

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Australia and the International Financial Institutions—Reports for 2006-07.

Mid-year economic and fiscal outlook—2007-08—Statement by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), October 2007.

3 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), by leave, moved—That the Environment, Communications and the Arts Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

4 NATIONAL GREENHOUSE AND ENERGY REPORTING AMENDMENT BILL 2008

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

Debate resumed.

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

5 QUESTIONS

Questions without notice were answered.

6 MOTION TO TAKE NOTE OF ANSWERS

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

Debate ensued.

Question put and passed.

7 PETITION

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

From 2 227 petitioners, requesting that the Senate take urgent action to promote the abolition of the death penalty in all countries where it still exists.

8 NOTICES

Notices of motion:

Senator Barnett: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Flags Act 1953* to prevent the desecration or wilful destruction of Australian flags, and for related purposes. ***Flags (Protection of Australian Flags) Amendment Bill 2008.*** (*general business notice of motion no. 172*)

Senators Hutchins and Joyce: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the 9th anniversary of the unveiling of the Irish famine memorial at Hyde Park Barracks by the then Governor-General, Sir William Deane commemorating the 4 114 female orphans sent to the Australian colonies between 1848 and 1850, and
- (ii) the 160th anniversary of the arrival of the first ship, the *Earl Grey* in Sydney on 6 October 1848;

(b) recognises the contributions made by those Irish settlers and their descendents to Australian society; and

(c) notes:

- (i) the hardships suffered by the Irish emigrants as a result of the Great Irish Famine of 1845 to 1850, and
- (ii) the million lives lost during the Great Irish Famine, reducing the population of Ireland by between 20 to 25 per cent, from which the Irish population has only recently begun to recover. (*general business notice of motion no. 173*)

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the implementation, operation and administration of the legislation underpinning carbon sink forests be extended to 23 September 2008. (*general business notice of motion no. 174*)

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

- (a) notes the Australian National University's report, *Green Carbon: The role of natural forests in carbon storage*, which finds that destroying native forests releases vast amounts of greenhouse gases; and
- (b) calls on the Government to seriously consider the report in developing policy. (*general business notice of motion no. 175*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That Student Assistance (Public Interest Certificate Guidelines) Determination 2008, made under paragraph 356(1)(a) of the *Student Assistance Act 1973*, be disallowed.

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

Senator Siewert: To move on 4 September 2008—That the Building and Construction Industry (Restoring Workplace Rights) Bill 2008 be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 26 November 2008, along with the following matters:

- (a) the powers of the Office of the Australian Building and Construction Commissioner (ABCC);
- (b) the conduct of the ABCC and ABCC inspectors in the interpretation and exercise of their powers; and
- (c) the extent to which the *Building and Construction Industry Improvement Act 2005* breaches internationally recognised labour standards.

Notice of motion withdrawn: At a later hour, pursuant to standing order 77(3), Senator Siewert withdrew the notice of motion.

Senator Milne: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on 4 September 2008, the ‘alternative, more business-friendly formula for providing assistance to trade-exposed, emissions-intensive companies’ circulated to the business community by either the Department of Resources, Energy and Tourism or the office of the Minister for Resources and Energy (Mr Ferguson) ahead of the roundtable meetings on 29 August 2008. (*general business notice of motion no. 176*)

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

- (a) notes the European Union’s concern regarding Russia’s aggressive military actions in Georgia;
- (b) notes:
 - (i) Prime Minister Putin’s long-standing policy of suppression of dissent in Russia,
 - (ii) Russia’s nuclear cooperation with Iran through the supply of reactor technology and nuclear fuel for the facilities at Bushehr,
 - (iii) the fragile state of the Nuclear Non-Proliferation Treaty due to the Nuclear Weapons States not fulfilling their legal obligation to disarm,
 - (iv) the Russian Chief of the Armed Forces, General Yuri Baluevsky, has claimed the right to use nuclear weapons ‘preventatively’, and
 - (v) that it is Australia’s stated aim to be a ‘responsible supplier of uranium’; and
- (c) calls on the Government to immediately repudiate the Australia-Russia uranium agreement signed by former Prime Minister Howard and the then President Putin in 2007. (*general business notice of motion no. 177*)

Senator Milne: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on 4 September 2008, the report of the Strategic Review of Climate Change Policies recently completed by Mr Roger Wilkins, AO, with the support of a secretariat located in the Department of Finance and Deregulation. (*general business notice of motion no. 178*)

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

- (a) notes, with grave concern, the distress of the people affected by floods in India and Nepal; and
- (b) extends the sincere wish that the millions of people harmed by the floods find rapid relief and recovery from this disaster. (*general business notice of motion no. 179*)

Notices of motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to notice of intention given on 1 September 2008, withdrew notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 2 for 5 sitting days after today for the disallowance of the following instrument:

Migration Amendment Regulations 2007 (No. 14), as contained in Select Legislative Instrument 2007 No. 356 and made under the *Migration Act 1958*.

Business of the Senate notice of motion no. 1 for 7 sitting days after today for the disallowance of the following instrument:

Torres Strait Regional Authority Section 142S Declaration 2008, made under subsection 142S(1) of the *Aboriginal and Torres Strait Islander Act 2005*.

9 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 171 standing in the name of Senator Hanson-Young for 4 September 2008, relating to Japanese comfort women, postponed till 25 September 2008.

10 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Troeth, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2] be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 17 September 2008.

Question put and passed.

11 FOREIGN AFFAIRS—NEW ZEALAND—PRIME MINISTER

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. 164—That the Senate calls on the Government to explain the recent release of adverse comments about the New Zealand Prime Minister Helen Clark.

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

12 LAW AND JUSTICE—AUSTRALIAN PRIVACY AWARDS

Senator O'Brien, at the request of Senator Faulkner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 170—That the Senate—

- (a) notes that on Wednesday, 27 August 2008 as part of Privacy Awareness Week 2008, the inaugural Australian Privacy Awards and the Australian Privacy Medal were awarded; and
- (b) congratulates:
 - (i) Justice Michael Kirby as the first recipient of the Australian Privacy Medal, for his work over more than two decades on privacy laws and principles not only in Australia but, through his work with the Organisation for Economic Cooperation and Development, on the development of the privacy principles that underpin privacy laws throughout the developed world,
 - (ii) Medicare Australia for winning the Grand Award for its dedicated implementation of privacy practices throughout the organisation, as well as its commitment to privacy training,
 - (iii) the other category winners, including Telstra Corporation (Large Business Award), Australian Dental Association NSW Branch (Community & NGO Award), Child Support Agency (Symantec Government Award), and Data Solutions Australia (Microsoft Small-Medium Business Award), and
 - (iv) the Privacy Commissioner, Karen Curtis, and the Office of the Privacy Commissioner, for their work initiating these awards, the first of their kind in the world.

Question put and passed.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—WESTERN AUSTRALIA

The Deputy President (Senator Ferguson) informed the Senate that Senator Johnston had proposed that the following matter of public importance be submitted to the Senate for discussion:

The harmful impact on the people and economy of Western Australia of the Rudd Labor Government's so called policy of 'ending the blame game', which has resulted in a politically-motivated conspiracy of silence between the Federal Labor Government and the Western Australian State Labor Government on important public policy issues.

The proposal was supported by four senators and the matter was discussed.

14 CHILDREN—INTERCOUNTRY ADOPTION—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Children—Intercountry adoption—Ministerial statement by the Attorney-General (Mr McClelland), dated 2 September 2008.

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

Question put and passed.

15 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—6TH REPORT OF 2008

Senator Troeth, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—6th report of 2008—Referrals tabled March to June 2008, dated August 2008.

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

Question put and passed.

16 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—VARIATION OF REFERENCE

Senator Troeth, by leave, moved—That the order of the Senate agreed to earlier today (*see entry no. 10*) be varied to provide that, in respect of the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2], the Legal and Constitutional Affairs Committee report by 24 September 2008.

Question put and passed.

17 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2008—Letters of advice—

Defence Materiel Organisation.

Families, Housing, Community Services and Indigenous Affairs portfolio agencies.

Innovation, Industry, Science and Research portfolio agencies.

Resources, Energy and Tourism portfolio agencies.

Treasury portfolio agencies [2].

18 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 2008—Statement of compliance—Office of the Privacy Commissioner.

19 TRADE PRACTICES LEGISLATION AMENDMENT BILL 2008

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

Message no. 138, dated 1 September 2008—A Bill for an Act to amend the law in relation to trade practices, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) 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 Carr moved—That this bill be now read a second time.

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

20 FIRST SPEECHES

Pursuant to order (*see entry no. 3, 27 August 2008*), Senators Furner and Cash made their first speeches.

21 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Senator Boyce, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following report and document:

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated August 2008 and Hansard record of proceedings.

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

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

Debate ensued.

Question put and passed.

22 NATIONAL GREENHOUSE AND ENERGY REPORTING AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—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.

Senator Ludwig moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

23 HIGHER EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008

Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Bill, taken as a whole by leave, debated.

At 6.50 pm: The Acting Deputy President (Senator Moore) resumed the chair and the Temporary Chair of Committees reported progress.

24 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

25 ADJOURNMENT

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

The Senate adjourned at 6.51 pm till Wednesday, 3 September 2008 at 9.30 am.

26 ATTENDANCE

Present, all senators except Senators Birmingham* and Eggleston* (* on leave).

HARRY EVANS
Clerk of the Senate