

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 149

MONDAY, 18 JUNE 2007

Contents

1	Meeting of Senate	3935
2	Great Barrier Reef Marine Park Amendment Bill 2007	3935
3	Questions	3935
4	Communications—Broadband—Answers to Questions	3935
5	Law and Justice—Hand Guns—Answer to Question	3936
6	Petition.....	3936
7	Notices.....	3936
8	Postponements.....	3937
9	Peace and Non-Violence Commission Bill 2007.....	3938
10	Trade Practices Amendment (Predatory Pricing) Bill 2007	3938
11	Foreign Affairs—Israel and Palestine	3938
12	Foreign Affairs—Russia	3939
13	Law and Justice—Sexuality Discrimination—Adoption Rights.....	3940
14	Environment, Communications, Information Technology and the Arts— Standing Committee—Report—Great Barrier Reef Marine Park Amendment Bill 2007.....	3940
15	Vacancy in the Representation of South Australia—Choice of Mary Josephine Fisher—Document	3941
16	Parliamentary Zone—Capital Works Proposal—Documents	3941
17	Electoral Matters—Joint Standing Committee—Report—Civics and Electoral Education	3941
18	Australian Parliamentary Observer Delegation to East Timor—Document	3941
19	Documents.....	3941
20	Community Affairs—Standing Committee—Report—National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007.....	3943
21	Rural and Regional Affairs and Transport—Standing Committee— Report—Fisheries Legislation Amendment Bill 2007 and Fisheries Levy Amendment Bill 2007.....	3943
22	Order of Business—Rearrangement.....	3943
23	Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.....	3943

24	Adjournment	3944
25	Attendance.....	3944

1 MEETING OF SENATE

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

2 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2007

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

Debate resumed.

Senator McLucas moved the following amendment:

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

- (a) affirms the object of the principal Act – the protection of the Great Barrier Reef – but notes that the future of the reef is threatened by both short-term and longer-term factors, including climate change;
- (b) notes that the United Nations Intergovernmental Panel on Climate Change stated in 2007 that by 2050, 97 per cent of the Great Barrier Reef could be bleached every year as a result of climate change;
- (c) condemns the Government’s incompetent handling of the structural adjustment package for the Great Barrier Reef Representative Areas Plan, which has seen the budget blow out from \$31 million to more than \$87 million;
- (d) calls on the Government to develop and implement an action plan to help protect the Great Barrier Reef from the effects of coral bleaching and protect Australian jobs and industries dependent on a healthy reef, as part of a national climate change strategy; and
- (e) calls on the Government to prohibit mineral, oil and gas exploration in Australian waters adjacent to the Great Barrier Reef Marine Park”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

—————

At 2 pm—

3 QUESTIONS

Questions without notice were answered.

4 COMMUNICATIONS—BROADBAND—ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

5 LAW AND JUSTICE—HAND GUNS—ANSWER TO QUESTION

The Leader of the Australian Greens (Senator Bob Brown) moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Bob Brown today relating to hand guns.

Question put and passed.

6 PETITION

The following petition, lodged with the Clerk by Senator Ronaldson, was received:

From 974 petitioners, requesting that the Senate acknowledge the need for any legislation restricting the use of firearms to be based upon robust, peer reviewed evidence.

7 NOTICES

Notices of motion:

The Chair of the Economics Committee (Senator Ronaldson): To move on the next day of sitting—That the time for the presentation of the report of the Economics Committee on private equity markets be extended to 16 August 2007. (*general business notice of motion no. 817*)

Senator Faulkner: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Defence all documents including briefs to ministers concerning complaints and allegations made in 1997 and 1998 about substandard maintenance on Navy ships and the likely risks of harm, particularly with respect to the safety of HMAS *Westralia*, as well as responses and results of any investigations into those complaints and allegations subsequently conducted. (*general business notice of motion no. 818*)

Senator Murray: To move on the next day of sitting—That general business order of the day no. 16 relating to the Public Interest Disclosure (Protection of Whistleblowers) Bill 2002 [2004] be discharged from the *Notice Paper*. (*general business notice of motion no. 819*)

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

(a) notes that:

- (i) the respected British Broadcasting Corporation journalist Mr Alan Johnston was abducted whilst on assignment in the Gaza Strip more than 3 months ago and his whereabouts remains unknown,
- (ii) the Army of Islam group has claimed responsibility for that abduction, and
- (iii) all factions in the Palestinian Parliament, including the Fatah and Hamas factions, have condemned the abduction; and

(b) calls on the Australian Government to:

- (i) express its concern about the plight of Mr Johnston to the Palestinian authorities,
- (ii) use whatever influence it may have with the Palestinian authorities to secure the safe return of Mr Johnston, and
- (iii) use whatever influence it may have in the region to ensure that the release of Mr Johnston does not add to the bloodshed in the Palestinian territories. (*general business notice of motion no. 820*)

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

- (a) notes that:
- (i) an estimated one million children are driven into the multi-billion dollar commercial sex trade every year,
 - (ii) more than 100 countries are parties to the United Nations (UN) ‘Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography’, which opposes the sale of children, child prostitution and child pornography and requires those offering or delivering or accepting children for the purposes of sexual exploitation, organ harvesting or forced labour to be punished,
 - (iii) while Australia ratified the optional protocol on 8 January 2007, some countries in our region that receive aid from Australia have signed the optional protocol but are yet to ratify it, while others are yet to sign the document, and
 - (iv) poverty is a key driver in fuelling child and adult trafficking; and
- (b) calls on the Federal Government to:
- (i) encourage countries in the region to sign to and ratify the UN ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children’ and implement its requirements,
 - (ii) increase support for poverty alleviation programs directly targeted to assist poor communities particularly affected by people trafficking, and
 - (iii) enhance its responses to the needs of victims of trafficking into Australia by improving support services and access to visas and by assisting the repatriation of those who wish to return to their country of origin. (*general business notice of motion no. 821*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 2 and 3 standing in his name for 8 sitting days after today for the disallowance of the following instruments:

Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006 – Instrument 2006 No. R33, made under subsection 18(2) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

Treatment Principles (Australian Participants in British Nuclear Tests) 2006 – Instrument 2006 No. R30, made under subsection 16(2) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

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

8 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 the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 19 June 2007.

General business notice of motion no. 814 standing in the name of Senator Nettle for today, proposing the introduction of the Migration (Climate Refugees) Amendment Bill 2007, postponed till 21 June 2007.

General business notice of motion no. 815 standing in the names of Senators Siewert and Nettle for today, relating to water resources in northern New South Wales, postponed till 19 June 2007.

9 PEACE AND NON-VIOLENCE COMMISSION BILL 2007

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—That the following bill be introduced:

A Bill for an Act to establish a Commission for peace and non-violence, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

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

10 TRADE PRACTICES AMENDMENT (PREDATORY PRICING) BILL 2007

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 811—That the following bill be introduced:

A Bill for an Act to protect competitive markets by prohibiting predatory pricing.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

11 FOREIGN AFFAIRS—ISRAEL AND PALESTINE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—That the Senate—

- (a) notes that 10 June 2007 marks 40 years since the Israeli occupation of the West Bank, Gaza Strip and Golan Heights; and
- (b) calls on the Australian Government to:
 - (i) take action to ensure that Israel complies with United Nations Security Council Resolution 242 passed unanimously in 1967 that calls for a ‘withdrawal of Israel armed forces from territories occupied in the recent conflict’;

- (ii) ensure that humanitarian relief is provided to those who need it, particularly the children in Palestine,
- (iii) stop providing arms to Israel, and
- (iv) play a constructive role to ensure that peace and justice can be achieved in Palestine, Israel and the Middle East.

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

Statement by leave: Senator Stott Despoja, by leave, made a statement relating to the motion.

12 FOREIGN AFFAIRS—RUSSIA

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 812—That the Senate—

- (a) notes:
 - (i) the use of a nuclear by-product, polonium-210, sourced from the Russian Federation (Russia) in the murder of Alexander Litvinenko,
 - (ii) that Russia supplies nuclear materials to Iran,
 - (iii) that Russia is in talks with the military regime in Myanmar with a view to supplying nuclear materials to that regime, and
 - (iv) that, following attacks on freedom of the press and the murders of several journalists in Russia, the Committee to Protect Journalists rates Russia as the third most dangerous country in the world for journalists, after Iraq and Afghanistan; and
- (b) calls on the Government not to sell uranium to Russia.

Question put.

The Senate divided—

AYES, 8

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

NOES, 49

Senators—			
Abetz	Eggleston	Kirk	Scullion
Adams	Faulkner	Ludwig	Sherry
Barnett	Ferguson	Lundy	Stephens
Bernardi	Fielding	Marshall	Sterle
Birmingham	Fierravanti-Wells	Mason	Troeth
Bishop	Fifield	McEwen	Trood
Boyce	Fisher	Moore	Watson
Brown, Carol	Forshaw	Nash	Webber
Campbell	Hogg	O'Brien	Wong
Carr	Humphries	Parry (Teller)	Wortley
Chapman	Hurley	Payne	
Colbeck	Hutchins	Polley	
Crossin	Kemp	Ray	

Question negatived.

13 LAW AND JUSTICE—SEXUALITY DISCRIMINATION—ADOPTION RIGHTS

Senator Nettle amended general business notice of motion no. 816 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the Victorian Law Reform Commission's publication, *Assisted reproductive technology & adoption: final report*, recommending 'that the requirement that women must be married or in relationships with men to access clinical services needs to be removed from the legislation' and 'that same sex couples should be allowed to apply to adopt children' and stating that 'research shows that having single, lesbian or gay parents does not pose a risk to children's wellbeing'; and
- (b) calls on the Federal Government to work with all states and territories to provide IVF treatment and adoption rights to all people, regardless of their sexuality.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 51

Senators—

Abetz	Crossin	Joyce	Polley
Adams	Eggleston	Kemp	Ray
Barnett	Faulkner	Kirk	Scullion
Bernardi	Ferguson	Ludwig	Sherry
Birmingham	Fielding	Lundy	Stephens
Bishop	Fierravanti-Wells	Marshall	Sterle
Boswell	Fifield	Mason	Troeth
Boyce	Fisher	McEwen	Trood
Brown, Carol	Forshaw	Moore	Watson
Campbell	Hogg	Nash	Webber
Carr	Humphries	O'Brien	Wong
Chapman	Hurley	Parry (Teller)	Wortley
Colbeck	Hutchins	Payne	

Question negatived.

14 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—REPORT—GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2007

The Deputy President (Senator Hogg) tabled the following report and documents received on 15 June 2007:

Environment, Communications, Information Technology and the Arts—Standing Committee—Great Barrier Reef Marine Park Amendment Bill 2007 [Provisions]—Report, dated June 2007 and submissions [38].

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

15 VACANCY IN THE REPRESENTATION OF SOUTH AUSTRALIA—CHOICE OF MARY JOSEPHINE FISHER—DOCUMENT

The Deputy President (Senator Hogg) tabled the original certificate of the choice by the Parliament of South Australia of Mary Josephine Fisher to fill the vacancy caused by the resignation of Senator Vanstone (*see entry no. 3, 12 June 2007*).

16 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the construction of an extension to the National Gallery of Australia.

Notice of motion: Senator Abetz, by leave, gave a notice of motion as follows: To move on 20 June 2007—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 construction of an extension to the National Gallery of Australia.

17 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—CIVICS AND ELECTORAL EDUCATION

Senator Fierravanti-Wells, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—Civics and electoral education—Report, dated May 2007.

Senator Fierravanti-Wells, by leave, moved—That the Senate take note of the report. Debate ensued.

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

18 AUSTRALIAN PARLIAMENTARY OBSERVER DELEGATION TO EAST TIMOR—DOCUMENT

Senator Moore, by leave, tabled the following document:

First round of 2007 presidential election in East Timor, 7 to 11 April 2007—Report of the Australian parliamentary observer delegation.

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

Question put and passed.

19 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Commonwealth-State Financial Arrangements) Act—Determination of the Final Per Capita Relativities for 2006-2007 [F2007L01686]*.

Appropriation Act (No. 2) 2006-2007—Advance to the Finance Minister—Determination No. 3 of 2006-2007 [F2007L01678]*.

Australian National University Act—Parking and Traffic Statute 2007 [F2007L01682]*.

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

AD/A109/57—Cargo Hook Installation – 2 [F2007L01749]*.

AD/A119/9—Cargo Hook Installation [F2007L01748]*.

AD/ATR 42/1—State of Design Airworthiness Directives [F2007L01729]*.

AD/B727/205 Amdt 1—Fuel Boost Pump Wiring [F2007L01728]*.

Class Ruling CR 2007/49.

Corporations Act—

Accounting Standard AASB 2007-4—Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments [F2007L01669]*.

ASIC Class Order [CO 07/386] [F2007L01697]*.

Customs Act—

Tariff Concession Orders—

0703294 [F2007L01645]*.

0703305 [F2007L01642]*.

0703430 [F2007L01651]*.

0703432 [F2007L01707]*.

0703438 [F2007L01650]*.

0703439 [F2007L01708]*.

0703447 [F2007L01640]*.

0703448 [F2007L01639]*.

0703463 [F2007L01628]*.

0703653 [F2007L01709]*.

0703655 [F2007L01627]*.

0703663 [F2007L01641]*.

0703664 [F2007L01649]*.

0703687 [F2007L01629]*.

0703743 [F2007L01647]*.

0703744 [F2007L01648]*.

0703745 [F2007L01656]*.

0703749 [F2007L01657]*.

0703930 [F2007L01659]*.

0703951 [F2007L01663]*.

0703990 [F2007L01660]*.

0704052 [F2007L01661]*.

0704153 [F2007L01740]*.

0704155 [F2007L01741]*.

Tariff Concession Revocation Instrument 94/2007 [F2007L01634]*.

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—

1 of 2007—Navy Electronic Warfare Category.

4 of 2007—Interim Pay Grade Placements Engineers.

SO 2007/46–SO 2007/67—Salary for Senior Officer.

Disability Services Act—Disability Services (Rehabilitation Services) Guidelines 2007 [F2007L01683]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Migration Act—Migration Regulations—Instrument IMMI 07/023—Addresses for Applications for the Subclass 420 (Entertainment) Visa [F2007L01737]*.

National Measurement Act—Select Legislative Instrument 2007 No. 147—National Measurement Amendment Regulations 2007 (No. 1) [F2007L01672]*.

Product Rulings PR 2007/52-PR 2007/57.

Sales Tax Rulings—Notices of Withdrawal—ST 2414, ST 2415, ST 2417-ST 2422, ST 2425-ST 2430, ST 2432 and ST 2434-ST 2438.

Sydney Airport Curfew Act—Dispensation Report 06/07.

Veterans' Entitlements Act—Determination of Hazardous Service—Afghanistan [F2007L01654]*.

* Explanatory statement tabled with legislative instrument.

20 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME) BILL 2007

Pursuant to order, Senator McGauran, at the request of the Chair of the Community Affairs Committee (Senator Humphries), tabled the following report and documents:

Community Affairs—Standing Committee—National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007 [Provisions]—Report, dated June 2007, Hansard record of proceedings and submissions [9].

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

21 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORT—FISHERIES LEGISLATION AMENDMENT BILL 2007 AND FISHERIES LEVY AMENDMENT BILL 2007

Pursuant to order, Senator McGauran, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan), tabled the following report and document:

Rural and Regional Affairs and Transport—Standing Committee—Fisheries Legislation Amendment Bill 2007 [Provisions] and Fisheries Levy Amendment Bill 2007 [Provisions]—Report, dated June 2007 and Hansard record of proceedings.

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

22 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) moved—That intervening business be postponed till after consideration of government business order of the day no. 2 (Workplace Relations Amendment (A Stronger Safety Net) Bill 2007).

Question put and passed.

23 WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007

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

Debate resumed.

Senator Wong moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government’s lack of honesty about:

- (a) its plans for extreme industrial relations laws before the last election;
- (b) the impact of its inherently unfair Work Choices laws, including the way these laws have:
 - (i) caused the pay and conditions of individuals on Australian Workplace Agreements to be cut,
 - (ii) allowed good workers to be dismissed for no reason at all,
 - (iii) placed an unprecedented paperwork burden on small businesses, and
 - (iv) destroyed the independent industrial umpire;
- (c) the cost of the taxpayer-funded polling research which apparently led the Government to drop the term ‘Work Choices’ and bring this bill to the Senate;
- (d) the magnitude of the taxpayer-funded advertising campaign to promote the Government’s political spin on industrial relations;
- (e) the fact that this bill leaves Australians still overwhelmingly exposed to the harshness of Work Choices; and
- (f) its intention to legislate even harsher laws if re-elected”.

Debate ensued.

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

24 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.29 pm till Tuesday, 19 June 2007 at 12.30 pm.

25 ATTENDANCE

Present, all senators except Senator Patterson.

HARRY EVANS
Clerk of the Senate