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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Alan Ferguson) took the chair and read prayers.

2 PETITIONS

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

Senator Allison, from 8 petitioners, requesting that the Senate take action to abandon plans to expand uranium mining, enrich uranium and build nuclear power plants in Australia.

Senator Bartlett, from 860 petitioners, requesting that the Senate take action to urge the Chinese Communist Party to release all detained Falun Gong practitioners, to establish an inquiry into the allegation of organ harvesting and to discourage Australian citizens from travelling to China for organ transplants.

3 NOTICES

Senator Siewert: To move on the next day of sitting—That the following matter be referred to the Community Affairs Committee for inquiry and report by 30 June 2008:

Evaluation of the effectiveness of the national emergency intervention in the Northern Territory in addressing the issues of child sexual abuse and child health and well-being, with particular reference to:

- (a) improvements in child protection outcomes and child security, through improved infrastructure and support services;
- (b) improvements in child health and well-being, with particular attention to the successful treatment of preventable diseases identified by the health teams, and public health outcomes in relation to healthier environments and improved nutrition;
- (c) the efficacy of interventions to reduce alcohol and substance abuse, including measures to restrict supply, education and demand-reduction strategies, and rehabilitation and counselling services;
- (d) improvements in educational outcomes with particular attention to rates of school attendance, the delivery of programs to meet the educational needs of Indigenous students, the number of new teachers and classrooms and reductions in student/teacher ratios;
- (e) the impact of the quarantining of welfare payments, with particular attention to its efficacy in improving child health and nutrition and school attendance, the number of people being breached and dropping off income support, the cost of administering the system and the challenges faced by both retail outlets and recipients;
- (f) the effects of changes to land tenure and the permit system on child welfare, including the number of people moving out of prescribed communities and the number of people moving into regional centres and living in makeshift camps; and
- (g) the unintended consequences of the intervention.

Senator Milne: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade Committee 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 the 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 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 Duma elections in December 2007 and presidential elections in March 2008; and
- (h) any related matters.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls for approval of the pulp mill proposed by Gunns Limited to be subject to all environmental considerations being fully satisfied. (*general business notice of motion no. 902*)

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 7 Maritime Legislation Amendment Bill 2007.
- Sydney Harbour Federation Trust Amendment Bill 2007.
- No. 8 International Trade Integrity Bill 2007.
- No. 9 International Tax Agreements Amendment Bill (No. 2) 2007.
- Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007
- Corporations (National Guarantee Fund Levies) Amendment Bill 2007.
- Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007.
- No. 10 National Health Amendment (Pharmaceutical Benefits) Bill 2007.
- No. 11 Product Stewardship (Oil) Amendment Bill 2007.
- No. 12 Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2007.
- No. 13 Building and Construction Industry Improvement Amendment (OHS) Bill 2007.
- No. 14 Telecommunications (Interception and Access) Amendment Bill 2007.

Question put and passed.

Senator Abetz moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 900 standing in the name of Senator Carr relating to Australia's manufacturing sector; and
- (b) orders of the day relating to government documents.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 897 standing in the name of Senator Bartlett for today, relating to National Child Protection Week, postponed till 17 September 2007.

**6 LANDS ACQUISITION LEGISLATION AMENDMENT BILL 2007
COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES)
BILL 2007**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) and the Minister for Communications, Information Technology and the Arts (Senator Coonan) and pursuant to notice of motion not objected to as a formal motion, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

A Bill for an Act to amend legislation relating to lands acquisition, and for related purposes.

A Bill for an Act to amend the law relating to communications, and for related purposes.

Question put and passed.

Senator Abetz presented the bills and 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.

Explanatory memoranda: Senator Abetz tabled explanatory memoranda [2] relating to the bills.

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

Senator Abetz moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

7 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. 3—That—

- (a) the government business orders of the day relating to the Tax Laws Amendment (2007 Measures No. 4) Bill 2007 and two related bills and the Tax Laws Amendment (2007 Measures No. 5) Bill 2007 may be taken together for their remaining stages; and
- (b) the government business orders of the day relating to the Judges' Pensions Amendment Bill 2007 and the Federal Magistrates Amendment (Disability and Death Benefits) Bill 2007 may be taken together for their remaining stages.

Question put and passed.

8 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—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.

Question put and passed.

9 WORKPLACE RELATIONS (GUARANTEEING PAID MATERNITY LEAVE) AMENDMENT BILL 2007

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 892—That the following bill be introduced:

A Bill for an Act to guarantee paid maternity leave, and for related purposes.

Question put and passed.

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

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

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

10 ENVIRONMENT—TASMANIA—TARKINE WILDERNESS

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 884—That the Senate—

- (a) acknowledges the World Heritage significance of the Tarkine wilderness in the north-west of Tasmania;

- (b) notes that a nomination for the Tarkine to be listed on Australia's National Heritage list was submitted in 2004;
- (c) notes the Government has:
 - (i) placed the Tarkine National Heritage nomination on the Australian Heritage Council's 2007-08 priority assessment program,
 - (ii) indicated it will thoroughly and carefully assess this complex nomination, including the public consultation required by the provisions of the *Environment Protection and Biodiversity Conservation Act 1999*, and
 - (iii) asked the Australian Heritage Council also to examine, identify and advise the Minister for the Environment and Water Resources (Mr Turnbull) of any World Heritage values contained in the areas proposed; and
- (d) supports:
 - (i) subject to listing, the development of strategic and conservation management plans for any listed areas, and
 - (ii) the development of sensitive and appropriate eco-tourism infrastructure only after thorough assessment of potential impacts on any National Heritage-listed areas under the Act.

Question put and passed.

11 ENVIRONMENT—GREENHOUSE GAS EMISSIONS

Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Allison) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 899—That the Senate—

- (a) notes that California, Washington, Oregon, Arizona, New Mexico and British Columbia, as part of North America's Western Climate Initiative, have:
 - (i) agreed to cut greenhouse gas emissions by 15 per cent by 2020, and
 - (ii) committed to designing an emissions cap and trade scheme by August 2008;
- (b) congratulates the leaders of these states and this province for taking action rather than waiting for the federal administration to deal with this serious threat to the environment and economy of the United States of America; and
- (c) urges Australian state premiers to do likewise, but to aim for a 20 per cent reduction by 2020.

Question put and negatived.

12 STOLEN GENERATION COMPENSATION BILL 2007

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 898—That the following bill be introduced:

A Bill for an Act to provide for ex gratia payments to be made to the stolen generation of Aboriginal children, and for related purposes.

Question put and passed.

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

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

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

13 INDUSTRY—NEW SOUTH WALES—ELECTRICITY INDUSTRY—PROPOSED PRIVATISATION

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 901—That the Senate—

- (a) notes that:
- (i) the New South Wales Government is openly canvassing the privatisation of its electricity industry, despite going to successive elections with a promise to keep the industry in public hands,
 - (ii) electricity generation is responsible for 37 per cent of greenhouse gas emissions from New South Wales,
 - (iii) public utilities in New South Wales employ 24 000 people,
 - (iv) privatisation of the New South Wales electricity industry will have serious, irreversible and negative effects on Australia's response to climate change, employment in regional Australia and government revenue, and
 - (v) the New South Wales Government was forced to abandon its plan to privatise the Snowy Mountains Scheme by a concerted community campaign; and
- (b) calls on the New South Wales Government to also abandon its support for privatising the electricity industry either by sale or lease.

Question put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
Fielding			

NOES, 46

Senators—

Abetz	Cormann	Johnston	Polley
Adams	Crossin	Kirk	Ray
Barnett	Eggleston	Ludwig	Ronaldson
Bernardi	Ferguson	Lundy	Sherry
Birmingham	Fierravanti-Wells	Macdonald, Sandy	Sterle
Bishop	Fifield	McEwen	Troeth
Brandis	Fisher	McGauran	Trood
Brown, Carol	Forshaw	McLucas	Watson
Bushby	Hogg	Moore	Webber
Campbell	Humphries	Nash	Wortley
Chapman	Hurley	Parry (Teller)	
Colbeck	Hutchins	Payne	

Question negatived.

14 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2007-08

Senator Parry, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between—

21 June and 12 September 2007—Families, Community Services and Indigenous Affairs portfolio.

16 August and 12 September 2007—Health and Ageing portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 21 June and 12 September 2007—Attorney-General's portfolio.

15 SYDNEY HARBOUR FEDERATION TRUST AMENDMENT BILL 2007

**FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION
AMENDMENT (CHILD DISABILITY ASSISTANCE) BILL 2007**

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

Message no. 644, dated 12 September 2007—A Bill for an Act to amend the *Sydney Harbour Federation Trust Act 2001*, and for related purposes.

Message no. 645, dated 12 September 2007—A Bill for an Act to amend the law in relation to social security, 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 and the resumption of the debate made an order of the day for a later hour.

Consideration of legislation: Senator Abetz moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

16 TAX LAWS AMENDMENT (2007 MEASURES NO. 5) BILL 2007

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

Message no. 642, dated 12 September 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) 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 a revised 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.

17 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 643, dated 12 September 2007—Australian Citizenship Amendment (Citizenship Testing) Bill 2007.

18 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 1—That—

(a) the Senate notes that:

- (i) the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) concluded that:
 - (A) the sea level would rise by between 0.18 metres to 0.59 metres by the end of the century and that these projections do not include the full effects of changes in ice sheet flow because a basis in published literature was lacking,
 - (B) there is medium confidence (that is a 50 per cent chance) that at least partial deglaciation of the Greenland ice sheet, and possibly the West Antarctic ice sheet, would occur over a period of time, ranging from centuries to millennia for a global average temperature increase of 1° to 4°C (relative to 1990-2000), causing a contribution to a rise in sea level of 4 to 6 metres or more, and
 - (C) many millions more people are projected to be flooded every year due to a sea level rise by 2080 and the numbers affected will be largest in the mega-deltas of Asia and Africa, while small islands are especially vulnerable,
- (ii) recent scientific research, published too late for inclusion in the IPCC reports, suggests that the sea level is rising more quickly than previously thought and many eminent climate scientists, including Dr James Hansen, Head of Atmospheric Research for the National Aeronautics and Space Administration, warn that a warming of 2° to 3°C could melt the ice sheets of West Antarctica and parts of Greenland, resulting in a sea level rise of 5 metres within a century,
- (iii) assessing the impact of even a moderate rise in sea level in Australia remains inadequate for adaptation planning,
- (iv) assessing the vulnerability of low coastal and estuarine regions requires not only mapping height above sea level but must take into account factors such as coastal morphology, susceptibility to long-shore erosion, near shore bathymetry and storm surge frequency,

- (v) delaying analysis of the risk of the rise in sea level exacerbates the likelihood that such information may affect property values and investment through disclosure of increased hazards and possible reduced or more expensive insurance cover, and
 - (vi) an early response to the threat of rising sea levels may include avoiding investment in long-lived infrastructure in high risk areas; and
- (b) the following matter be referred to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 3 December 2007:

An assessment of the risks associated with the rise in sea level in Australia, including an appraisal of:

- (i) recent science relating to projections on the rise in sea level,
- (ii) ecological, social and economic impacts for the full range of projections,
- (iii) adaptation and mitigation strategies,
- (iv) knowledge gaps and research needs, and
- (v) options to communicate risks and vulnerabilities to the Australian community.

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 36

Senators—

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

Question negatived.

19 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—REPORT—QUALITY OF SCHOOL EDUCATION

Pursuant to order, the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth) tabled the following report and documents:

Employment, Workplace Relations and Education—Standing Committee—Quality of school education—Report, dated September 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [73].

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

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

Debate ensued.

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

**20 FINANCIAL SECTOR LEGISLATION AMENDMENT (DISCRETIONARY MUTUAL FUNDS AND DIRECT OFFSHORE FOREIGN INSURERS) BILL 2007
CORPORATIONS (NATIONAL GUARANTEE FUND LEVIES) AMENDMENT BILL 2007**

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

Message no. 646, dated 13 September 2007—A Bill for an Act to amend certain laws relating to the financial sector, and for related purposes.

Message no. 647, dated 13 September 2007—A Bill for an Act to amend the *Corporations (National Guarantee Fund Levies) Act 2001*, and for related purposes.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) 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 Colbeck moved—That these bills be now read a second time.

Explanatory memorandum: Senator Colbeck tabled a revised explanatory memorandum relating to the bills.

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

**21 COMMONWEALTH ELECTORAL AMENDMENT (DEMOCRATIC PLEBISCITES)
BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That this bill be now read a second time—*and on the amendment moved by Senator Lundy:*

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

- (a) expresses its support for a referendum to extend constitutional recognition to local government in recognition of the essential role it plays in the governance of Australia; and
- (b) notes that the Australian Labor Party believes communities are entitled to express a view on the location of 25 nuclear power plants and the nuclear waste facilities that the Howard Government wants to impose on the Australian community”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

Bartlett	Fielding	Marshall	Ray
Bishop	Forshaw	McEwen	Sherry
Brown, Bob	Hogg	McLucas	Siewert
Brown, Carol	Hurley	Milne	Sterle
Campbell	Hutchins	Moore	Webber (Teller)
Conroy	Kirk	Murray	Wong
Crossin	Ludwig	Nettle	Wortley
Faulkner	Lundy	Polley	

NOES, 34

Senators—

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

Question negatived.

Senator Murray moved the following amendment:

At the end of the motion, add “and the Senate is of the view that the International Covenant on Civil and Political Rights be introduced in full into Commonwealth law”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 6

Senators—

Bartlett (Teller)	Milne	Nettle	Siewert
Brown, Bob	Murray		

NOES, 53

Senators—

Adams	Ellison	Kemp	Polley
Barnett	Faulkner	Ludwig	Ray
Birmingham	Ferguson	Lundy	Ronaldson
Bishop	Fielding	Macdonald, Sandy	Scullion
Boswell	Fierravanti-Wells	Marshall	Sherry
Brandis	Fifield	Mason	Sterle
Brown, Carol	Fisher	McEwen	Trood
Bushby	Forshaw	McGauran (Teller)	Watson
Campbell	Hogg	McLucas	Webber
Chapman	Humphries	Minchin	Wong
Colbeck	Hurley	Moore	Wortley
Conroy	Hutchins	Parry	
Cormann	Johnston	Patterson	
Crossin	Joyce	Payne	

Question negatived.

Senator Bartlett moved the following amendment:

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

- (a) requires the Government to report to the Parliament prior to 31 December 2008 on ways in which review processes can be guaranteed throughout Australia where they are lacking in state or territory legislation; and
- (b) should refer the question of ways in which direct democracy can be advanced in Australia to a committee for report by 31 December 2008”.

Question—That the amendment be agreed to—put and negatived. All Australian Democrats and Australian Greens senators, by leave, recorded their votes for the ayes.

Main question put and passed.

Bill read a second time.

At 12.45 pm—

22 MARITIME LEGISLATION AMENDMENT BILL 2007

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

Debate resumed.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

23 SYDNEY HARBOUR FEDERATION TRUST AMENDMENT 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.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

24 INTERNATIONAL TRADE INTEGRITY 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.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

25 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 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.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**26 FINANCIAL SECTOR LEGISLATION AMENDMENT (DISCRETIONARY MUTUAL FUNDS AND DIRECT OFFSHORE FOREIGN INSURERS) BILL 2007
CORPORATIONS (NATIONAL GUARANTEE FUND LEVIES) AMENDMENT BILL 2007**

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bills were read a third time.

27 FINANCIAL SECTOR LEGISLATION AMENDMENT (SIMPLIFYING REGULATION AND REVIEW) BILL 2007

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

Message no. 648, dated 13 September 2007—A Bill for an Act to amend the law relating to banking, insurance, superannuation and other matters in the Treasury portfolio, 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.

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

Debate ensued.

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 Senator Mason the bill was read a third time.

28 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) 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.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

29 PRODUCT STEWARDSHIP (OIL) AMENDMENT 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.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

30 OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) 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.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

31 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (OHS) 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.

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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

Suspension of sitting: On the motion of Senator Mason the sitting of the Senate was suspended at 1.56 pm till 2 pm.

At 2 pm—

32 QUESTIONS

Questions without notice were answered.

33 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Carr, pursuant to standing order 74, asked the Minister representing the Minister for Education, Science and Training (Senator Brandis) for an explanation of answers not being provided to questions placed on notice during the consideration by the Employment, Workplace Relations and Education Committee of the 2007-08 Budget estimates (notice given 1 June 2007).

Senator Brandis indicated that an explanation would be provided.

Senator Carr moved—That the Senate take note of the minister's response.

Debate ensued.

Question put and passed.

34 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

35 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Carr and the Minister for the Arts and Sport (Senator Brandis), by leave, made statements relating to questions placed on notice during estimates hearings (*see entry no. 33*).

36 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—REGULATION, CONTROL AND MANAGEMENT OF INVASIVE SPECIES

The Minister for Community Services (Senator Scullion) tabled the following document:

Environment, Communications, Information Technology and the Arts References Committee—Report—Turning back the tide—The invasive species challenge: Report on the regulation, control and management of invasive species and the Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002—Government response.

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

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

**37 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—AUSTRALIAN FOREST PLANTATIONS**

The Minister for Community Services (Senator Scullion) tabled the following document:

Rural and Regional Affairs and Transport References Committee—Report—
Australian forest plantations: A review of *Plantations for Australia: The 2020
vision*—Government response.

**38 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—AUSTRALIA'S RELATIONSHIP WITH MALAYSIA**

The Minister for Community Services (Senator Scullion) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—
Australia's relationship with Malaysia—Government response.

**39 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING
COMMITTEE—GOVERNMENT RESPONSES—NORFOLK ISLAND REPORTS**

The Minister for Community Services (Senator Scullion) tabled the following documents:

National Capital and External Territories—Joint Standing Committee—Reports—
Norfolk Island electoral matters—Government response, dated June 2007.
Norfolk Island financial sustainability: The challenge—Sink or swim—
Government response, dated June 2007.
Quis custodiet ipsos custodes?: Inquiry into governance on Norfolk Island—
Government response [revised], dated June 2007.

**40 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSES—81ST AND
84TH REPORTS**

The Minister for Community Services (Senator Scullion) tabled the following documents:

Treaties—Joint Standing Committee—Government responses—
81st report—Treaties tabled on 8 August 2006 (2).
84th report—Treaty tabled on 6 December 2006.

Senator Bartlett, by leave, moved—That the Senate take note of the documents.
Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

**41 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—TRAFFICKING OF WOMEN FOR SEXUAL SERVITUDE**

The Minister for Community Services (Senator Scullion) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Supplementary
report—Trafficking of women for sexual servitude—Government response.

Senator Bartlett, by leave, moved—That the Senate take note of the document.
Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

42 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE RE-LISTING OF ANSAR AL-SUNNA, JEM, LEJ, EIJ, IAA, AAA AND IMU AS TERRORIST ORGANISATIONS

The Minister for Community Services (Senator Scullion) tabled the following document:

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of Ansar al-Sunna, JeM, LeJ, EIJ, IAA, AAA and IMU as terrorist organisations—Government response.

43 KERANG TRAIN DISASTER—DOCUMENT

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

Kerang train disaster—Letter to the President of the Senate from the Premier of Victoria (Mr Brumby) responding to the resolution of the Senate of 13 June 2007, dated 27 August 2007.

44 PRIVILEGES—STANDING COMMITTEE—REPORT—UNAUTHORISED DISCLOSURE OF COMMITTEE PROCEEDINGS

The Chair of the Standing Committee of Privileges (Senator Faulkner) made an oral report relating to unauthorised disclosure of committee proceedings.

Notice of motion: Senator Faulkner, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the sessional order adopted on 6 October 2005 in relation to the unauthorised disclosure of committee proceedings operate as an order of continuing effect. (*general business notice of motion no. 903*)

45 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 Regulations—Instrument No. CASA 344/07—Direction – number of cabin attendants [F2007L03640]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part 107—AD/PHZL/89—Propeller Mounting Flanges [F2007L03635]*.

Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—Select Legislative Instruments 2007 Nos—

270—Electoral and Referendum Amendment Regulations 2007 (No. 3) [F2007L03545]*.

271—Electoral and Referendum Amendment Regulations 2007 (No. 4) [F2007L03546]*.

Extradition Act—Select Legislative Instrument 2007 No. 269—Extradition (Physical Protection of Nuclear Material) Amendment Regulations 2007 (No. 1) [F2007L03552]*.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2007/20 — Industry Related Systems Development Special Account Variation and Abolition 2007 [F2007L03672]*.

Health Insurance Act—Health Insurance (Accredited Pathology Laboratories — Approval) Amendment Principles 2007 (No. 2) [F2007L03584]*.

National Health Act—

Instruments Nos—

PB 69 of 2007—Amendment determination – pharmaceutical benefits [F2007L03612]*.

PB 72 of 2007—Amendment – pharmaceutical benefits supplied by medical practitioners [F2007L03623]*.

PB 73 of 2007—Amendment Special Arrangements – Highly Specialised Drugs Program [F2007L03624]*.

PB 74 of 2007—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2007L03625]*.

National Health (Immunisation Program — Designated Vaccines) Determination 2007 (No. 2) [F2007L03652]*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2007 No. 261—Primary Industries (Customs) Charges Amendment Regulations 2007 (No. 8) [F2007L03526]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2007 No. 262—Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 9) [F2007L03524]*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2007 No. 263—Primary Industries Levies and Charges Collection Amendment Regulations 2007 (No. 6) [F2007L03527]*.

* Explanatory statement tabled with legislative instrument.

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

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2007—Statement of compliance—Attorney-General's portfolio agencies.

General business was called on.

47 INDUSTRY—AUSTRALIA'S MANUFACTURING SECTOR

Senator Carr, pursuant to notice, moved general business notice of motion no. 900—That the Senate—

- (a) acknowledges the critical place of manufacturing in the Australian economy, particularly its contribution to business research and development, innovation and exports;
- (b) understands that innovation is the key to enabling Australia's manufacturing sector to compete in a challenging and rapidly evolving international marketplace;
- (c) condemns the Howard Government for its failure to sustain the high rates of growth in manufacturing exports and research and development achieved under the former Labor Government; and

- (d) calls on the Howard Government to show leadership on this critical issue, end the blame game and work with the states and territories, industry and the research community to build a comprehensive national innovation system in Australia.

Debate ensued.

At 6 pm: Debate was interrupted while Senator McEwen was speaking.

48 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2006. Motion of Senator Ian Macdonald to take note of document debated and agreed to.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2006. Motion of Senator Bartlett to take note of document agreed to.

Regional Forest Agreement between the Commonwealth and the State of Tasmania—Variation, dated 23 February 2007. Motion of Senator McGauran to take note of document agreed to.

Australia–Indonesia Institute—Report for 2005–06. Motion of Senator McGauran to take note of document called on. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Surveillance Devices Act 2004—Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 July 2006 to 31 December 2006—Australian Crime Commission and Australian Federal Police. Motion of Senator Ian Macdonald to take note of document debated and agreed to.

Telecommunications (Interception and Access) Act 1979—Report for 2005–06 on the operations of the Act. Motion of Senator Stott Despoja to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 126/07 to 137/07. Motion of Senator Bartlett to take note of document agreed to.

Australian Livestock Export Corporation Limited (Livecorp)—Report for 2005–06. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 138/07 to 199/07. Motion of Senator Bartlett to take note of document agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2006—Social justice. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2006—Native title. Motion of Senator Bartlett to take note of document agreed to.

Human Rights and Equal Opportunity Commission—National inquiry into discrimination against people in same-sex relationships: Financial and work-related entitlements and benefits—Report—Same-Sex: Same Entitlements, May 2007. Motion to take note of document moved by Senator Bartlett debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 200/07 to 214/07. Motion to take note of document moved by Senator Bartlett and agreed to.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2007-08. Motion to take note of document moved by Senator Ian Macdonald. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

General business orders of the day nos 12 to 16, 18 and 19 relating to government documents were called on but no motion was moved.

General business concluded.

49 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Privileges—Standing Committee—Report—Possible false or misleading evidence and improper refusal to provide information to the Finance and Public Administration Committee. Motion of the chair of the committee (Senator Faulkner)—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—debated. Debate adjourned till the next day of sitting, Senator Forshaw in continuation.

Migration—Joint Standing Committee—Report—Temporary visas ... permanent benefits: Ensuring the effectiveness, fairness and integrity of the temporary business visa program. Motion of Senator Polley to take note of report agreed to.

Scrutiny of Bills—Standing Committee—Report—9th report of 2007. Motion of Senator Sterle to take note of report debated. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Treaties—Joint Standing Committee—

Report 86—Treaties tabled on 27 March and 9 May 2007

Report 87—Treaties tabled on 13 June 2007

Report 88—Treaty tabled on 7 August 2007.

—Motion of Senator Wortley to take note of reports agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of the Australian Securities and Investment Commission. Motion of the chair of the committee (Senator Chapman) to take note of report agreed to.

Legal and Constitutional References Committee—Report—Administration and operation of the *Migration Act 1958*—Government response. Motion of Senator Bartlett to take note of document agreed to.

Environment, Communications, Information Technology and the Arts—Standing Committee—Report—Conserving Australia: Australia's national parks, conservation reserves and marine protected areas. Motion of Senator Bartlett to take note of report debated and agreed to.

Community Affairs References Committee—Report—Beyond petrol sniffing: Renewing hope for Indigenous communities—Additional information. Motion of the chair of the committee (Senator Humphries) to take note of document agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Antarctica: Australia's pristine frontier: The adequacy of funding for Australia's Antarctic Program—Government response. Motion of Senator Campbell to take note of document agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Unfinished business: Indigenous stolen wages. Motion of Senator Payne to take note of report debated. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

50 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

Orders of the day relating to reports of the Auditor-General were called on but no motion was moved.

51 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.47 pm till Monday, 17 September 2007 at 12.30 pm.

52 ATTENDANCE

Present, all senators except Senator Stephens.

HARRY EVANS
Clerk of the Senate