States of America, for Australia to avoid the Traveston Crossing Dam in Queensland in order to protect the endangered Australian lungfish;
- (b) accepts that the Mary River is the single most vital remaining spawning ground and nursery for the lungfish, and for the Mary River cod and Mary River turtle; and
- (c) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to explain to the Senate how these spawning grounds and nurseries could be protected if the dam were built. (*general business notice of motion no. 240*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate congratulates the People's Republic of China for its first spacewalk and this great contribution to the global community's future adventure into the cosmos. (*general business notice of motion no. 241*)

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

- (a) notes and expresses its sadness at the recent assassination of the former Sri Lankan High Commissioner to Australia, retired Major General Janaka Perera and his wife, both dual Australian citizens;
- (b) notes the significant contribution that retired Major General Perera made to his country;
- (c) recognises retired Major General Perera's commitment to finding a peace solution for Sri Lanka;
- (d) expresses its condolences to retired Major General Perera's three children, all of whom are Australian residents; and
- (e) condemns the ongoing civil conflict in Sri Lanka and the use of terrorist tactics like suicide bombers and child soldiers. (*general business notice of motion no. 242*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the Senate—

- (a) notes with great sadness the death of young Melbourne backpacker Britt Laphorne;
- (b) offers its sincere condolences to her parents Elke and Dale, brother Darren, family and friends; and
- (c) recognises the courage and tenacity of the Laphorne family in their determination to find their missing daughter and bring her home from Croatia. (*general business notice of motion no. 243*)

Senator Hanson-Young: To move on 15 October 2008—That the Senate—

- (a) notes that:
  - (i) Friday, 31 October 2008 marks the 30th anniversary of the annual ‘Reclaim the Night’ day of action in Australia,
  - (ii) this day of action was established to highlight every woman’s basic human right to live in freedom from discrimination and fear of violence, and
  - (iii) more than two-thirds of women experience some form of physical or sexual violence in their lives;
- (b) recognises that:
  - (i) Reclaim the Night represents a symbol of unity as well as an affirmation and celebration of women’s strength, and has international, multi-partisan political support, and
  - (ii) these marches are an extremely powerful means by which women can raise the issue of sexual assault and sexual violence; and
- (c) calls on the Rudd Government, as part of the *National Plan to Reduce Violence against Women and their Children*, to work constructively to further develop and support national anti-violence public awareness and education campaigns as part of Australia’s commitment as a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women. (*general business notice of motion no. 244*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That, on Tuesday, 14 October 2008:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.10 pm;
- (b) that from 7 pm, any question in respect of which a senator requires a division, and any questions consequent on the outcome of that division, shall stand postponed until the next day of sitting at a time fixed by the Senate;
- (c) the routine of business from 7 pm shall be government business only; and
- (d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

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

- (a) ensure that, as a minimum, no financial institution executives’ pay will increase as a consequence of the Government purchasing residential mortgage-backed securities or guaranteeing deposits and wholesale term funding of Australian financial institutions; and
- (b) prohibit payment of severance benefits (‘golden parachutes’/‘golden handshakes’) to chief executive officers of such banks or institutions. (*general business notice of motion no. 245*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—

No. 1—That the Defence Force (Home Loans Assistance) Amendment Regulations 2008 (No. 1), as contained in Select Legislative Instrument 2008 No. 138 and made under the *Defence Force (Home Loans Assistance) Act 1990*, be disallowed.

No. 2—That the Livestock Export (Merino) Orders (Amendment) No. 1 of 2008, made under regulation 3 of the Export Control (Orders) Regulations 1982, be disallowed.

No. 3—That Instrument No. CASA 389/08, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 4—That Instrument No. CASA 390/08, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 5—That Instrument No. CASA 397/08, made under subregulation 38(1) of the Civil Aviation Regulations 1988, be disallowed.

No. 6—That Instrument No. CASA 414/08, made under subregulation 38(1) of the Civil Aviation Regulations 1988, be disallowed.

No. 7—That the Wool Services Privatisation (Research Body) Declaration 2008, made under subsection 30(1) of the *Wool Services Privatisation Act 2000*, be disallowed.

Senator Wortley, by leave, made a statement relating to the notices of motion.

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008, allowing it to be considered during this period of sittings.

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*Document:* Senator Ludwig tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008 in the 2008 spring sittings.

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The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Migration Amendment (Notification Review) Bill 2008

Migration Legislation Amendment (Worker Protection) Bill 2008.

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*Documents:* Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of the bills in the 2008 spring sittings.

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*Notices of motion withdrawn:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to notice of intention given on 25 September 2008, withdrew notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 1 for 10 sitting days after today for the disallowance of the Higher Education in External Territories Guidelines 2008, made under section 238-10 of the *Higher Education Support Act 2003*.

Business of the Senate notice of motion no. 1 for 12 sitting days after today for the disallowance of the Social Security (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2008, made under subparagraph 209(a)(i) and paragraph 209(b) of the *Social Security (Administration) Act 1999*.

**8 LEAVE OF ABSENCE**

Senator McEwen, by leave, moved—That leave of absence be granted to Senators Moore and Wong from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question put and passed.

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved—That leave of absence be granted to Senator Milne from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question put and passed.

Senator Parry, by leave, moved—That leave of absence be granted to Senator Troeth from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question put and passed.

**9 ENVIRONMENT—SUGARLOAF PIPELINE—CONSTRUCTION**

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. 228—That the Senate—

- (a) notes the arrest of a farmer in Victoria who opposed the Sugarloaf Pipeline, which is being forcibly constructed from the Goulburn Valley to Melbourne; and
- (b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to urgently reconsider his approval of this costly, environmentally-unsound and controversial project.

Question put and passed.

**10 WORLD DAY AGAINST THE DEATH PENALTY**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 225—That the Senate—

- (a) notes that:
  - (i) Friday, 10 October 2008 marked the sixth annual World Day Against the Death Penalty, and
  - (ii) this day of action was established in 2003 by the World Coalition Against the Death Penalty in a commitment to the universal abolition of capital punishment; and
- (b) calls on the Rudd Government to urge the 60 remaining nation states that continue to use the death penalty as a form of punishment, to abolish the death penalty as a matter of urgency, and halt all executions of those sentenced to death.

Question put and passed.

**11 TRANSPORT—CANBERRA AIRPORT**

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. 226—That the Senate—

- (a) notes:
  - (i) the community opposition to 24 hour operations at Canberra airport, and

(ii) the current effective operation of curfews in Sydney, Coolangatta, Essendon and Adelaide; and

(b) calls on the Government to implement a curfew at Canberra airport.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 37

Senators—

Adams	Colbeck	Hutchins	Payne
Arbib	Collins	Kroger	Polley
Bernardi	Conroy	Ludwig	Pratt
Bilyk	Farrell	Lundy	Stephens
Bishop	Feeney	Marshall	Sterle
Brown, Carol	Ferguson	McEwen	Trood
Bushby	Forshaw	McGauran	Wortley
Cameron	Furner	McLucas	
Carr	Humphries	Nash	
Cash	Hurley	Parry (Teller)	

Question negatived.

*Statements by leave:* Senators Humphries and Bob Brown, by leave, made statements relating to the motion.

**12 INDIGENOUS AUSTRALIANS—AGED CARE SERVICES—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Indigenous Australians—Bipartisan NT Indigenous aged care services visit—Ministerial statement by the Minister for Ageing (Ms Elliot), dated 13 October 2008.

**13 TRANSPORT—SYDNEY AIRPORT—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Transport—Runway end safety area (RESA) project at Sydney Airport—Ministerial statement by the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese), dated 12 October 2008.

**14 REGIONAL AND REMOTE INDIGENOUS COMMUNITIES—SELECT COMMITTEE—FIRST REPORT**

The Acting Deputy President (Senator Carol Brown) tabled the following report and documents received on 30 September 2008:

Regional and Remote Indigenous Communities—Select Committee—First Report, dated September 2008, and submissions.

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

**15 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—DRAFT NATIONAL HEALTH (PHARMACEUTICAL BENEFITS — CHARGES) REGULATIONS 2008**

The Acting Deputy President (Senator Carol Brown) tabled the following report and documents received on 2 October 2008:

Community Affairs—Standing Committee—Draft National Health (Pharmaceutical Benefits — Charges) Regulations 2008—Report, dated October 2008, Hansard record of proceedings and submissions.

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

**16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—INTERIM REPORT—HORSE DISEASE RESPONSE LEVY BILL 2008 AND RELATED BILLS**

The Acting Deputy President (Senator Carol Brown) tabled the following report and documents received on 3 October 2008:

Rural and Regional Affairs and Transport—Standing Committee—Horse Disease Response Levy Bill 2008, Horse Disease Response Levy Collection Bill 2008 and Horse Disease Response Levy (Consequential Amendments) Bill 2008—Interim report, dated 3 October 2008, Hansard record of proceedings, documents presented to the committee and submissions.

*Extension of time to report:* Senator Farrell, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle), moved—That the final report of the Rural and Regional Affairs and Transport Committee on the Horse Disease Response Levy Bill 2008 and related bills, be presented by 13 November 2008.

Question put and passed.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORTS—MANAGEMENT OF THE MURRAY-DARLING BASIN SYSTEM**

The Acting Deputy President (Senator Carol Brown) tabled the following reports and documents received on the dates indicated:

Rural and Regional Affairs and Transport—Standing Committee—Water management in the Coorong and Lower Lakes (including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008)—

Interim report, dated 3 October 2008. [*Received 3 October 2008*]

Report, dated October 2008, Hansard record of proceedings, documents presented to the committee and submissions. [*Received 10 October 2008*]

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

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle), by leave, moved—That the Senate take note of the report.

Debate ensued.

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

**18 GOVERNMENT DOCUMENTS**

The Acting Deputy President (Senator Carol Brown) tabled the following documents received on the dates indicated:

*Crimes Act 1914*—Controlled operations—Report for 2007-08. [*Received 9 October 2008*]

Medibank Private Limited—Report for 2007-08. [*Received 30 September 2008*]

**19 AUDITOR-GENERAL—AUDIT REPORT NO. 6 OF 2008-09—DOCUMENT**

The Acting Deputy President (Senator Carol Brown) tabled the following document received on 30 September 2008:

Auditor-General—Audit report no. 6 of 2008-09—Performance audit—Illegal, unreported and unregulated fishing in the Southern Ocean—Australian Customs Service.

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

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Carol Brown) tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2008—Statements of compliance—

Department of Climate Change. [*Received 29 September 2008*]

Immigration and Citizenship portfolio agencies. [*Received 29 September 2008*]

Innovation, Industry, Science and Research portfolio agencies. [*Received 9 October 2008*]

Office of the Renewable Regulator. [*Received 29 September 2008*]

**21 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Carol Brown) tabled the following document received on 9 October 2008:

Departmental and agency contracts for 2008—Letter of advice—Department of Climate Change.

**22 DEPARTMENTAL AND AGENCY APPOINTMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 24 June 2008, the Acting Deputy President (Senator Carol Brown) tabled the following documents received on the dates indicated:

Australian Institute of Family Studies. [*Received 9 October 2008*]

Health and Ageing portfolio agencies. [*Received 9 October 2008*]

Treasury portfolio agencies. [*Received 10 October 2008*]

**23 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 24 June 2008, the Acting Deputy President (Senator Carol Brown) tabled the following documents received on the dates indicated:

Australian Institute of Family Studies. [*Received 9 October 2008*]

Treasury portfolio agencies. [*Received 10 October 2008*]

## 24 DOCUMENTS

The following documents were tabled by the Clerk:

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

AusLink (National Land Transport) Act—Variation of AusLink Roads to Recovery List Instrument No. 2008/7 [F2008L03608]\*.

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 63—Molonglo and North Weston [F2008L03633]\*

Australian National University Act—

Academic and Ceremonial Dress Statute 2005—Academic and Ceremonial Dress Order 2008 [F2008L03615]\*.

University House Statute—University House Rules 2008 [F2008L03616]\*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 11 of 2008—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2008L03522]\*.

Australian Sports Anti-Doping Authority Act—

National Anti-Doping Scheme Amendment Instrument 2008 (No. 001/008) [F2008L03530]\*.

National Anti-Doping Scheme Amendment Instrument 2008 (Fees and Charges) (No. 002/008) [F2008L03533]\*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 100.66 Amendment Order (No. 2) 2008 [F2008L03543]\*.

Instrument No. CASA 420/08—Permission and direction – helicopter special operations [F2008L03046]\*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/A320/207—Flight Controls – Trimmable Horizontal Stabilizer Actuator [F2008L03643]\*.

AD/A320/225—Elevator Servo-Control Rod Eye-End [F2008L03572]\*.

AD/A320/226—Trimmable Horizontal Stabilizer Actuator [F2008L03571]\*.

AD/A320/227—Cockpit Door Latch/Striker Assembly [F2008L03644]\*.

AD/A330/92—Passenger Compartment Electrical Harness [F2008L03645]\*.

AD/AC/101—Fuel Filler Openings [F2008L03646]\*.

AD/AC-CLA/5—Shock Strut Assembly [F2008L03573]\*.

AD/B747/383—APU Power Feeder Wire Bundle [F2008L03647]\*.

AD/B767/245—Passenger Oxygen Masks [F2008L03648]\*.

AD/BAe 146/134—Horizontal Stabiliser Lower Skin & Joint Plates [F2008L03575]\*.

AD/BELL 206/3—Forward Engine Mount Attachment – Inspection and Modification [F2008L03576]\*.

AD/BELL 206/4—Control Tubes – Inspection [F2008L03570]\*.  
AD/BELL 206/5—Cyclic Pitch Control System Lever – Inspection and Modification [F2008L03569]\*.  
AD/BELL 206/10—Removal of Landing Gear Spacers – Modification [F2008L03577]\*.  
AD/BELL 206/11—Main Rotor Blade Retention Bolt – Inspection [F2008L03578]\*.  
AD/BELL 206/12—Transmission Magnetic Drain Plug B-734 Replacement [F2008L03568]\*.  
AD/BELL 206/13—Fan Shaft Assembly – Inspection [F2008L03567]\*.  
AD/BELL 206/15—Tail Rotor Pedal Controls Modification [F2008L03566]\*.  
AD/BELL 206/17 Amdt 1—Transmission Mount Spindle – Inspection [F2008L03565]\*.  
AD/BELL 206/20 Amdt 1—Cyclic Control Installation – Fitment of Balance Spring [F2008L03564]\*.  
AD/BELL 206/23—Overhead Console Installation – Inspection [F2008L03563]\*.  
AD/BELL 206/25—Tail Rotor Balance Check and Tail Rotor Gearbox Casing and Mounting Inspection [F2008L03649]\*.  
AD/BELL 206/28—Engine Bell Mouth Seal Doubler – Modification [F2008L03650]\*.  
AD/BELL 206/32—Aluminium Fuel Lines – Replacement [F2008L03654]\*.  
AD/BELL 206/38—Main Rotor Mast – Inspection [F2008L03579]\*.  
AD/BELL 206/39—Nut P/N 1022A14 Main Rotor Hub Latch Bolt and Blade Retention Bolt – Inspection [F2008L03597]\*.  
AD/BELL 206/45—Tail Rotor Drive Shaft Cover and Lower Skin of Horizontal Stabilizer – Modification [F2008L03658]\*.  
AD/BELL 206/55—Pylon Support Link P/N 206-031-508-5 and -7 – Replacement [F2008L03598]\*.  
AD/BELL 206/69—Passenger Door Attachments – Inspection [F2008L03599]\*.  
AD/BELL 206/86—Pylon Support Installation Retaining Bolts – Inspection [F2008L03600]\*.  
AD/BELL 206/116 Amdt 1—Bogus Tail Rotor Hub Assembly P/N 206-011-810-015 and Tail Rotor Yoke P/N 206-011-811-009 [F2008L03602]\*.  
AD/BELL 206/120—Bogus Pressure Gauge Emergency Floats P/N 212-073-905-1 [F2008L03682]\*.  
AD/CESSNA 206/23—Fuel Reservoir Fitting [F2008L03562]\*.  
AD/CESSNA 206/28—Fuel Tank Filler Neck [F2008L03561]\*.  
AD/CESSNA 206/34—Wing Tip Navigation Strobe Lights [F2008L03560]\*.  
AD/CESSNA 207/15—Fuel Reservoir Fitting [F2008L03559]\*.  
AD/CESSNA 207/25—Wing Tip Navigation/Strobe Lights [F2008L03558]\*.  
AD/CL-600/97 Amdt 1—Enhancement to Takeoff Operational Safety Margins [F2008L03618]\*.

AD/CL-600/98 Amdt 1—Enhancement to Takeoff Operational Safety Margins [F2008L03619]\*.

AD/DH 82/1—Undercarriage Strut – Modification [F2008L03606]\*.

AD/DH 82/3—Rudder Bar Attachment Spigot – Modification [F2008L03607]\*.

AD/DH 82/4—Q Type Harness – Modification [F2008L03620]\*.

AD/DH 84/2 Amdt 2—Undercarriage Strut – Inspection [F2008L03622]\*.

AD/DH 89/2—Aileron Differential Pulley – Inspection [F2008L03621]\*.

AD/DH 89/3—Interplane Strut – Inspection [F2008L03623]\*.

AD/DHC-1/2—Engine Mount Pick-Up Points – Modification [F2008L03624]\*.

AD/DHC-1/4—Undercarriage Torque Link Centre Hinge Joint – Modification [F2008L03625]\*.

AD/DHC-1/5 Amdt 2—Fuel System – Modification [F2008L03557]\*.

AD/DHC-1/7—Tailplane Attachment Lugs and Bulkhead – Inspection [F2008L03626]\*.

AD/DHC-1/8—Fairey-Reed Propeller – Spinner Removal [F2008L03556]\*.

AD/DHC-1/14—Flap Hinge Arms – Inspection and Modification [F2008L03627]\*.

AD/DHC-1/16—Tailwheel Yoke Attachment Bolt – Inspection [F2008L03628]\*.

AD/DHC-1/18—Fuselage Centre Top Structure – Inspection and Modification [F2008L03629]\*.

AD/DHC-1/27—Seat Restraint Installations – Modification [F2008L03634]\*.

AD/DHC-2/1—Fuel Tanks Inspection and No Smoking Placards [F2008L03555]\*.

AD/DHC-2/3—Rudder Pedal Assembly – Modification [F2008L03636]\*.

AD/DHC-2/4—Undercarriage Legs – Anti-Corrosion Treatment [F2008L03635]\*.

AD/ERJ-170/17—Aircraft Maintenance Plan [F2008L03553]\*.

AD/ERJ-190/16—Fasteners at Bulkhead 1 [F2008L03584]\*.

AD/PA-24/1—Battery Cables – Provision of Insulation Inside Battery Box [F2008L03552]\*.

AD/PA-24/18—Automatic Pilot – Pitch Servomotor – Modification [F2008L03550]\*.

106—AD/LYC/119—ECi Cylinder Assemblies [F2008L03521]\*.

Instrument No. CASA EX51/08—Exemption – recency requirement [F2008L02651]\*.

Commissioner of Taxation—Public Rulings—

Class Ruling CR 2008/60.

Product Ruling—Notice of Withdrawal—PR 2007/88.

Corporations Act—

Accounting Standards—

AASB 1039—Concise Financial Reports [F2008L03580]\*.

AASB 2008-8—Amendments to Australian Accounting Standards – Eligible Hedged Items [F2008L03582]\*.

ASIC Class Orders—

[CO 08/1] [F2008L03595]\*.

[CO 08/763] [F2008L03532]\*.

[CO 08/764] [F2008L03534]\*.

Customs Act—Customs By-law No. 9740019 [F2008L03519]\*.

Defence Act—

Defence Force (Superannuation) (Productivity Benefit) Determination Amendment No. 1 of 2008 [F2008L03617]\*.

Determinations under section 58B—Defence Determinations—

2008/45—Legal officer sessional fee – amendment.

2008/46—Annual review of housing-related allowances and contributions.

2008/47—Escorts and education assistance for children – amendment.

2008/48—Miscellaneous amendments.

2008/49—Annual review of housing and accommodation contributions.

2008/50—Annual review of housing-related allowances and contributions – amendment.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—

56 of 2008—Reporting Standard FRS 100.0 Reporting Requirements for First Home Saver Accounts Providers [F2008L03601]\*.

57 of 2008—Variation to Reporting Standard SRS 260.0 (2005) Trustee Statement [F2008L03517]\*.

58 of 2008—Variation to Reporting Standard SRS 350.0 (2005) Trustee Statement [F2008L03518]\*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 102 – 2008 [F2008L03711]\*.

Fuel Quality Standards Act—Select Legislative Instrument 2008 No. 203—Fuel Quality Standards Amendment Regulations 2008 (No. 1) [F2008L03632]\*.

Health Insurance Act—Declaration of Quality Assurance Activity—QAA No. 4/2008 [F2008L03531]\*.

Higher Education Support Act—VET Provider Approvals—

(No. 1 of 2008)—QANTM Pty Ltd [F2008L03660]\*.

(No. 2 of 2008)—SAE Investments (Australia) Pty Ltd [F2008L03661]\*.

(No. 3 of 2008)—Think: Colleges Pty Ltd [F2008L03663]\*.

(No. 4 of 2008)—Baptist Business College Limited [F2008L03668]\*.

International Criminal Court Act—Select Legislative Instrument 2008 No. 7—International Criminal Court Regulations 2008 [F2008L00247]—Explanatory Statement [*in substitution for explanatory statement tabled with instrument on 11 March 2008*].

Migration Act—

Migration Agents Regulations—MARA Notices—

MN39-08b of 2008—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2008L03537]\*.

MN39-08c of 2008—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2008L03539]\*.

MN39-08f of 2008—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2008L03540]\*.

Migration Regulations—Instrument IMMI 08/069—Travel agents for PRC citizens applying for Tourist Visas [F2008L03528]\*.

Select Legislative Instrument 2008 No. 205—Migration Amendment Regulations 2008 (No. 7) [F2008L03542]\*.

Occupational Health and Safety Act—Select Legislative Instrument 2008 No. 201—Occupational Health and Safety (Safety Standards) Amendment Regulations 2008 (No. 1) [F2008L03614]\*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2008 No. 198—Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 2) [F2008L03581]\*.

Quarantine Act—Quarantine Service Fees Amendment Determination 2008 (No. 3) [F2008L03449]\*.

Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Act—Select Legislative Instrument 2008 No. 202—Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2008 (No. 2) [F2008L03631]\*.

Social Security Act—Social Security (Personal Care Support Scheme – NSW Department of Ageing, Disability and Home Care (DADHC) Direct Funding Model) (DEEWR) Determination 2008 [F2008L03541]\*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 31)) Determination 2008 [F2008L03535]\*.

Superannuation Industry (Supervision) Act—Superannuation Industry (Supervision) (Approved Guarantee) Determinations Nos—

1 of 2008 [F2008L03523]\*.

2 of 2008 [F2008L03524]\*.

Therapeutic Goods Act—Therapeutic Goods Order No. 77—Microbiological Standards for Medicines [F2008L03574]\*.

Water Act—Select Legislative Instrument 2008 No. 204—Water Amendment Regulations 2008 (No. 1) [F2008L03630]\*.

*Governor-General's Proclamation—Commencement of provisions of an Act*

*Migration Legislation Amendment Act (No. 1) 2008—Items 3 to 5 and 14 of Schedule 5—7 October 2008; Schedule 1—27 October 2008; and items 1 to 4 and subitems 6(1) and (2) of Schedule 4—27 October 2008 [F2008L03538]\*.*

\* Explanatory statement tabled with legislative instrument.

## 25 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 January to 30 June 2008—Statement of compliance—AusAid.

**26 DEPARTMENTAL AND AGENCY APPOINTMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Agriculture, Fisheries and Forestry portfolio agencies.  
Australian National Audit Office.  
Australian Public Service Commission.  
Broadband, Communications and the Digital Economy portfolio agencies.  
Commonwealth Ombudsman.  
Department of the Prime Minister and Cabinet.  
Immigration and Citizenship portfolio agencies.  
Innovation, Industry, Science and Research portfolio agencies.  
National Archives of Australia.  
Office of the Inspector-General of Intelligence and Security.  
Office of the Privacy Commissioner.  
Old Parliament House.  
Resources, Energy and Tourism portfolio agencies.

**27 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Agriculture, Fisheries and Forestry portfolio agencies.  
Australian National Audit Office.  
Australian Public Service Commission.  
Commonwealth Ombudsman.  
Defence portfolio agencies.  
Department of Broadband, Communications and the Digital Economy.  
Department of the Prime Minister and Cabinet.  
Immigration and Citizenship portfolio agencies.  
National Archives of Australia.  
Office of the Inspector-General of Intelligence and Security.  
Office of the Privacy Commissioner.  
Old Parliament House.  
Resources, Energy and Tourism portfolio agencies.

**28 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Carol Brown) informed the Senate that the President had received a letter requesting changes in the membership of committees.

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

**Corporations and Financial Services—Joint Statutory Committee—**  
Discharged—Senator Coonan

**Scrutiny of Bills—Standing Committee—**

Discharged—Senator Ellison

Appointed—Senator Coonan.

Question put and passed.

**29 MIGRATION AMENDMENT (NOTIFICATION REVIEW) BILL 2008**

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

Message no. 164, dated 13 October 2008—A Bill for an Act to amend the law relating to migration, and for related purposes.

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

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

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

**30 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS**

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

20 September 2008—Message—

No. 32—

*Aviation Legislation Amendment (2008 Measures No. 1) Act 2008* (Act No. 86, 2008)

*Aviation Legislation Amendment (International Airline Licences and Carriers' Liability Insurance) Act 2008* (Act No. 87, 2008)

*Offshore Petroleum Amendment (Datum) Act 2008* (Act No. 88, 2008).

No. 33—

*Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Act 2008* (Act No. 89, 2008)

*Financial Framework Legislation Amendment Act 2008* (Act No. 90, 2008)

*Tax Laws Amendment (2008 Measures No. 3) Act 2008* (Act No. 91, 2008).

30 September 2008—Message No. 34—

*First Home Saver Accounts (Further Provisions) Amendment Act 2008* (Act No. 92, 2008)

*First Home Saver Account Providers Supervisory Levy Imposition Act 2008* (Act No. 93, 2008).

3 October 2008—Message—

No. 35—

*Protection of the Sea Legislation Amendment Act 2008* (Act No. 94, 2008)  
*Telecommunications Interception Legislation Amendment Act 2008*  
 (Act No. 95, 2008)  
*Therapeutic Goods Legislation Amendment (Annual Charges) Act 2008*  
 (Act No. 96, 2008)  
*Tax Laws Amendment (2008 Measures No. 4) Act 2008* (Act No. 97, 2008).

No. 36—

*A New Tax System (Luxury Car Tax Imposition—Customs) Amendment Act 2008* (Act No. 98, 2008)  
*A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Act 2008* (Act No. 99, 2008)  
*A New Tax System (Luxury Car Tax Imposition—General) Amendment Act 2008* (Act No. 100, 2008)  
*Tax Laws Amendment (Luxury Car Tax) Act 2008* (Act No. 101, 2008)  
*International Tax Agreements Amendment Act (No. 1) 2008* (Act No. 102, 2008).

**31 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REPORT—BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2008**

Pursuant to order, Senator Farrell, at the request of the Chair of the Environment, Communications and the Arts Committee (Senator McEwen), tabled the following report and documents:

Environment, Communications and the Arts—Standing Committee—Broadcasting Legislation Amendment (Digital Radio) Bill 2008—Report, dated October 2008, and submissions.

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

**32 ECONOMICS—STANDING COMMITTEE—INTERIM REPORT—TAX LAWS AMENDMENT (2008 MEASURES NO. 5) BILL 2008**

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

Economics—Standing Committee—Tax Laws Amendment (2008 Measures No. 5) Bill 2008 [Provisions]—Interim report, dated October 2008.

*Extension of time to report:* Senator Farrell, by leave and at the request of the Chair of the Economics Committee (Senator Hurley), moved—That the time for the presentation of the final report of the Economics Committee on the provisions of the Tax Laws Amendment (2008 Measures No. 5) Bill 2008 be extended to 10 November 2008.

Question put and passed.

**33 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (EDUCATION REFUND) BILL 2008**

Pursuant to order, Senator Farrell, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and document:

Economics—Standing Committee—Tax Laws Amendment (Education Refund) Bill 2008 [Provisions]—Report, dated October 2008, and submission.

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

34 **SAFE WORK AUSTRALIA BILL 2008****SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS)  
BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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*In the committee*

**SAFE WORK AUSTRALIA BILL 2008—**

Bill, taken as a whole by leave, debated.

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

Page 5 (after line 6), after clause 5, insert:

**5A Objects**

The objects of the establishment of Safe Work Australia are, through a partnership of governments, employers and employees, to lead and coordinate national efforts to:

- (a) prevent workplace death, injury and disease; and
- (b) harmonise occupational health and safety laws and associated regulations and codes of practice; and
- (c) improve national worker's compensation arrangements.

Senator Xenophon moved the following amendments together by leave:

Clause 10, page 9 (lines 10 to 13), omit paragraphs (1)(d) and (e), substitute:

- (d) 3 members nominated by the Australian Council of Trade Unions;
- (e) 3 members nominated by the Australian Chamber of Commerce and Industry;

Clause 15, page 11 (line 16) to page 12 (line 1), omit subclauses (2) to (5), substitute:

- (2) The Minister can only make the appointment if the person has been nominated for the appointment by the Australian Council of Trade Unions.

Clause 16, page 12 (lines 8 to 21), omit subclauses (2) to (5), substitute:

- (2) The Minister can only make the appointment if the person has been nominated for the appointment by the Australian Chamber of Commerce and Industry.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 38

Senators—

Abetz	Cash	Humphries	Payne
Adams (Teller)	Cormann	Johnston	Ronaldson
Barnett	Eggleston	Joyce	Ryan
Bernardi	Ferguson	Kroger	Scullion
Birmingham	Fielding	Ludlam	Siewert
Boswell	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Williams
Brandis	Fisher	Minchin	Xenophon
Brown, Bob	Hanson-Young	Nash	
Bushby	Heffernan	Parry	

NOES, 26

Senators—

Arbib	Conroy	Hurley	Polley
Bilyk	Crossin	Hutchins	Pratt
Bishop	Farrell	Ludwig	Sherry
Brown, Carol	Faulkner	Lundy	Stephens
Cameron	Feeney	Marshall	Wortley
Carr	Forshaw	McEwen (Teller)	
Collins	Furner	McLucas	

Question agreed to.

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

Clause 26, page 16 (lines 18 and 19), omit “Division 4 allows the Ministerial Council to direct Safe Work Australia to amend either of the final plans.”

Question—That the bill, as amended, be agreed to—divided in respect of clause 28, subclauses (2) to (5) and (8), clause 30, subclauses (2) to (5) and (8), and Part 4, Division 4.

Clause 28, subclauses (2) to (5) and (8), clause 30, subclauses (2) to (5) and (8), and Part 4, Division 4 debated.

Question—That clause 28, subclauses (2) to (5) and (8), clause 30, subclauses (2) to (5) and (8), and Part 4, Division 4 stand as printed—put.

The committee divided—

AYES, 26

Senators—

Arbib	Conroy	Hurley	Polley
Bilyk	Crossin	Hutchins	Pratt
Bishop	Farrell	Ludwig	Sherry
Brown, Carol	Faulkner	Lundy	Stephens
Cameron	Feeney	Marshall	Wortley
Carr	Forshaw	McEwen (Teller)	
Collins	Furner	McLucas	

## NOES, 38

Senators—			
Abetz	Cormann	Johnston	Payne
Adams	Eggleston	Joyce	Ronaldson
Barnett	Ferguson	Kroger	Ryan
Bernardi	Fielding	Ludlam	Scullion
Birmingham	Fierravanti-Wells	Macdonald	Siewert
Boyce	Fifield	Mason	Trood
Brown, Bob	Fisher	McGauran	Williams
Bushby	Hanson-Young	Minchin	Xenophon
Cash	Heffernan	Nash	
Colbeck	Humphries	Parry (Teller)	

Subclauses and Division negatived.

Question—That the bill, as amended, be agreed to—divided in respect of clause 38, subclause (2) and clause 42, subclause (2).

Clause 38, subclause (2) and clause 42, subclause (2) debated.

Question—That clause 38, subclause (2) and clause 42, subclause (2) stand as printed—put.

The committee divided—

## AYES, 27

Senators—			
Arbib	Conroy	Furner	McLucas
Bilyk	Crossin	Hurley	Polley
Bishop	Evans	Hutchins	Pratt
Brown, Carol	Farrell (Teller)	Ludwig	Sherry
Cameron	Faulkner	Lundy	Stephens
Carr	Feeney	Marshall	Wortley
Collins	Forshaw	McEwen	

## NOES, 39

Senators—			
Abetz	Cormann	Humphries	Parry (Teller)
Adams	Eggleston	Johnston	Payne
Barnett	Ellison	Joyce	Ronaldson
Bernardi	Ferguson	Kroger	Ryan
Birmingham	Fielding	Ludlam	Scullion
Boyce	Fierravanti-Wells	Macdonald	Siewert
Brown, Bob	Fifield	Mason	Troeth
Bushby	Fisher	McGauran	Williams
Cash	Hanson-Young	Minchin	Xenophon
Colbeck	Heffernan	Nash	

Subclauses negatived.

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*At 9.50 pm:* The President resumed the chair and the Chair of Committees (Senator Ferguson) reported progress.

## 35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.19 pm till Tuesday, 14 October 2008 at 12.30 pm.

**36 ATTENDANCE**

Present, all senators except Senators Milne\*, Moore\*, O'Brien\*, Troeth\* and Wong\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate