

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 156

MONDAY, 13 AUGUST 2007

Contents

1	Meeting of Senate	4167
2	Hours of Meeting and Routine of Business—Variation	4167
3	Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007	4168
4	Australian Citizenship Amendment (Citizenship Testing) Bill 2007	4168
5	Questions	4168
6	Minister for Finance and Administration—Answers to Questions	4169
7	Environment—Tasmania—Proposed Pulp Mill—Answer to Question	4169
8	Petitions	4169
9	Notices	4169
10	Leave of Absence	4171
11	Australian Crime Commission—Joint Statutory Committee—Leave to Meet During Sitting	4171
12	Order of Business—Rearrangement	4171
13	Postponements	4172
14	Administration—Queensland Local Government	4172
15	Environment—Yangtze River Dolphin	4173
16	Foreign Affairs—India—Nuclear Non-Proliferation Treaty	4174
17	Primary Industries—Food Labelling	4175
18	Law and Justice—Sexuality Discrimination	4175
19	Appropriations and Staffing—Standing Committee—Report for 2006-07	4175
20	Scrutiny of Bills—Standing Committee—Alert Digest No. 9 of 2007	4176
21	Economics—Standing Committee—Additional Information—Trade Practices Legislation Amendment Bill (No. 1) 2007 and Trade Practices Amendment (Predatory Pricing) Bill 2007	4176
22	Intelligence and Security—Joint Statutory Committee—Annual Report of Committee Activities 2006-07	4176
23	Intelligence and Security—Joint Statutory Committee—Report—Review of Administration and Expenditure No. 5—Australian Intelligence Organisations	4176
24	Australian Parliamentary Delegation to Cambodia and to the 116th Assembly of the Inter-Parliamentary Union—Document	4176

25	Documents.....	4177
26	Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007	4177
27	Australian Citizenship Amendment (Citizenship Testing) Bill 2007.....	4177
28	Legal and Constitutional Affairs—Standing Committee—Report—Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and Related Northern Territory National Emergency Response Bills.....	4178
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.....	4179
30	Adjournment	4180
31	Attendance.....	4181

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 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That—

- (1) On Monday, 13 August 2007:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
 - (b) the routine of business from 7.30 pm shall be government business only;
 - (c) the question for the adjournment of the Senate shall be proposed at 10 pm; and
 - (d) standing order 54(5) shall apply to the adjournment debate as if it were Tuesday.
- (2) On Tuesday, 14 August 2007:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 7.30 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (3) On Thursday, 16 August 2007:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm, shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
 - APEC Public Holiday Bill 2007
 - Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007
 - 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
 Water Bill 2007
 Water (Consequential Amendments) Bill 2007.

Debate ensued.

Question put and passed.

3 AVIATION LEGISLATION AMENDMENT (2007 MEASURES NO. 1) 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.

Senator O'Brien moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for creating an exemption mechanism for senior dignitaries rather than using the current case-by-case mechanism for security screening and calls on the Government to:

- (a) consult further with the aviation industry and unions and take into account their advice before exercising the power to exempt any senior dignitaries from security screening;
- (b) consult further with the aviation industry and unions and take into account their advice regarding the practical implementation of the proposed drug and alcohol management and testing regime;
- (c) consult fully with stakeholders in the drafting of all relevant regulations subsequent to the passage of the bill; and
- (d) expand the powers of Australian Commission for Law Enforcement Integrity so that it can oversee the police-like activities undertaken by Customs”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

On the motion of the Minister for Justice and Customs (Senator Johnston) the bill was read a third time.

4 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Johnston)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Kirk was speaking.

5 QUESTIONS

Questions without notice were answered.

6 **MINISTER FOR FINANCE AND ADMINISTRATION—ANSWERS TO QUESTIONS**

Senator Sherry moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked today.

Debate ensued.

Question put and passed.

7 **ENVIRONMENT—TASMANIA—PROPOSED PULP MILL—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 the environmental impact of a proposed pulp mill in Tasmania.

Question put and passed.

8 **PETITIONS**

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

The President, from 12 petitioners, requesting that the Senate take action to adopt a 10-year moratorium on Muslim immigration and review immigration policy to ensure priority for Christians from all races, as both immigrants and refugees.

Senator Moore, from 1 128 petitioners, requesting that the Senate take action to ban the production, transfer, importation and use of anti-vehicle mines.

9 **NOTICES**

Notices of motion:

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan): To move on the next day of sitting—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. (*general business notice of motion no. 859*)

Senator Kirk: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish the Parliamentary (Judicial Misbehaviour or Incapacity) Commission. ***Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007.*** (*general business notice of motion no. 860*)

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 following bills, allowing them to be considered during this period of sittings:

Water Bill 2007

Water (Consequential Amendments) Bill 2007.

Document: Senator Abetz tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the bills in the 2007 spring sittings.

Senator Milne: To move on the next day of sitting—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. (*general business notice of motion no. 861*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Minister for the Environment and Water Resources (Mr Turnbull) take account of the report by Dr Stuart Godfrey in assessing the impact of the Gunns Limited's proposed pulp mill on the environment of Bass Strait and the Tamar River. (*general business notice of motion no. 862*)

Senator Milne: To move on the next day of sitting—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. (*general business notice of motion no. 863*)

Notice of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson), pursuant to notice of intention given on 9 August 2007, withdrew business of the Senate notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of the Australian Federal Police Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 326 and made under the *Australian Federal Police Act 1979*.

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 next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 4 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*.

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

Regulations and Ordinances—Standing Committee—Correspondence between the Committee and the Minister for Communications, Information Technology and the Arts (Senator Coonan) relating to the determinations.

10 LEAVE OF ABSENCE

Senator Campbell, by leave, moved—That leave of absence be granted to Senator Ludwig for 13 August and 14 August 2007, on account of ill health.

Question put and passed.

11 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, by leave and at the request of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Ian Macdonald), moved—That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate today, from 5.30 pm, to take evidence for the committee's inquiry into the future impact of serious and organised crime on Australian society.

Question put and passed.

12 ORDER OF BUSINESS—REARRANGEMENT

Senator Parry, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Barnett), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the Legal and Constitutional Affairs Committee on the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and four related bills, be postponed till a later hour.

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 14 August 2007.

Business of the Senate notice of motion no. 2 standing in the name of Senator Milne for today, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts Committee, postponed till 12 September 2007.

General business notice of motion no. 848 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senators Bartlett, Murray and Stott Despoja for today, proposing the introduction of the Same-Sex: Same Entitlements Bill 2007, postponed till 14 August 2007.

14 ADMINISTRATION—QUEENSLAND LOCAL GOVERNMENT

Senator Parry, at the request of the Leader of The Nationals in the Senate (Senator Boswell) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 847—That the Senate—

- (a) condemns the dictatorial actions of the Beattie Queensland Government in imposing forced amalgamations on Queensland local government without the opportunity for appeal;
- (b) expresses serious concern at the Queensland Government's decision to impose fines on councillors who put the amalgamation policy to local citizens by referendum;
- (c) notes that the International Convention on Civil and Political Rights states that every citizen shall have the right and the opportunity to take part in the conduct of public affairs and that this right is being undermined by the Queensland State Government; and
- (d) calls on the Beattie Government to make any amalgamations voluntary as recommended by the Federal Leader of the Opposition (Mr Rudd).

Question put.

The Senate divided—

AYES, 42

Senators—

Abetz	Chapman	Heffernan	Nash
Adams	Colbeck	Humphries	Nettle
Barnett	Coonan	Joyce	Parry (Teller)
Bartlett	Cormann	Kemp	Patterson
Bernardi	Eggleston	Lightfoot	Payne
Birmingham	Ellison	Macdonald, Ian	Scullion
Boswell	Ferguson	Macdonald, Sandy	Siewert
Boyce	Fielding	Mason	Trood
Brandis	Fierravanti-Wells	McGauran	Watson
Brown, Bob	Fifield	Milne	
Calvert	Fisher	Murray	

NOES, 23

Senators—

Bishop	Evans	Lundy	Ray
Brown, Carol	Forshaw	Marshall	Sterle
Campbell (Teller)	Hogg	McEwen	Webber
Carr	Hurley	Moore	Wong
Conroy	Hutchins	O'Brien	Wortley
Crossin	Kirk	Polley	

Question agreed to.

15 ENVIRONMENT—YANGTZE RIVER DOLPHIN

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 857—That the Senate—

- (a) notes with regret:
- (i) news of the extinction of the Yangtze River dolphin, and
 - (ii) that this is the first large vertebrate to be forced to extinction by human activity in 50 years and only the fourth time since the year 1500 that an entire evolutionary line of mammals has vanished from the face of the earth; and
- (b) calls on the Government to ensure the implementation of Australian law, requiring management plans to lift creatures facing extinction to greater safety in Australia.

Question put.

The Senate divided—

AYES, 30

Senators—

Bartlett	Evans	Marshall	Ray
Bishop	Fielding	McEwen	Siewert
Brown, Bob	Forshaw	Milne	Sterle
Brown, Carol	Hogg	Moore	Webber
Campbell (Teller)	Hurley	Murray	Wong
Carr	Hutchins	Nettle	Wortley
Conroy	Kirk	O'Brien	
Crossin	Lundy	Polley	

NOES, 35

Senators—

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

Question negatived.

16 FOREIGN AFFAIRS—INDIA—NUCLEAR NON-PROLIFERATION TREATY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 856—That the Senate—

(a) notes that:

- (i) the Nuclear Suppliers Group (NSG) is an intergovernmental body concerned with reducing nuclear proliferation by controlling the export and re-transfer of materials, including uranium, that may be applicable to the development of nuclear weapons,
- (ii) the NSG was founded in 1975 in response to the Indian nuclear test of the previous year, a test which demonstrated that certain non-weapons specific nuclear technology could be readily used for weapons development, and
- (iii) the NSG makes decisions by consensus, which means that each of the 45 NSG members, including Australia, must agree to the change of any rule, including those rules which prevent the export of uranium to non-Nuclear Non-Proliferation Treaty states such as India; and

(b) calls on the Government to use its position in the NSG to block the submission to exempt India from the NSG rules preventing the supply of uranium to states which have not signed the Nuclear Non-Proliferation Treaty.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 57

Senators—

Abetz	Conroy	Hurley	O'Brien
Adams	Coonan	Hutchins	Parry (Teller)
Barnett	Cormann	Joyce	Patterson
Bernardi	Crossin	Kemp	Payne
Birmingham	Eggleston	Kirk	Polley
Bishop	Ellison	Lightfoot	Scullion
Boswell	Ferguson	Lundy	Sterle
Boyce	Fielding	Macdonald, Ian	Trood
Brandis	Fierravanti-Wells	Macdonald, Sandy	Watson
Brown, Carol	Fifield	Marshall	Webber
Calvert	Fisher	Mason	Wong
Campbell	Forshaw	McEwen	Wortley
Carr	Heffernan	McGauran	
Chapman	Hogg	Moore	
Colbeck	Humphries	Nash	

Question negatived.

17 PRIMARY INDUSTRIES—FOOD LABELLING

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 839—That the Senate—

- (a) notes the report by Voiceless, the fund for animals, *From Label to Liable: Scams, Scandals and Secrecy—Lifting the veil on animal-derived food product labelling in Australia* which reports that:
 - (i) most jurisdictions in Australia do not require animal-derived food products to identify the farm production system from which they have been sourced,
 - (ii) the majority of Australia's animal-derived food products such as pork, chicken and eggs are sourced from factory farms where animals live their lives in conditions that most people would find unacceptable if they were fully aware of them,
 - (iii) a number of terms are currently used to differentiate animal products such as barn laid eggs, free range, open range or range eggs, grain-fed beef, free-range, bred free-range, organic and biodynamic but most of these terms are not defined in legislation, which means there is broad scope for consumer uncertainty as to their meaning, and
 - (iv) Australia has no standard for labelling of vegetarian or vegan products; and
- (b) calls on the Government to explore the need for clear and enforceable national standards, identifying the farm production system from which food is sourced.

Question put and negatived.

18 LAW AND JUSTICE—SEXUALITY DISCRIMINATION

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 858—That the Senate—

- (a) notes that:
 - (i) the acceptance and celebration of diversity, including sexual orientation and gender diversity, is essential for genuine social justice and equality, and
 - (ii) discrimination against same-sex couples continues to be a significant cause of distress in the community; and
- (b) calls on the Government to:
 - (i) remove all forms of discrimination against same-sex couples from current federal legislation, and
 - (ii) legislate to allow marriage between two people, regardless of their sexual orientation or gender identity.

Question put and negatived.

19 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT FOR 2006-07

The Acting Deputy President (Senator Moore) tabled the following report:

Appropriations and Staffing—Standing Committee—Report for 2006-07, dated August 2007.

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

20 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 9 OF 2007

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray) tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest no. 9 of 2007, dated 13 August 2007.

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

Debate ensued.

Question put and passed.

21 ECONOMICS—STANDING COMMITTEE—ADDITIONAL INFORMATION—TRADE PRACTICES LEGISLATION AMENDMENT BILL (NO. 1) 2007 AND TRADE PRACTICES AMENDMENT (PREDATORY PRICING) BILL 2007

Senator McGauran, at the request of the Chair of the Economics Committee (Senator Ronaldson), tabled the following documents:

Economics—Standing Committee—Reports—

Trade Practices Legislation Amendment Bill (No. 1) 2007 [Provisions]—Additional information.

Trade Practices Amendment (Predatory Pricing) Bill 2007—Additional information.

22 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2006-07

Senator McGauran, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Annual report of committee activities 2006-07, dated June 2007.

Senator McGauran, by leave, moved—That the Senate take note of the report.

Question put and passed.

23 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF ADMINISTRATION AND EXPENDITURE NO. 5—AUSTRALIAN INTELLIGENCE ORGANISATIONS

Senator McGauran, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Review of administration and expenditure no. 5—Australian intelligence organisations—Report, dated June 2007.

Senator McGauran, by leave, moved—That the Senate take note of the report.

Question put and passed.

24 AUSTRALIAN PARLIAMENTARY DELEGATION TO CAMBODIA AND TO THE 116TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION—DOCUMENT

Senator Marshall, by leave, tabled the following document:

Bilateral visit to Cambodia, 21 to 26 April 2007 and delegation to 116th Assembly, Inter-Parliamentary Union, Bali, 27 April to 4 May 2007—Report of the Australian parliamentary delegation, dated August 2007.

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

Question put and passed.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Class Rulings CR 2007/73-CR 2007/76.

Defence Act—Determinations under section 58B—Defence Determinations—
2007/49—Location and higher duties allowances and Operation Outreach –
amendment.

2007/50—Deployment allowance and additional risk insurance – amendment.

2007/51—Retention allowance schemes – amendments.

2007/52—Navy completion bonuses – amendment.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—
Consolidated statement of expenditure under Part 3, dated 7 August 2007.

Product Rulings—

Notices of Withdrawal—PR 2007/35 and PR 2007/49.

PR 2007/74.

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

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

Message no. 616, dated 9 August 2007—A Bill for an Act to amend the
Telecommunications (Consumer Protection and Service Standards) Act 1999, and
for related purposes.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason)
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 Mason moved—That this bill be now read a second time.

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

27 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for
Justice and Customs (Senator Johnston)—That this bill be now read a second time.

Debate resumed.

Senator Nettle moved the following amendment:

At the end of the motion, add “and the Senate is of the view that the Government
should:

(a) increase the hourly funding rate for the Adult Migrant English
Programme (AMEP); and

(b) increase the funding to expand the AMEP”.

Debate ensued.

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

Main question put.

The Senate divided—

AYES, 40

Senators—

Adams	Eggleston	Kirk	Ray
Barnett	Ferguson	Lundy	Scullion
Bernardi	Fielding	Marshall	Sherry
Birmingham	Fierravanti-Wells	McEwen	Stephens
Boyce	Fifield	McLucas	Sterle
Brown, Carol	Fisher	Moore	Troeth
Chapman	Hurley	O'Brien	Watson
Colbeck	Hutchins	Patterson	Webber
Cormann	Joyce (Teller)	Payne	Wong
Crossin	Kemp	Polley	Wortley

NOES, 7

Senators—

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

Question agreed to.

Bill read a second time.

On the motion of the Minister for Community Services (Senator Scullion) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

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

Pursuant to order, Senator Joyce, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Barnett), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—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—Report, dated August 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [154].

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

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.

Documents: The Leader of the Australian Greens (Senator Bob Brown), by leave, tabled the following items:

Indigenous Australians—Message stick from the Gulkula meeting at Garma, Northern Territory, 3 August and 4 August 2007, and English translation.

Debate continued.

At 10 pm: Debate was interrupted while Senator Kirk was speaking.

30 ADJOURNMENT

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

Debate ensued.

Documents: Senator O'Brien, by leave, tabled the following documents:

Transport—Air safety—Copies of—

Answers to questions on notice—

No. 2269, Hansard, 7 August 2007.

No. 2270, Hansard, 6 February 2007.

British Aerospace Regional Aircraft Limited agreement with Eastwest Airlines (Operations) Limited and Ansett Transport Industries (Operations) Limited, dated 3 September 1993.

Budget estimates 2006-07—Rural and Regional Affairs and Transport Legislation Committee—Answers to questions on notice—

No. CASA 25, Hansard, 23 May 2006.

No. CASA 26, Hansard, 23 May 2006.

Eastwest Airlines (Operations) Limited settlement agreement with Ansett Transport Pty Limited and Allied Signal Incorporated (1993).

Letter from Executive General Manager, Operations and Inflight Services, Ansett Australia (Captain Trevor Jensen) to Chair, Rural and Regional Affairs and Transport References Committee, dated 29 November 1999.

Debate continued.

The Senate adjourned at 11.54 pm till Tuesday, 14 August 2007 at 12.30 pm.

31 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate