

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 161

TUESDAY, 11 SEPTEMBER 2007

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1 MEETING OF SENATE

The Senate met at 2.30 pm. The President (Senator the Honourable Alan Ferguson) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Aboriginal Land Commissioner—Report and recommendation to the Minister for Families, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory—No. 69—The Alcoota land claim no. 146.

ASC Pty Ltd—Statement of corporate intent 2007 to 2010.

Australian Communications and Media Authority—National relay service provider performance—Report for 2005-06.

Human Rights and Equal Opportunity Commission—Report—No. 37—Report of an inquiry into Dr Julie Copeman's complaint that Derbarl Yerrigan Health Service terminated her employment on the basis of her trade union activity.

International Labour Organisation—Submission report on ILO instrument—Maritime Labour Convention, 2006 (No. 186 – MLC 2006).

Members of Parliament (Staff) Act 1984—Report for 2006-07 on consultants engaged.

Northern Territory Fisheries Joint Authority—Report for 2005-06.

Treaties—

Bilateral—

Attachment to explanatory statement 4 of 2007—Amendment to Annex 2-B (United States Tariff Schedule) of the Australia-United States Free Trade Agreement (AUSFTA) of 18 May 2004.

Text, together with national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Kingdom of Tonga relating to Air Services, done at Neiafu, Tonga on 23 August 2003.

Multilateral—

Attachments to explanatory statements—

1 of 2007—Amendment, adopted at Christchurch in November 2006, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of 19 June 2001.

3 of 2007—Amendment, adopted at Paris on 7 February 2007, to Annex 1 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005.

Text, together with national interest analysis and annexures—

Constitutional amendments to the *Convention Establishing the World Intellectual Property Organization* and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003: Convention Establishing the World Intellectual Property Organization; Paris Convention for the Protection of Industrial Property; Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks; Patent Cooperation Treaty; Strasbourg Agreement concerning the International Patent Classification; Budapest Treaty on the International Recognition

of the Deposit of Microorganisms for the Purposes of Patent Procedure; Berne Convention for the Protection of Literary and Artistic Works, 1971.

Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001.

Witness Protection Act 1994—Report for 2006-07 on the operation of the National Witness Protection Program.

3 QUESTIONS

Questions without notice were answered.

4 PRIMARY INDUSTRIES—QUARANTINE ARRANGEMENTS—EQUINE INFLUENZA—ANSWER TO QUESTION

Senator O'Brien moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator O'Brien today relating to quarantine arrangements and equine influenza.

Debate ensued.

Question put and passed.

5 ENVIRONMENT—CLIMATE CHANGE—ANSWER TO QUESTION

Senator Milne moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Milne today relating to climate change.

Question put and passed.

6 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bartlett, from 186 petitioners, requesting that the Senate enact laws to give effect to all recommendations yet to be implemented from the report of the Human Rights and Equal Opportunity Commission, *Bringing them home*.

Senator Marshall, from 1 714 petitioners, requesting that the Senate take action to ensure that employees' rights under the Constitution are upheld by the laws and courts of Australia.

7 NOTICES

The Chair of the Community Affairs Committee (Senator Humphries): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Committee on the cost of living pressures on older Australians be extended to the last sitting day in March 2008. (*general business notice of motion no. 893*)

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

- (a) notes the Australian Public Service Commission's Management Advisory Committee report *Connecting Government: Whole of government responses to Australia's priority challenges* and the *Social Justice Report 2006*; and

- (b) requests the Australian Public Service Commissioner to conduct a confidential survey of staff in Indigenous Coordination Centres to identify current issues in the implementation of the whole of government approach to Indigenous affairs and the challenges being faced in achieving whole of government coordination and service delivery. (*general business notice of motion no. 894*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) notes the figures released by the Climate Institute, which show that:
- (i) from June 2004 to February 2007, greenhouse pollution from the energy sector in Australia increased by more than 22.5 million tonnes, despite high petrol prices and the switch in some power generation from coal to gas due to water shortages,
 - (ii) 22.5 million tonnes of greenhouse pollution is the equivalent of adding more than 5 million cars to the road or increasing the national car fleet by approximately a third,
 - (iii) emissions from diesel and aviation fuel continued to grow and rose 0.6 per cent and 0.5 per cent respectively in August 2007,
 - (iv) consumption of petrol and liquid petroleum gas declined in 2006 but has levelled out and increased 0.3 per cent in May 2007, and
 - (v) overall, Australia's emissions, by May 2007, were just 4.5 million tonnes below Australia's Kyoto target for 2010;
- (b) calls for decisive and urgent action to:
- (i) put in place an energy efficiency trading scheme to achieve reductions in electricity consumption of 2 per cent a year, and
 - (ii) substantially increase the availability of alternative and renewable fuels through abandoning the proposal for excise on these fuels; and
- (c) notes that the Mandatory Renewable Energy Target (2010) has effectively been reached and calls on the Government to immediately lift the target to 10 per cent by 2012 and 20 per cent by 2020. (*general business notice of motion no. 895*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Quarantine Amendment (Commission of Inquiry) Bill 2007, allowing it to be considered during this period of sittings.

Document: Senator Abetz tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Quarantine Amendment (Commission of Inquiry) Bill 2007 in the 2007 spring sittings.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That the Radiocommunications Taxes Collection Amendment Regulations 2007 (No. 1), as contained in Select Legislative Instrument 2007 No. 142 and made under the *Radiocommunications Taxes Collection Act 1983*, be disallowed.

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

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

- (a) notes the death of Dame Anita Roddick, founder of the Body Shop, award-winning businesswoman, and campaigner against poverty and for the Earth's environment; and
- (b) while celebrating her work, her generosity and her life, expresses its condolences to Dame Anita's family and her friends and colleagues in the United Kingdom, the United Nations and around the world. (*general business notice of motion no. 896*)

8 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 877 standing in the name of Senator Stott Despoja for today, relating to Hearing Awareness Week, postponed till 12 September 2007.

General business notice of motion no. 882 standing in the name of Senator Wong for today, relating to Japan and sexual slavery during World War II, postponed till 19 September 2007.

9 ROUTINE OF BUSINESS—VARIATION

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 consideration of the business before the Senate on Wednesday, 19 September 2007 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Bushby to make his first speech without any question before the chair.

Question put and passed.

10 CONSIDERATION OF LEGISLATION—NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AMENDMENT (ALCOHOL) BILL 2007

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. 2—That—

- (a) the following bill be introduced: A Bill for an Act to amend the *Northern Territory National Emergency Response Act 2007*, and for related purposes [*Northern Territory National Emergency Response Amendment (Alcohol) Bill 2007*]; and
- (b) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the bill allowing it to be considered during this period of sittings.

Question put and passed.

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

Explanatory memorandum: Senator Abetz tabled an explanatory memorandum relating to the bill.

On the motion of Senator Abetz the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

11 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 880—That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 September 2007, from 4 pm, to take evidence for the committee's inquiry into Australia's involvement in international peacekeeping operations.

Question put and passed.

12 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 881—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 September 2007, from 9.30 am to 11.45 am, to take evidence for the committee's inquiry into the refurbishment of staff apartments at the Australian embassy complex in Tokyo, Japan.

Question put and passed.

13 HEALTH—IMPACT OF NUCLEAR ACTIVITY

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. 883—That the Senate—

- (a) notes that the Medical University of South Carolina has conducted a sophisticated meta-analysis of 17 research papers covering 136 nuclear sites throughout the Western World with the following findings:
 - (i) death rates from leukaemia for children up to 9 years of age were between 5 per cent and 24 per cent higher depending on their proximity to nuclear facilities,
 - (ii) death rates from leukaemia for those up to 25 years of age were 2 per cent to 18 per cent higher, and
 - (iii) incidence rates of leukaemia were increased by 14 per cent to 21 per cent in zero to 9 year olds and 7 to 10 per cent in zero to 25 year olds;
- (b) considers that research such as this shows the health impact of nuclear activity; and
- (c) urges the Government not to proceed with uranium enrichment or nuclear power reactors in Australia in the light of this research.

Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Forshaw	McEwen	Ray
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Carol	Hutchins	Moore	Sterle
Campbell (Teller)	Kirk	Murray	Stott Despoja
Crossin	Ludwig	Nettle	Webber
Evans	Lundy	O'Brien	Wong
Faulkner	Marshall	Polley	Wortley

NOES, 37

Senators—

Abetz	Cormann	Johnston	Patterson
Adams	Eggleston	Joyce	Payne
Barnett	Ellison	Kemp	Ronaldson
Bernardi	Ferguson	Lightfoot	Scullion
Birmingham	Fielding	Macdonald, Ian	Troeth
Boswell	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Bushby	Fisher	McGauran	
Chapman	Heffernan	Nash (Teller)	
Colbeck	Humphries	Parry	

Question negatived.

Statement by leave: The Leader of the Family First Party (Senator Fielding), by leave, made a statement relating to the motion.

14 **HEALTH—OBESITY**

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. 885—That the Senate—

- (a) notes the call by the Obesity Policy Coalition for urgent government action to tackle Australia's escalating obesity crisis, including:
 - (i) a ban on the marketing of unhealthy food to children under 16 years of age in all media, such as television, the Internet, e-mail and mobile phones,
 - (ii) a mandatory 'traffic light' labelling system on the front of food packaging, and
 - (iii) removing the goods and services tax exemption for breakfast cereals that are high in sugar; and
- (b) urges the Government to dramatically increase funding for the prevention of obesity in children and adolescents and to actively pursue changes to macro-environment strategies, such as food marketing and labelling.

Question put.

The Senate divided—

AYES, 31

Senators—

Allison	Fielding	Marshall	Ray
Bartlett	Forshaw	McEwen	Siewert
Bishop	Hogg	McLucas	Stephens
Brown, Carol	Hurley	Milne	Sterle
Campbell (Teller)	Hutchins	Moore	Stott Despoja
Crossin	Kirk	Murray	Webber
Evans	Ludwig	Nettle	Wortley
Faulkner	Lundy	Polley	

NOES, 34

Senators—

Abetz	Colbeck	Humphries	Parry
Adams	Cormann	Joyce	Patterson
Barnett	Eggleston	Kemp	Payne
Bernardi	Ellison	Lightfoot	Ronaldson
Birmingham	Ferguson	Macdonald, Ian	Troeth
Boswell	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Bushby	Fisher	McGauran	
Chapman	Heffernan	Nash (Teller)	

Question negatived.

15 TREATIES—JOINT STANDING COMMITTEE—PROPOSED REFERENCE

Senator Milne amended general business notice of motion no. 887 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Joint Standing Committee on Treaties for inquiry and report by 3 December 2007:

The Australia-Russia Nuclear Cooperation Agreement signed on 7 September 2007, with particular reference to:

- (a) the ramifications of the agreement with respect to global and regional security;
- (b) the risk that Australian uranium would be exported from the Russian Federation (Russia) to third states, contrary to agreements;
- (c) 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;
- (d) the implications of the agreement for sale of nuclear fuel to India;
- (e) the extent to which the supply of Australian uranium would enable Russia to increase its export of nuclear material;
- (f) the weakness of the rule of law, including corporate law, in Russia;
- (g) the ability to verify Russia's compliance with any agreed safeguards noting, in particular, the European Parliament's resolution of 10 May 2007 on the European Union-Russia Summit which expressed concern about, inter alia:
 - (i) Russia's lack of respect for human rights, democracy, freedom of expression, and the rights of civil society and individuals to challenge the authorities and hold them accountable for their actions,
 - (ii) the use of force by Russian authorities against peaceful anti-government demonstration and reports of the use of torture in prisons, and

(iii) the restriction of democratic freedoms in the run-up to the Duma elections in December 2007 and the presidential elections in March 2008; and

(h) any related matters.

Question put.

The Senate divided—

AYES, 31

Senators—

Allison	Fielding	Marshall	Ray
Bartlett	Forshaw	McEwen	Siewert
Bishop	Hogg	McLucas	Stephens
Brown, Carol	Hurley	Milne	Sterle
Campbell (Teller)	Hutchins	Moore	Stott Despoja
Crossin	Kirk	Murray	Webber
Evans	Ludwig	Nettle	Wortley
Faulkner	Lundy	Polley	

NOES, 34

Senators—

Abetz	Colbeck	Humphries	Parry
Adams	Cormann	Joyce	Patterson
Barnett	Eggleston	Kemp	Payne
Bernardi	Ellison	Lightfoot	Ronaldson
Birmingham	Ferguson	Macdonald, Ian	Troeth
Boswell	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Bushby	Fisher	McGauran	
Chapman	Heffernan	Nash (Teller)	

Question negatived.

16 **POSTPONEMENT**

Senator Bartlett, by leave, moved—That general business notice of motion no. 884 standing in his name for today, relating to the Tarkine wilderness in Tasmania, be postponed till the next day of sitting.

Question put and passed.

17 **ENVIRONMENT—TASMANIA—PROPOSED PULP MILL—GREENHOUSE GAS EMISSIONS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 888—That the Senate—

(a) notes:

- (i) the Asia-Pacific Economic Cooperation Leaders' Sydney Declaration on Climate Change, Energy Security and Clean Development which states that 'Ongoing action is required to encourage afforestation and reforestation and to reduce deforestation, forest degradation and forest fires...';
- (ii) that Australia is a signatory to the United Nations Framework Convention on Climate Change, which includes the following commitments:
 - '4.1 (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental

policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change', and

'4.2 (a) Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs', and

(iii) emissions from Gunns Limited's proposed pulp mill in Tasmania's Tamar Valley will result in annual greenhouse gas emissions of at least 10.2 Mt CO₂ per annum, equivalent to 2 per cent of Australia's total emissions in 2005; and

(b) calls on the Government to determine the quantity of greenhouse gas emissions that would be emitted by the pulp mill, including emissions resulting from forest harvesting, in line with the Sydney Declaration and Australia's obligations under the United Nations Framework Convention on Climate Change Treaty.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Milne	Nettle	Stott Despoja
Bartlett	Murray	Siewert (Teller)	

NOES, 54

Senators—

Abetz	Crossin	Joyce	Patterson
Adams	Eggleston	Kemp	Payne
Barnett	Ellison	Kirk	Polley
Bernardi	Faulkner	Lightfoot	Ray
Birmingham	Ferguson	Ludwig	Ronaldson
Bishop	Fielding	Macdonald, Ian	Stephens
Boswell	Fierravanti-Wells	Macdonald, Sandy	Sterle
Boyce	Fifield	Mason	Troeth
Brown, Carol	Fisher	McEwen	Trood
Bushby	Forshaw	McGauran	Watson
Campbell	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wortley
Colbeck	Hurley	Nash (Teller)	
Cormann	Hutchins	Parry	

Question negatived.

18 ENVIRONMENT—KYOTO PROTOCOL

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. 886—That the Senate—

(a) notes that:

(i) 150 industrialised countries bound by the Kyoto Protocol met in the week beginning 27 August 2007 in Vienna and agreed to cut greenhouse

- gas emissions by an average of 5 per cent by 2012 and reached a non-binding agreement to target new cuts of 25 to 40 per cent by 2020 in an extension of the treaty,
- (ii) the meeting also agreed on a position to take to the United Nations Framework Convention on Climate Change annual meeting in Bali in December 2007 to make substantial progress towards a final post-2012 agreement to extend Kyoto into a second commitment period,
 - (iii) the meeting agreed that the 25 to 40 per cent reduction was necessary if global warming was to be constrained to a temperature increase of between 2 and 2.4 degrees Celsius,
 - (iv) the meeting officially recognised the findings of the Intergovernmental Panel on Climate Change in 2007 that global greenhouse emissions needed to be stabilised in the next 10 to 15 years and then substantially reduced by mid-century, and
 - (v) Australia and the United States of America were the only two industrialised nations not involved in the talks; and
- (b) concurs with the agreement reached at the Vienna meeting and urges the Government to:
- (i) re-engage with the Kyoto Protocol process in time for the Bali meeting, and
 - (ii) adopt a target for greenhouse cuts of at least 25 per cent by 2020.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Milne	Nettle	Stott Despoja
Bartlett (Teller)	Murray	Siewert	

NOES, 54

Senators—

Abetz	Crossin	Joyce	Patterson
Adams	Eggleston	Kemp	Payne
Barnett	Ellison	Kirk	Polley
Bernardi	Faulkner	Lightfoot	Ray
Birmingham	Ferguson	Ludwig	Ronaldson
Bishop	Fielding	Macdonald, Ian	Stephens
Boswell	Fierravanti-Wells	Macdonald, Sandy	Sterle
Boyce	Fifield	Mason	Troeth
Brown, Carol	Fisher	McEwen	Trood
Bushby	Forshaw	McGauran	Watson
Campbell	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wortley
Colbeck	Hurley	Nash (Teller)	
Cormann	Hutchins	Parry	

Question negatived.

19 FOREIGN AFFAIRS—IRAQ—AUSTRALIAN FORCES

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 889—That the Senate—

- (a) notes the congressional testimony by the Commander of the United States of America's forces in Iraq, General David Petraeus; and

(b) calls on the Government to immediately withdraw Australian forces from Iraq.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Milne	Nettle	Stott Despoja
Bartlett	Murray	Siewert (Teller)	

NOES, 53

Senators—

Abetz	Eggleston	Kemp	Payne
Adams	Ellison	Kirk	Polley
Barnett	Faulkner	Lightfoot	Ray
Bernardi	Ferguson	Ludwig	Ronaldson
Birmingham	Fielding	Macdonald, Ian	Stephens
Bishop	Fierravanti-Wells	Macdonald, Sandy	Sterle
Boyce	Fifield	Mason	Troeth
Brown, Carol	Fisher	McEwen	Trood
Bushby	Forshaw	McGauran	Watson
Campbell	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wortley
Colbeck	Hurley	Nash (Teller)	
Cormann	Hutchins	Parry	
Crossin	Joyce	Patterson	

Question negated.

20 CULTURE AND THE ARTS—ARCHITECTURAL HERITAGE BUILDINGS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 890—That the Senate—

(a) notes the:

- (i) value and importance to the cultural landscape of Australia of its estimated 15 000 architectural heritage buildings, almost a third of which are in Tasmania,
- (ii) dismantling of the independent Australian Heritage Commission, the relegation of the Register of the National Estate to state oversight and the subsequent downgrading of heritage issues at the federal level,
- (iii) need for urgent repairs to some of Australia's most significant heritage buildings, and
- (iv) threat to one specific example, being the Holy Trinity Church in Hobart, designed by convict architect James Blackburn, which faces closure and an uncertain future because the Anglican Church cannot afford the cost of sandstone renovation work; and

(b) calls on the Government to allocate monies in the form of a National Cultural Heritage Fund, along the same lines as the Higher Education Endowment Fund, to ensure that Australia's culturally significant heritage buildings are adequately maintained into the future.

Question put.

The Senate divided—

AYES, 6

Senators—

Allison	Milne	Nettle	Siewert (Teller)
Bartlett	Murray		

NOES, 53

Senators—

Abetz	Eggleston	Kemp	Payne
Adams	Ellison	Kirk	Polley
Barnett	Faulkner	Lightfoot	Ray
Bernardi	Ferguson	Ludwig	Ronaldson
Birmingham	Fielding	Macdonald, Ian	Stephens
Bishop	Fierravanti-Wells	Macdonald, Sandy	Sterle
Boyce	Fifield	Mason	Troeth
Brown, Carol	Fisher	McEwen	Trood
Bushby	Forshaw	McGauran	Watson
Campbell	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wortley
Colbeck	Hurley	Nash (Teller)	
Cormann	Hutchins	Parry	
Crossin	Joyce	Patterson	

Question negatived.

Statement by leave: The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, made a statement relating to the motion.

21 ADMINISTRATION—APEC MEETING—SECURITY ARRANGEMENTS

Senator Nettle amended general business notice of motion no. 891 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

- (i) that the Asia-Pacific Economic Cooperation (APEC) meeting was held in Sydney in the week beginning 3 September 2007 and that this event cost more than \$300 million to stage, and
- (ii) that the security operation involved:
 - (A) overzealous policing methods, including the violent arrests of journalists, an accountant and numerous peaceful protestors,
 - (B) intimidatory video surveillance of members of parliament and the community,
 - (C) rifles being pointed at the people of Sydney in low-flying helicopters and by rooftop snipers,
 - (D) freedom of movement being curtailed throughout Sydney by police,
 - (E) the prohibition of people entering parts of Sydney, based on unsubstantiated police accusations and secretive blacklists,
 - (F) police discouraging peaceful dissent against APEC through unnecessary shows of force, including police dogs, water cannons, deployment of the riot squad and the disproportionate show of force,
 - (G) police not wearing name badges, and

- (H) the suspension of fundamental legal principles such as the presumption of innocence, presumption in favour of bail, and the requirement of reasonable suspicion to conduct personal searches, and
- (iii) the statement of the Prime Minister (Mr Howard) backing the conduct of the APEC security and police operations; and
- (b) calls on the Government to:
- (i) immediately apologise to the people of Sydney who have had their civil liberties and freedoms suspended by APEC, and
- (ii) support an independent inquiry into the conduct of the New South Wales police and others involved in the security operation during APEC.

Question put.

The Senate divided—

AYES, 6

Senators—

Allison	Milne	Siewert (Teller)	Stott Despoja
Bartlett	Nettle		

NOES, 51

Senators—

Abetz	Eggleston	Joyce	Patterson
Adams	Ellison	Kemp	Payne
Barnett	Faulkner	Kirk	Polley
Bernardi	Ferguson	Lightfoot	Ray
Birmingham	Fielding	Ludwig	Ronaldson
Bishop	Fierravanti-Wells	Macdonald, Sandy	Stephens
Brown, Carol	Fifield	Mason	Sterle
Bushby	Fisher	McEwen	Troeth
Campbell	Forshaw	McGauran	Trood
Chapman	Hogg	McLucas	Watson
Colbeck	Humphries	Moore	Webber
Cormann	Hurley	Nash (Teller)	Wortley
Crossin	Hutchins	Parry	

Question negatived.

22 PARLIAMENTARY (JUDICIAL MISBEHAVIOUR OR INCAPACITY) COMMISSION BILL 2007

Senator Kirk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 860—That the following bill be introduced:

A Bill for an Act to establish the Parliamentary (Judicial Misbehaviour or Incapacity) Commission.

Question put and passed.

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

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

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

23 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 Foreign Affairs (Mr Downer) responding to the resolution of the Senate of 19 June 2007, dated 6 September 2007.

24 AUDITOR-GENERAL—AUDIT REPORT NO. 6 OF 2007-08—DOCUMENT

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

Auditor-General—Audit report no. 6 of 2007-08—Performance audit—Australia's preparedness for a human influenza pandemic: Department of Health and Ageing; Department of Agriculture, Fisheries and Forestry.

25 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, to redevelop the National Library of Australia forecourt to create the Humanities and Science Campus Square.

Notice of motion: Senator Colbeck, by leave, gave a notice of motion as follows: To move on 13 September 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, to redevelop the National Library of Australia forecourt to create the Humanities and Science Campus Square.

26 PRIVILEGES—STANDING COMMITTEE—131ST REPORT

The Chair of the Standing Committee of Privileges (Senator Faulkner) tabled the following report:

Privileges—Standing Committee—131st report—Possible false or misleading evidence and improper refusal to provide information to the Finance and Public Administration Committee, dated September 2007.

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

Senator Faulkner, by leave, moved—That the Senate—

- (a) agree to the recommendation at paragraph 40; and
- (b) endorse the finding at paragraph 41,

of the 131st report of the Committee of Privileges.

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

27 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL ESTIMATES 2004-05

Senator McGauran, 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—Budget and Additional estimates 2004-05—Additional information—Attorney-General's portfolio.

28 DOCUMENTS

The following documents were tabled by the Clerk:

Product Rulings—

Notices of Withdrawal—PR 2007/47 and PR 2007/61.

PR 2007/76 and PR 2007/77.

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

The following documents were 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 2007—Statements of compliance—

Australian Research Council.

Australian Taxation Office.

30 ECONOMICS—STANDING COMMITTEE—REPORT—OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2007

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

Economics—Standing Committee—Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2007—Report, dated September 2007, Hansard record of proceedings and submission.

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

31 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Community Services (Senator Scullion), at the request of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and pursuant to notice, moved government business notice of motion no. 3—That, on Tuesday, 11 September 2007:

(a) the hours of meeting shall be 2.30 pm to 6.30 pm and 7.30 pm to adjournment;

(b) the routine of business shall be:

(i) questions,

(ii) the items specified in standing order 57(1)(b)(iii) to (ix), and

(iii) from 7.30 pm, government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

Question put and passed.

32 TELECOMMUNICATIONS LEGISLATION AMENDMENT (PROTECTING SERVICES FOR RURAL AND REGIONAL AUSTRALIA INTO THE FUTURE) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a third time.

Debate resumed.

Question put and passed.

Bill read a third time.

33 NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AMENDMENT (ALCOHOL) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Siewert moved the following amendment:

Schedule 1, page 4 (after line 34), after item 6, insert:

6A After section 19

Insert:

19A Levy of sale of cheap liquor for consumption away from licensed premises

- (1) A minimum price of 90 cents per standard drink must be charged.
- (2) Alcohol products that cost more than 90 cents per standard drink for consumption away from the licensed premises are exempt from the levy mentioned in subsection (3).
- (3) Alcoholic products that cost less than 90 cents per standard drink for consumption away from licensed premises are subject to a levy (to be known as the *emergency response alcohol levy*) of 25 cents per standard drink.
- (4) The proceeds of the levy are payable to the Northern Territory Community Based Rehabilitation Fund.

Note: The levy is imposed by the *Northern Territory Emergency Response (Alcohol Levy Imposition) Act 2007*.

19B Establishment and purpose of the Northern Territory Community Based Rehabilitation Fund

- (1) A Northern Territory Community Based Rehabilitation Fund is established to:

- (a) disburse funds from the emergency response alcohol levy; and
 - (b) promote the health and welfare of the people of the Northern Territory.
- (2) The Fund is a special account for the purposes of the *Financial Management and Accountability Act 1997*.

19C Credits to the Fund

- (1) There must be credited to the Fund amounts equal to amounts of emergency response alcohol levy imposed by the *Northern Territory Emergency Response (Alcohol Levy Imposition) Act 2007*.
- (2) If interest is received by the Commonwealth from the investment of an amount standing to the credit of the Fund, an amount equal to the interest must be credited to the Fund.

19D Purpose of the Fund

The purpose of the Fund is to make grants to persons to promote public health and welfare, including the construction and staffing of health and welfare facilities.

19E Grant payments

- (1) Grants from the Fund are to be determined by the Northern Territory Community Based Rehabilitation Fund established under 19B.
- (2) Subject to this Act, further determination of grant payments, the operation of the Fund and the operation of the board may be prescribed by regulation.

19F Northern Territory Community Based Rehabilitation Fund Supervisory Board

- (1) The Northern Territory Community Based Rehabilitation Fund Supervisory Board (the *board* is established).
- (2) The board consists of:
- (a) the chair who is to be the Chief Minister of the Northern Territory;
 - (b) two board members nominated by the Northern Territory Government; and
 - (c) three board members nominated by the Commonwealth.
- (3) The chair has a casting vote in all deliberations of the board.

19G Duty of chair

The chair must advise the Minister for Health and the Minister for Finance and Administration of grants determined by the board in accordance with section 19E.

19H Appointment of chair and board members

- (1) The chair is to be appointed by the Governor-General by written instrument.
- (2) A board member is to be appointed by the Governor-General by written instrument.
- (3) The chair or a board member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

- (4) A person is not eligible for appointment as a board member unless the person has a high level of expertise in the provision of public health services and the financing of health projects.

19I Remuneration of board members

A board member is to be paid such remuneration and allowances as are prescribed by the regulations.

Debate ensued.

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

Senator Siewert moved the following amendment:

Schedule 1, item 8, page 7 (after line 4), after section 20, insert:

20A Sales of liquor for consumption away from licensed premises on certain days

- (1) The Liquor Act has effect as if it included the following provisions of this section.
- (2) A licensee of licensed premises commits an offence if:
- (a) the licensee sells to a person (the *purchaser*) a quantity of liquor at any time on a Thursday or on a Sunday; and
 - (b) the licensee knows that the liquor is for consumption away from the licensed premises or is reckless as to whether it is for consumption away from the licensed premises.

Maximum penalty: 340 penalty units.

- (3) An employee of a licensee of licensed premises commits an offence if:
- (a) the employee sells to a person (the *purchaser*) a quantity of liquor at any time on a Thursday or on a Sunday; and
 - (b) the employee knows that the liquor is for consumption away from the licensed premises or is reckless as to whether it is for consumption away from the licensed premises.

Maximum penalty: 60 penalty units.

- (4) A licensee of licensed premises commits an offence if:
- (a) an employee of the licensee sells to a person (the *purchaser*) a quantity of liquor at any time on a Thursday or on a Sunday; and
 - (b) the employee knows that the liquor is for consumption away from the licensed premises or is reckless as to whether it is for consumption away from the licensed premises.

Maximum penalty: 170 penalty units.

- (5) It is a defence to a prosecution for an offence under subsection (4) if the licensee proves that the licensee took all reasonable steps to ensure that the employee was aware of obligations of employees under this section.

20B Sales of certain amount of liquor for consumption away from licensed premises

- (1) The Liquor Act has effect as if it included the following provisions of this section.
- (2) A licensee of licensed premises must report to the officer in charge of the nearest police station:

- (a) any single purchase of a quantity of liquor that has a purchase price of \$200 or more including GST;
 - (b) any single purchase of a quantity of wine that exceeds 10 litres and is in a single container or is in 5 or more containers of at least 2 litres each; or
 - (c) if the licensee has reason to believe that the purchaser of any amount of liquor intends to supply the liquor to a prohibited community.
- (3) An employee of a licensee of licensed premises must report to the licensee:
- (a) any single purchase of a quantity of liquor that has a purchase price of \$200 or more including GST;
 - (b) any single purchase of a quantity of wine that exceeds 10 litres and is in a single container or is in 5 or more containers of at least 2 litres each; or
 - (c) if the licensee has reason to believe that the purchaser of any amount of liquor intends to supply the liquor to a prohibited community.
- (4) A licensee commits an offence if they do not comply with subsection (3).
- Maximum penalty: 340 penalty units.
- (5) An employee commits an offence if they do not comply with subsection (4).
- Maximum penalty: 60 penalty units.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Sandy Macdonald) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Community Services (Senator Scullion) the report from the committee was adopted and the bill read a third time.

34 TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2007

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Senator Stephens moved the following amendment:

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

- (a) notes that:
 - (i) the Economics References Committee handed down its report, *The effectiveness of the Trade Practices Act 1974 in protecting small business*, in March 2004, and the Government responded in June 2004 and yet the Government is only now introducing its legislative response,

- (ii) this failure to act represents a disregard for the importance of promoting competition by preventing anti-competitive behaviour directed against small business and consumers, and
 - (iii) this bill fails to introduce gaol terms for serious cartel operations, despite the Dawson Review recommending this in 2003 and the Government accepting this recommendation in 2005 and despite the Australian Competition and Consumer Commission (ACCC) consistently calling for such penalties to be introduced;
- (b) condemns the Government for the failure to legislate for gaol terms for serious cartel conduct;
 - (c) further notes with concern that this bill does not give the ACCC power to investigate and regulate ‘creeping acquisitions’; and
 - (d) calls on the Government to:
 - (i) legislate for this as soon as possible, and
 - (ii) closely examine options for introducing a regime dealing with unfair contract terms between businesses as well as between businesses and consumers’.

Debate ensued.

At 10 pm: Debate was interrupted while the Leader of The Nationals in the Senate (Senator Boswell) was speaking.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.16 pm till Wednesday, 12 September 2007 at 9.30 am.

36 ATTENDANCE

Present, all senators except Senator Conroy.

HARRY EVANS
Clerk of the Senate