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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 157

TUESDAY, 14 AUGUST 2007

Contents

1	Meeting of Senate	4185
2	Resignation of President	4185
3	Election of President	4185
4	Prayers	4185
5	Government Document	4186
6	Presentation of President to Governor-General	4186
7	President's Commission to Administer Oath or Affirmation	4186
8	Questions	4186
9	Answers to Questions	4186
10	Petition	4186
11	Notices	4187
12	Leave of Absence	4189
13	Postponements	4189
14	National Market Driven Energy Efficiency Target Bill 2007	4190
15	Same-Sex: Same Entitlements Bill 2007	4190
16	Rural and Regional Affairs and Transport—Standing Committee—Leave to Meet During Sitting	4191
17	Foreign Affairs—Democratic Republic of the Congo	4191
18	Health—Alcohol Abuse	4192
19	Notice of Motion Withdrawn	4192
20	Foreign Affairs—Russian Federation	4193
21	Consideration of Legislation	4194
22	Foreign Affairs—Children—Human Rights—Document	4194
23	Department of the Senate—Senators' and Members' Travelling Allowance—Document	4194
24	Department of the Senate—Travel Expenditure—Document	4194
25	Legal and Constitutional Affairs—Standing Committee—Document— Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and Related Northern Territory National Emergency Response Bills	4194
26	Documents	4195

27	Tax Laws Amendment (2007 Measures No. 4) Bill 2007 Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007 Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007 Judges' Pensions Amendment Bill 2007	4195
28	Environment, Communications, Information Technology and the Arts— Standing Committee—Report—Water Bill 2007 and Related Bill	4196
29	Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 Northern Territory National Emergency Response Bill 2007 Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008 Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008	4196
30	Adjournment	4200
31	Attendance	4200

1 MEETING OF SENATE

The Senate met at 12.30 pm.

2 RESIGNATION OF PRESIDENT

The Clerk tabled a letter, dated 14 August 2007, from Senator the Honourable Paul Calvert to His Excellency the Governor-General resigning from the office of President of the Senate. The letter was accepted by His Excellency earlier today.

3 ELECTION OF PRESIDENT

The Leader of the Government in the Senate (Senator Minchin), addressing the Clerk, proposed Senator Ferguson to the Senate for its President and moved—That Senator Ferguson take the chair of the Senate as President.

The Leader of the Australian Greens (Senator Bob Brown) proposed Senator Nettle to the Senate for its President and moved—That Senator Nettle take the chair of the Senate as President.

Senators Ferguson, Nettle and Bob Brown addressed the Senate.

The Senate proceeded to a ballot.

The Clerk reported the result as follows:

Senator Ferguson: 67 votes

Senator Nettle: 5 votes

and declared Senator Ferguson elected as President.

The President thanked the Senate for the honour conferred upon him and took the chair. He was congratulated by Senator Minchin, the Leader of the Opposition in the Senate (Senator Evans), the Leader of The Nationals in the Senate (Senator Boswell), the Leader of the Australian Democrats (Senator Allison), Senator Bob Brown, the Leader of the Family First Party (Senator Fielding) and Senator Calvert.

Senator Minchin informed the Senate that His Excellency the Governor-General would receive the President and senators in the Members' Hall immediately.

Suspension of sitting: At 1 pm the sitting of the Senate was suspended till 2 pm.

The sitting of the Senate resumed.

4 PRAYERS

The President read prayers.

5 GOVERNMENT DOCUMENT

The following government document was tabled:

Backing Australia's ability: Real results real jobs—Australian Government's innovation report—2006-07.

6 PRESENTATION OF PRESIDENT TO GOVERNOR-GENERAL

The President reported that, accompanied by members of the Senate, he had presented himself to His Excellency the Governor-General, who had congratulated him on his appointment as President.

7 PRESIDENT'S COMMISSION TO ADMINISTER OATH OR AFFIRMATION

The President announced that he had received from His Excellency the Governor-General a commission to administer to senators the oath or affirmation of allegiance.

The President tabled the commission as follows:

AUTHORISATION TO ADMINISTER THE OATH OR
AFFIRMATION OF ALLEGIANCE TO SENATORS

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting under section 42 of the Constitution, authorise ALAN BAIRD FERGUSON, President of the Senate, to administer the oath or affirmation of allegiance to those Senators who have not already made and subscribed that oath or affirmation since being chosen, elected or appointed, or since last being chosen, elected or appointed, as Senators.

Dated 14 August 2007

P M Jeffery
Governor-General

By His Excellency's Command
John Howard
Prime Minister.

8 QUESTIONS

Questions without notice were answered.

9 ANSWERS TO QUESTIONS

Senator Wong moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

10 PETITION

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

From 47 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

11 NOTICES

Notices of motion:

The Deputy Chair of the Employment, Workplace Relations and Education Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on the current level of academic standards of school education be extended to 13 September 2007. (*general business notice of motion no. 864*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That, immediately after Senator Cormann's first speech on Wednesday, 15 August 2007, valedictory statements may be made relating to Senator Calvert.

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

- (a) the St Vincent de Paul Society's annual Winter Appeal ends on 31 August 2007;
- (b) more than half of the people assisted by the St Vincent de Paul Society in New South Wales and the Australian Capital Territory are families;
- (c) in New South Wales and the Australian Capital Territory in 2006:
 - (i) more than 750 000 people were assisted by the St Vincent de Paul Society,
 - (ii) St Vincent de Paul Society volunteers visited more than 500 000 people in their homes to deliver food parcels, household supplies or vouchers for bills, and
 - (iii) Vinnies Centres distributed more than \$3 million worth of clothing, bedding, furniture and other donated items to more than 75 000 people;
- (d) there is a growing gap between rich and poor in Australia, evidenced by data from the Australian Bureau of Statistics showing that:
 - (i) the wealthiest 20 per cent of households in 2005-06 accounted for 61 per cent of total household net worth, with average net worth of \$1.7 million per household, and
 - (ii) the poorest 20 per cent of households accounted for 1 per cent of total household net worth and had an average net worth of \$27 000 per household; and
- (e) the Prime Minister (Mr Howard) still claims that 'families have never been better off' under the Coalition Government. (*general business notice of motion no. 865*)

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *National Health Act 1953* in relation to the Pharmaceutical Benefits Scheme, and for other purposes. ***National Health Amendment (Pharmaceutical Benefits) Bill 2007.***

The Minister for Finance and Administration (Senator Minchin): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes. ***Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2007.***

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

- (a) notes on 6 December 2006 in the General Assembly of the United Nations 125 countries voted for the commencement of multilateral negotiations leading to an early conclusion of a nuclear weapons convention and that Australia was one of 29 abstentions; and
- (b) calls on the Government to work for the immediate commencement of negotiations towards a nuclear weapons convention to ban the development, production, use and threat of use of nuclear weapons. (*general business notice of motion no. 866*)

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

- (a) notes that:
 - (i) India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT),
 - (ii) the United States of America (US) and India have agreed to the terms of a deal to exempt India from US laws and international rules that seek to prevent states that are not parties to the NPT from using commercial imports of nuclear technology and fuel to aid their nuclear weapons ambitions,
 - (iii) under the India-US nuclear deal two reactors dedicated to making plutonium for nuclear weapons and nine power reactors, including a plutonium breeder reactor that is under construction, will be outside international safeguards,
 - (iv) India needs to import uranium to relieve an acute fuel shortage for its existing nuclear reactors and that importing uranium will free up more of India's domestic uranium for its military program,
 - (v) Pakistan has expressed its fears about the India-US nuclear deal, and
 - (vi) any sale of Australian uranium to India would contravene the NPT; and
- (b) calls on the Government to reject any sale of Australian uranium to non-NPT states, including India. (*general business notice of motion no. 867*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Minister for the Environment and Water Resources (Mr Turnbull) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to protect Australia's remaining forests of high conservation value, including those which are the habitat of rare, vulnerable or endangered species. (*general business notice of motion no. 868*)

Senator Stott Despoja: To move on 16 August 2007—That the following bill be introduced: A Bill for an Act to amend the *Privacy Act 1988* to require organisations and agencies to notify affected individuals of a breach of data security where their personal information is accessed by, or disclosed to, an unauthorised person, and for related purposes. ***Privacy (Data Security Breach Notification) Amendment Bill 2007***. (*general business notice of motion no. 869*)

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

- (a) a new scientific study, *The Nature of Northern Australia*, has found that northern Australia has the largest and least damaged tropical savannah in the world;
- (b) northern Australia is emerging as one of the last great natural areas on earth and that its ecosystems are globally significant;
- (c) good land management practices will be critical to the long-term survival of northern Australia's pristine environments;

- (d) elsewhere in the tropics, and in the rest of Australia, the health and functioning of lands and waters have been impaired and that inappropriate development is a major threat to the northern Australian savannah; and
- (e) a new approach to development and conservation is needed to ensure that northern Australia remains one of the world's great natural places. (*general business notice of motion no. 870*)

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

- (a) notes the final report of *Australian University Student Finances 2006*, released on 8 August 2007, highlights the urgent need to improve financial support for students; and
- (b) calls on the Government to introduce concrete measures to increase direct financial support to students including, but not limited to:
 - (i) lowering the age of independence to 18, and
 - (ii) providing a level of financial support that ensures all full-time students can financially support themselves during teaching periods without the need to seek further employment. (*general business notice of motion no. 871*)

Notice of motion withdrawn: Senator Parry, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) and pursuant to notice of intention given on 13 August 2007, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Watson for 3 sitting days after today for the disallowance of the Broadcasting (Charges) Determination 2007 and the Radiocommunications (Charges) Determination 2007, made under subsection 60(1) of the *Australian Communications and Media Authority Act 2005*.

12 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Ronaldson from 13 August to 17 August 2007 and Senator Troeth from 14 August to 17 August 2007, for personal reasons.

Question put and passed.

13 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Faulkner for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, postponed till 15 August 2007.

General business notice of motion no. 835 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to the sexualisation of children in the media, postponed till 15 August 2007.

General business notice of motion no. 860 standing in the name of Senator Kirk for today, proposing the introduction of the Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007, postponed till 11 September 2007.

14 NATIONAL MARKET DRIVEN ENERGY EFFICIENCY TARGET 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. 775—That the following bill be introduced:

A Bill for an Act to create incentives and a market for energy savings, which are additional to energy efficiency activities set by minimum energy performance regulation, through energy efficiency certificate trading, 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.

15 SAME-SEX: SAME ENTITLEMENTS BILL 2007

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senators Bartlett, Murray and Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 848—That the following bill be introduced:

A Bill for an Act to implement the recommendations of the Human Rights and Equal Opportunity Commission report *Same-Sex: Same Entitlements*, 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.

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

Law and justice—Sexuality discrimination—Petitioning document from 25 928 signatories relating to the introduction of legislation to end discrimination against same-sex couples.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 859—That the Rural and Regional Affairs and Transport Committee be authorised to meet during the sitting of the Senate on Wednesday, 15 August 2007, from 3.30 pm, to allow officers of the Department of Agriculture, Fisheries and Forestry, Biosecurity Australia and the Australian Quarantine and Inspection Service, to provide a briefing to the committee.

Question put and passed.

17 FOREIGN AFFAIRS—DEMOCRATIC REPUBLIC OF THE CONGO

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 861—That the Senate—

- (a) notes with grave concern:
 - (i) the deteriorating state of conservation in the five World Heritage sites in the Democratic Republic of the Congo (DRC), including the Virunga National Park, home to more than half of the 700 mountain gorillas remaining on the planet,
 - (ii) the occupation of the Virunga National Park by militia, resulting in the slaughter of large numbers of wild animals for bushmeat,
 - (iii) the recent execution-style killing of four mountain gorillas, shot in the head and the hand, in Virunga National Park as payback for the crackdown on the militia occupying the park, and
 - (iv) the decision of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Christchurch, New Zealand in July 2007, to request the Director-General of UNESCO and the Director of the World Heritage Centre to convene a meeting with the President of the World Conservation Union and representatives of the African Union to address the rapidly deteriorating state of conservation of the World Heritage sites in the DRC; and
- (b) calls on the Government:
 - (i) to convey to the DRC Government, Australia's concern at the destruction of wildlife, and in particular the mountain gorillas, in the World Heritage sites and Australia's willingness to assist in bringing about a solution, and
 - (ii) as a state party to the World Heritage Convention, to do all it can to support international efforts within the convention to urgently address the issue, and to use its good offices to urge the Director-General of UNESCO to step up efforts to bring all parties together in order to secure the World Heritage sites and their wildlife.

Question put and passed.

18 HEALTH—ALCOHOL ABUSE

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 836—

- (1) That the Senate, noting concern in the community at the abuse of alcohol, asks that the Government refer the following matter to an appropriate body or a specially-established task force for inquiry and report:

The need to significantly reduce alcohol abuse in Australia, especially in geographic or demographic hot spots, and what the Commonwealth, states and territories should separately and jointly do with respect to:

- (a) the pricing of alcohol, including taxation;
 - (b) the marketing of alcohol; and
 - (c) regulating the distribution, availability and consumption of alcohol.
- (2) In undertaking the inquiry, regard is to be had to:
- (a) economic as well as social issues;
 - (b) alcohol rehabilitation and education;
 - (c) the need for a flexible responsive and adaptable regulatory regime; and
 - (d) the need for a consistent harmonised Australian approach.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 43

Senators—

Abetz	Colbeck	Kemp	Polley
Adams	Cormann	Kirk	Ray
Barnett	Crossin	Lundy	Sherry
Bernardi	Eggleston	McEwen	Stephens
Birmingham	Ferguson	McGauran	Sterle
Bishop	Fifield	Moore	Trood
Boswell	Fisher	Nash	Watson
Boyce	Hogg	O'Brien	Webber
Brown, Carol	Humphries	Parry (Teller)	Wong
Campbell	Hurley	Patterson	Wortley
Chapman	Hutchins	Payne	

Question negatived.

19 NOTICE OF MOTION WITHDRAWN

The Leader of the Australian Greens (Senator Bob Brown) withdrew general business notice of motion no. 862 standing in his name for today, relating to a proposed pulp mill in Tasmania.

20 FOREIGN AFFAIRS—RUSSIAN FEDERATION

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 863—That the Senate—

(a) notes:

- (i) growing concern about the deteriorating state of human rights, democracy, freedom of expression and the rights of civil society in the Russian Federation (Russia), particularly the use of force against peaceful demonstrators, the suppression of the democracy movement and the increasingly unfair Duma elections, as well as reports of the use of torture in prisons,
- (ii) the bashing and murder of sleeping activists protesting against the planned construction of an international uranium enrichment centre at the Angarsk uranium enrichment plant in Siberia,
- (iii) the 2005 Russian deal to sell uranium to Iran to fuel the Russian-built Bushehr nuclear plant, in spite of widespread fears about Iran’s suspected nuclear weapons program, and
- (iv) the Government’s negotiation of a proposed agreement to sell uranium to Russia, in spite of its close nuclear relationship with Iran; and

(b) calls on the Government not to negotiate any agreement on the supply of uranium to Russia.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 44

Senators—

Abetz	Colbeck	Hutchins	Payne
Adams	Cormann	Kemp	Polley
Barnett	Crossin	Kirk	Ray
Bernardi	Eggleston	Lundy	Sherry
Birmingham	Ferguson	McEwen	Stephens
Bishop	Fielding	McGauran	Sterle
Boswell	Fifield	Moore	Trood
Boyce	Fisher	Nash	Watson
Brown, Carol	Hogg	O’Brien	Webber
Campbell	Humphries	Parry (Teller)	Wong
Chapman	Hurley	Patterson	Wortley

Question negatived.

21 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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:

Water Bill 2007

Water (Consequential Amendments) Bill 2007.

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

22 FOREIGN AFFAIRS—CHILDREN—HUMAN RIGHTS—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Foreign affairs—Children—Human rights—Letter to the President of the Senate from the Minister for Immigration and Citizenship (Mr Andrews) responding to the resolution of the Senate of 19 June 2007, dated 6 August 2007.

23 DEPARTMENT OF THE SENATE—SENATORS' AND MEMBERS' TRAVELLING ALLOWANCE—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Travelling allowance payments to senators and members, 1 July 2006 to 30 June 2007, dated August 2007.

24 DEPARTMENT OF THE SENATE—TRAVEL EXPENDITURE—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Department of the Senate—Travel expenditure, 1 July 2006 to 30 June 2007, dated August 2007.

25 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—DOCUMENT—SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007 AND RELATED NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILLS

Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Barnett), tabled the following document:

Legal and Constitutional Affairs—Standing Committee—Report—Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, Northern Territory National Emergency Response Bill 2007, Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007, Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008 and Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008—Corrigendum.

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

26 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/BELL 206/167 Amdt 2—Transmission Pylon Support Spindle [F2007L02447]*.

AD/BELL 222/24 Amdt 1—Main Rotor Hydraulic Actuator Support [F2007L02448]*.

AD/BELL 222/25 Amdt 1—Main Rotor Pendulum Weight Support [F2007L02449]*.

AD/CL-600/34 Amdt 2—Flap Operation [F2007L02455]*.

AD/CL-600/35 Amdt 2—Main Landing Gear Main Fitting [F2007L02456]*.

AD/DHC-1/36 Amdt 1—Flap Operating Cables [F2007L02463]*.

AD/ECUREUIL/109 Amdt 3—Sliding Door Rear Fitting Pin [F2007L02464]*.

Currency Act—Currency (Royal Australian Mint) Determination 2007 (No. 5) [F2007L02472]*.

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

40.

125.

Radiocommunications Act—Radiocommunications (Domestic Digital Television Receiver – Characteristic) Determination 2007 [F2007L02467]*.

* Explanatory statement tabled with legislative instrument.

27 TAX LAWS AMENDMENT (2007 MEASURES NO. 4) BILL 2007

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) BILL (NO. 1) 2007

TAXATION (TRUSTEE BENEFICIARY NON-DISCLOSURE TAX) BILL (NO. 2) 2007

JUDGES' PENSIONS AMENDMENT BILL 2007

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

Message no. 618, dated 13 August 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 619, dated 13 August 2007—A Bill for an Act to impose trustee beneficiary non-disclosure tax, and for related purposes.

Message no. 620, dated 13 August 2007—A Bill for an Act to impose trustee beneficiary non-disclosure tax, and for related purposes.

Message no. 621, dated 13 August 2007—A Bill for an Act to amend the law in relation to Judges' pensions, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) 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 Abetz moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Abetz moved that the Judges' Pensions Amendment Bill 2007 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

28 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—REPORT—WATER BILL 2007 AND RELATED BILL

Pursuant to order, Senator Parry, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts—Standing Committee—Water Bill 2007 [Provisions] and Water (Consequential Amendments) Bill 2007 [Provisions]—Report, dated August 2007, Hansard record of proceedings, documents presented to the committee and submissions [12].

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

29 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER

LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY

RESPONSE AND OTHER MEASURES) BILL 2007

APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008

APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That these bills be now read a second time—and on the amendment moved by the Leader of the Opposition in the Senate (Senator Evans) in respect of the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007*, the *Northern Territory National Emergency Response Bill 2007* and the *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007*:

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

- (a) the protection of children from harm and abuse is of paramount concern to all Australians;
- (b) the documented instances of child abuse within Indigenous communities in the Northern Territory are of such gravity as to require an urgent and comprehensive response to make safe children and the communities in which they live;
- (c) these legislative measures taken together represent a major challenge for Territorians and a change to current arrangements;
- (d) we will not succeed in our goal of protecting children without the support and leadership of Aboriginal people of the Northern Territory and therefore the Commonwealth must gain their trust, engage them and respect them throughout this emergency and beyond;

- (e) the work of strong and effective Indigenous community members and organisations must continue to be supported during this emergency;
- (f) it is important that temporary measures are replaced in time with permanent reforms that have the confidence and support of Territorians, and short-term measures aimed at ensuring the safety of children grow into long-term responses that create stronger communities that are free of violence and abuse;
- (g) in the case of town camps, effective partnerships with lessors and negotiated outcomes should obviate the need for compulsory acquisition;
- (h) stimulating economic development and more private sector partnerships will secure greater self-reliance;
- (i) both levels of government must work in partnership and there must be political accountability at the highest level – the Prime Minister (Mr Howard) and the Minister for Families, Community Services and Indigenous Affairs (Mr Brough);
- (j) program funding must hit the ground through evidence-based delivery and there must be a relentless focus on best practice and rigorous evaluation by all parties set within specific timeframes; and
- (k) practical measures must include:
 - (i) police keeping every community in the Territory safe, particularly children, women and elders,
 - (ii) safe houses that provide a safe place for women and children escaping family violence or abuse, built using the direction and leadership of local Indigenous women,
 - (iii) night patrols that provide important protection,
 - (iv) community law and justice groups that play an important role in the effective administration of justice,
 - (v) appropriate background checks for all people providing services in communities who work in proximity to children,
 - (vi) comprehensive coverage of child and maternal health services, essential to give children the best start,
 - (vii) comprehensive coverage of parenting and early development services for Indigenous parents and their babies,
 - (viii) an effective child protection system in the Northern Territory,
 - (ix) all children being enrolled and attending school and governments delivering teachers, classrooms, teacher housing and support services, such as Indigenous teacher assistants,
 - (x) investment in housing construction and maintenance to reduce the shortfall in Indigenous homes and infrastructure, and
 - (xi) reform of the Community Development and Employment Program, including transitioning participants who are employed in public sector work into proper public sector jobs and ensuring participants are not left without sufficient income or participation opportunities”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 33

Senators—

Abetz	Chapman	Heffernan	Parry
Adams	Colbeck	Johnston	Patterson
Barnett	Coonan	Joyce	Payne
Bernardi	Cormann	Kemp	Scullion
Birmingham	Eggleston	Macdonald, Ian	Trood
Boswell	Ellison	Macdonald, Sandy	Watson
Boyce	Fierravanti-Wells	Mason	
Brandis	Fifield	McGauran (Teller)	
Calvert	Fisher	Nash	

Question negatived.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Omit all words after “That”, substitute:

- (a) for the reasons set out in paragraph (c), further consideration of the bills be postponed and be made an order of the day for the first day of sitting in October 2007;
- (b) senators who have spoken to the motion “that these bills be now read a second time” may speak again to that motion for up to 20 minutes each when the bills are again called on; and
- (c) the reasons referred to in paragraph (a) are as follows:
 - (i) the Northern Territory Government is reviewing the impact of the bills and will provide its legislative response, and
 - (ii) the need to delay further consideration of the bills pending a fuller understanding of their operation and effect is in accordance with the wishes of the Combined Aboriginal Organisations of the Northern Territory and the New South Wales Aboriginal Council”.

Senator Bartlett moved the following amendments to Senator Bob Brown’s proposed amendment together by leave:

Paragraph (a), omit “October”, substitute “September”.

Omit paragraph (b).

Subparagraph (c)(ii), omit “is in accordance with the wishes of the Combined Aboriginal Organisations of the Northern Territory and the New South Wales Aboriginal Council”.

Debate ensued.

Question—That Senator Bartlett’s amendments to Senator Bob Brown’s proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 4

Senators—			
Brown, Bob	Milne	Nettle	Siewert (Teller)

NOES, 54

Senators—			
Abetz	Coonan	Kirk	Payne
Adams	Cormann	Lightfoot	Polley
Allison	Crossin	Lundy	Ray
Barnett	Eggleston	Macdonald, Ian	Scullion
Bernardi	Evans	Macdonald, Sandy	Sherry
Birmingham	Fielding	Mason	Stephens
Bishop	Fierravanti-Wells	McEwen	Sterle
Boyce	Fifield	McGauran (Teller)	Stott Despoja
Brandis	Fisher	McLucas	Trood
Brown, Carol	Forshaw	Murray	Watson
Calvert	Hogg	Nash	Webber
Carr	Hurley	O’Brien	Wong
Chapman	Johnston	Parry	
Colbeck	Kemp	Patterson	

Question negatived.

Main question put.

The Senate divided—

AYES, 52

Senators—			
Adams	Colbeck	Johnston	Parry
Allison	Cormann	Kemp	Patterson
Barnett	Crossin	Kirk	Payne
Bartlett	Eggleston	Lightfoot	Polley
Bernardi	Evans	Lundy	Ray
Birmingham	Fielding	Macdonald, Ian	Scullion
Bishop	Fierravanti-Wells	Mason	Stephens
Boyce	Fifield	McEwen	Sterle
Brandis	Fisher	McGauran (Teller)	Stott Despoja
Brown, Carol	Forshaw	McLucas	Trood
Calvert	Heffernan	Murray	Watson
Carr	Hogg	Nash	Webber
Chapman	Hurley	O’Brien	Wong

NOES, 4

Senators—			
Brown, Bob	Milne	Nettle	Siewert (Teller)

Question agreed to.

Bills read a second time.

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

In the committee

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007—

Bill, taken as a whole by leave, debated.

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

Northern Territory National Emergency Response Bill 2007—Copy of letter from the President (Mr Bob Bagnall) and the Vice-President (Ms Margaret McLean) of the Elliott District Community Government Council to the Minister for Families, Community Services and Indigenous Affairs (Mr Brough), dated 19 July 2007 and attachments.

Bill further debated.

The Leader of the Opposition in the Senate (Senator Evans) moved the following amendment:

Page 9 (after line 14), after clause 5, insert:

5A Review of operation etc. of Part 4

The Minister must cause to be conducted, as soon as practicable after the first anniversary of the day on which this Act receives the Royal Assent, a review of the operation and effectiveness of Part 4 (Acquisition of rights, titles and interests in land).

At 11 pm: The Acting Deputy President (Senator Lightfoot) resumed the chair and the Temporary Chair of Committees reported progress.

30 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.17 pm till Wednesday, 15 August 2007 at 9.30 am.

31 ATTENDANCE

Present, all senators except Senators Ludwig*, Ronaldson* and Troeth* (* on leave).

HARRY EVANS
Clerk of the Senate