

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Australian Research Council—Strategic plan 2008-09 to 2010-11.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 437/08 to 454/08—

Commonwealth Ombudsman's reports.

Government response to Commonwealth Ombudsman's reports, and further statement relating to responses tabled in 2008.

Payments System Board—Report for 2007-08.

Reserve Bank of Australia—Equity and diversity—Report for 2007-08.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the operation of the Government co-contribution scheme for the period 1 April to 30 June 2008, together with report for 2007-08.

3 CONSIDERATION OF LEGISLATION

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

AusLink (National Land Transport) Amendment Bill 2008

Australian Research Council Amendment Bill 2008

Safe Work Australia Bill 2008

Safe Work Australia (Consequential and Transitional Provisions) Bill 2008.

Question put and passed.

4 BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

The Minister for Human Services (Senator Ludwig), at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Immigration and Citizenship (Senator Evans) and pursuant to notice, moved government business notices of motion nos 2 and 3—That the following bills be introduced:

A Bill for an Act to amend the law relating to broadcasting, and for other purposes.

A Bill for an Act to amend the law relating to migration, and for other purposes.

Question put and passed.

Senator Ludwig 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 Ludwig moved—That these bills be now read a second time.

Explanatory memoranda: Senator Ludwig 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 Ludwig moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

5 NOTICE

The Leader of the Australian Greens (Senator Bob Brown), by leave, gave a notice of motion as follows: To move on the next day of sitting—That a message be sent to the House of Representatives requesting that the House immediately consider the Urgent Relief for Single Age Pensioners Bill 2008. (*general business notice of motion no. 217*)

6 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That government business order of the day no. 1 (Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008) be postponed till a later hour.

Question put and passed.

7 FIRST HOME SAVER ACCOUNTS (FURTHER PROVISIONS) AMENDMENT BILL 2008 FIRST HOME SAVER ACCOUNT PROVIDERS SUPERVISORY LEVY IMPOSITION BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Senator Ludlam moved the following amendment in respect of the First Home Saver Accounts (Further Provisions) Amendment Bill 2008:

Schedule 1, page 3 (before line 15), before item 2, insert:

1A Paragraph 15(1)(c)

Omit “at a time when the dwelling was the person’s main residence”, substitute “at any time”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 5

Senators—

Brown, Bob
Hanson-Young

Ludlam

Milne

Siewert (Teller)

NOES, 43

Senators—

Arbib
Bernardi
Bilyk
Boyce
Brown, Carol
Bushby
Cameron
Cash
Colbeck
Collins
Conroy

Coonan
Cormann
Crossin
Evans
Farrell
Feeney
Fielding
Fisher
Forshaw
Furner
Humphries

Hurley
Hutchins
Johnston
Ludwig
Lundy
Marshall
McEwen
McLucas
Moore
Nash
Parry (Teller)

Polley
Pratt
Ryan
Sherry
Stephens
Sterle
Troeth
Williams
Wortley
Xenophon

Question negatived.

Senator Ludlam moved the following amendment in respect of the First Home Saver Accounts (Further Provisions) Amendment Bill 2008:

Schedule 1, page 3 (after line 27), after item 3, insert:

3A At the end of Part 8

Add:

132 Regulations providing for means testing of the annual Government contribution to be paid to an FHSAs

The Minister, by 30 November 2008, must provide by legislative instrument for the means testing of the annual Government contribution to be paid to an FHSAs.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 5

Senators—

Brown, Bob
Hanson-Young

Ludlam

Milne

Siewert (Teller)

NOES, 44

Senators—

Adams
Arbib
Bernardi
Bilyk
Birmingham
Bishop
Brown, Carol
Bushby
Cameron
Cash
Colbeck

Collins
Coonan
Cormann
Crossin
Farrell
Feeney
Ferguson
Fielding
Fisher
Furner
Heffernan

Hurley
Hutchins
Johnston
Joyce
Kroger
Ludwig
Lundy
McEwen
McLucas
Moore
Nash

Parry (Teller)
Polley
Pratt
Sherry
Stephens
Sterle
Troeth
Williams
Wong
Wortley
Xenophon

Question negatived.

Bills agreed to.

Bills to be reported without amendments.

The Acting Deputy President (Senator Crossin) resumed the chair and the Chair of Committees (Senator Ferguson) reported accordingly.

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the report from the committee was adopted.

Senator Sherry moved—That these bills be now read a third time.

Debate ensued.

Question put and passed.

Bills read a third time.

8 TEMPORARY CHAIR OF COMMITTEES

The Acting Deputy President (Senator Crossin) tabled a warrant, dated 24 September 2008, revoking the warrant nominating Senator Fierravanti-Wells as a temporary chair of committees.

9 OFFSHORE PETROLEUM AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008

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

Message no. 156, dated 23 September 2008—A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That this bill be now read a second time.

Explanatory memorandum: Senator Sherry tabled a revised explanatory memorandum relating to the Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 and three related bills.

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

Consideration of legislation: Senator Sherry, by leave, moved—That this bill and the Offshore Petroleum (Annual Fees) Amendment (Greenhouse Gas Storage) Bill 2008 and two related bills may be taken together for their remaining stages.

Question put and passed.

**10 OFFSHORE PETROLEUM AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008
OFFSHORE PETROLEUM (ANNUAL FEES) AMENDMENT (GREENHOUSE GAS
STORAGE) BILL 2008
OFFSHORE PETROLEUM (REGISTRATION FEES) AMENDMENT (GREENHOUSE GAS
STORAGE) BILL 2008
OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT (GREENHOUSE GAS
STORAGE) BILL 2008**

Order of the day read for the adjourned debate on the motions of the Minister for Human Services (Senator Ludwig) and the Minister for Superannuation and Corporate Law (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Farrell was speaking.

11 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the sitting of the Senate was suspended at 1.47 pm till 2 pm.

At 2 pm—

12 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Cook Islands led by the Speaker, the Honourable Mapu Taia, OBE, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

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

Social issues—Age pension—Copy of email from Mr Bruce Bastian to Mr Phil Gallagher and Ms Marion Terrill, ‘Work on age pension’, dated 14 April 2008.

Document: The Minister for Human Services (Senator Ludwig) tabled the following document:

Social issues—Age pension—Copy of email from Mr Bruce Bastian to Ms Leah Efrossynis, ‘Time series of age pension and disability support pension rates’, dated 16 July 2008 and attachment.

13 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Abetz moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Abetz and Bernardi today relating to the age pension.

Debate ensued.

Question put and passed.

Senator Ludlam moved—That the Senate take note of the answer given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to a question without notice asked by Senator Ludlam today relating to radioactive waste management.

Question put and passed.

14 NOTICES

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 matters specified in part (1) of the inquiry into the management of the Murray-Darling Basin system and on the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 be extended to 3 October 2008. (*general business notice of motion no. 218*)

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008 be extended to 10 November 2008. (*general business notice of motion no. 219*)

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the claims of both the Managers of Government Business in the Senate and the House of Representatives that the Government's legislative priority for the sitting week beginning 22 September 2008 is the passage of its budget-related bills, and
- (ii) that the Government has deferred consideration of its supposed priority bills on numerous occasions throughout the past three sitting weeks; and

(b) calls on the Government to give precedence to the following bills over other legislation:

Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008
Excise Legislation Amendment (Condensate) Bill 2008 and a related bill. (*general business notice of motion no. 220*)

Senator Humphries: To move on the next day of sitting—That the following matter be referred to the Economics Committee for inquiry and report by the first sitting day of April 2009:

The funding, planning, allocation, capital and equity of residential and community aged care in Australia, with particular reference to:

(a) whether current funding levels are sufficient to meet the expected quality service provision outcomes;

- (b) how appropriate the current indexation formula is in recognising the actual cost of pricing aged care services to meet the expected level and quality of such services;
- (c) measures that can be taken to address regional variations in the cost of service delivery and the construction of aged care facilities;
- (d) whether there is an inequity in user payments between different groups of aged care consumers and, if so, how the inequity can be addressed;
- (e) whether the current planning ratio between community, high- and low-care places is appropriate; and
- (f) the impact of current and future residential places allocation and funding on the number and provision of community care places.

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That—

- (1) On Thursday, 25 September 2008:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 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;
 - (e) the question for the adjournment of the Senate shall be proposed when a motion for the adjournment is moved by a minister; and
 - (f) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9.30 am on Friday, 26 September 2008.
- (2) On Friday, 26 September 2008:
 - (a) the hours of meeting shall be 9.30 am to 3.30 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the question for the adjournment of the Senate shall be put at 3.30 pm.

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

- (a) recognises that university enrolments for 2009 are due to begin in the week beginning 28 September 2008 around the country;
- (b) notes:
 - (i) the summary report, *The impact of voluntary student unionism on services, amenities and representation for Australian university students*, dated April 2008, that specifically highlighted the devastating impact voluntary student unionism (VSU) has had on the quality of student support services on campuses across the country,
 - (ii) the alternative solutions to the current system of VSU put forward by a number of key stakeholders, including a proposal based on a combination of shared funding arrangements between students, universities and government, and
 - (iii) the Government's commitment to restoring essential student services and representation; and

- (c) calls on the Minister for Education (Ms Gillard) to confirm before enrolments for the 2009 university calendar commence, that the current system of VSU will be scrapped to address the regressive impact VSU has had on student services and the educational experience, to ensure any change in legislation is in place before 2010. (*general business notice of motion no. 221*)

Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to repeal the *Commonwealth Radioactive Waste Management Act 2005*, and for related purposes. **Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008**. (*general business notice of motion no. 222*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the Private Health Insurance (Benefit Requirements) Rules 2008 (No. 2), made under item 3A of the table in section 333-20 of the *Private Health Insurance Act 2007*, be disallowed.

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

Senator Milne: To move 10 sitting days after today—That the Environmental and Natural Resource Management Guidelines in relation to the establishment of trees for the purposes of carbon sequestration, made under subsection 40-1010(3) of the *Income Tax Assessment Act 1997*, be disallowed.

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

- (a) notes that:
 - (i) the South African Minister of Minerals and Energy, Ms Buyelwa Sonjica, in the week beginning 21 September 2008, put on hold the mining rights previously awarded to the Australian company Mineral Commodities Limited and its South African partner Transworld Energy and Mineral Resources,
 - (ii) this planned sand mining operation along a 22 kilometre stretch of coastal dunes on South Africa's wild coast would have changed the way of life of the AmaDiba people who have lived in the area for centuries, and
 - (iii) such changes may cause further social conflict, forced evictions, loss of access to farmland, relocation of ancestral graves, destruction of culturally important archaeological sites and unacceptable environmental and health impacts; and
- (b) calls on the Government to investigate whether human rights abuses, violence and conflict have occurred or are occurring, as a result of this Australian company's activities and planned mining operations. (*general business notice of motion no. 223*)

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

- (a) notes that:
 - (i) prior to the 2007 federal election the Australian Labor Party (ALP) promised to reform the Freedom of Information (FOI) process and establish an FOI Commissioner,
 - (ii) at the time the ALP said that 'The current FOI regime allows the Howard Government to escape real transparency and genuine accountability. For 11 years, the Howard Government has shrunk away from the light of public scrutiny and transparency – by abusing the current FOI laws',

- (iii) it took the Government 6 months to decide to release (subject to the agreement of Gunns Ltd) the report by Dr Michael Herzfeld on the potential marine impact of effluent from the Gunns' pulp mill, and
- (iv) the Government has recently refused the Senate's request for the release of the Wilkins report, *Strategic Review of Climate Change Policies*, citing Howard Government precedence as an excuse; and

(b) calls on the Government:

- (i) to live up to its election promise to govern with transparency and accountability, strengthening the public interest test for access to information, and
- (ii) to update the Senate on its review of the FOI process. (*general business notice of motion no. 224*)

15 FUEL AND ENERGY—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, by leave and at the request of the Chair of the Select Committee on Fuel and Energy (Senator Cormann), moved—That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 4 pm.

Question put and passed.

16 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 14 October 2008.

17 ECONOMICS—CHIEF EXECUTIVE OFFICERS—SALARY

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. 215—That the Senate—

- (a) recognises that the current global economic downturn, and particularly, the crisis in the banking and insurance industry in the United States of America, will have serious negative implications for Australia and the rest of the world;
- (b) notes that:
 - (i) executive pays in Australia have risen exponentially in the past 10 years, with the average total remuneration package approximately \$4.56 million in 2006,
 - (ii) in 2006 the average remuneration package of the 10 highest paid chief executive officers (CEOs) in Australia was \$11 749 074,
 - (iii) the average salary for the top 100 CEOs, including those working for companies which are failing, was \$1.8 million in 2006,
 - (iv) the average Australian adult annual salary is \$58 864, and
 - (v) pensioners and other low income earners are currently experiencing considerable financial hardship yet the Government will not give them an additional \$30 a week; and

(c) calls on the Government to urgently introduce measures to address this inequity and restrict the unjustified and extravagant salaries paid to executives, including options such as capping the most extravagant executive salaries and investigating loopholes in taxation legislation for such salary earners.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 45

Senators—

Arbib
Barnett
Bernardi
Bilyk
Birmingham
Bishop
Boyce
Brown, Carol
Bushby
Cameron
Cash
Colbeck

Coonan
Cormann
Crossin
Eggleson
Farrell
Feehey
Ferguson
Fielding
Fieravanti-Wells
Fifield
Fisher
Forshaw

Furner
Humphries
Hutchins
Kroger
Ludwig
Lundy
Marshall
McEwen
McGauran
McLucas
Moore
Nash

Parry (Teller)
Polley
Pratt
Ryan
Sherry
Stephens
Sterle
Williams
Wortley

Question negated.

18 WORLD DAY AGAINST THE DEATH PENALTY

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 216—That the Senate—

(a) notes that:

- (i) Friday, 10 October 2008 is the sixth annual World Day Against the Death Penalty, and
- (ii) this day of action was established in 2003 by the World Coalition Against the Death Penalty in a commitment to the universal abolition of capital punishment; and

(b) calls on the Rudd Government to urge the 60 remaining nation states that continue to use the death penalty as a form of punishment to abolish the death penalty as a matter of urgency and halt all executions of those sentenced to death.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 44

Senators—

Arbib	Colbeck	Fisher	Moore
Barnett	Collins	Forshaw	Nash
Bernardi	Coonan	Furner	Parry (Teller)
Bilyk	Cormann	Hutchins	Pooley
Birmingham	Crossin	Kroger	Pratt
Bishop	Eggleson	Ludwig	Ryan
Boyce	Farrell	Lundy	Sherry
Brown, Carol	Feehey	Marshall	Stephens
Bushby	Ferguson	McEwen	Sterle
Cameron	Fierravanti-Wells	McGauran	Williams
Cash	Fifield	McLucas	Wortley

Question negatived.

Statement by leave: Senator Coonan, by leave, made a statement relating to the motion.

19 ENVIRONMENT—ENVIRONMENTAL AND NATURAL RESOURCE MANAGEMENT GUIDELINES

The Leader of The Nationals in the Senate (Senator Joyce), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 214—That the Senate—

- (a) calls on the Government to amend the Environmental and Natural Resource Management Guidelines in relation to the establishment of trees for the purposes of carbon sequestration, made under subsection 40-1010(3) of the *Income Tax Assessment Act 1997*, in order:
 - (i) to avert the use of prime agricultural land,
 - (ii) in the broader sense, not to put upward pressure on food inflation through the loss of production capacity, and
 - (iii) to ensure that such carbon sinks are appropriately registered on the land title; and
- (b) reminds the Government that the Senate has the power to disallow those guidelines should the Government not amend them to achieve the above objectives.

Question put and passed.

20 STOLEN GENERATIONS REPARATIONS TRIBUNAL BILL 2008

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 212—That the following bill be introduced:

A Bill for an Act to provide for the establishment of a Stolen Generations Reparations Tribunal to decide and make recommendations on claims for reparation and other matters, and for related purposes.

Question put and passed.

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

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

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

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SOCIAL ISSUES—AGE PENSIONS

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

The valuable contribution of age pensioners to the Australian community and the need for immediate financial relief for single age pensioners.

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

22 PRIVILEGES—STANDING COMMITTEE—135TH REPORT

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

Privileges—Standing Committee—135th report—Persons referred to in the Senate—Certain persons on behalf of the Exclusive Brethren Christian Fellowship, dated September 2008.

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

Senator Brandis moved—That the report be adopted.

Debated ensued.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

23 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST NO. 10 OF 2008 AND WORK OF THE COMMITTEE NOVEMBER 2004 TO OCTOBER 2007

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

Scrutiny of Bills—Standing Committee—

10th report of 2008, dated 24 September 2008.

Alert Digest No. 10 of 2008, dated 24 September 2008.

Work of the committee during the 41st Parliament, November 2004 to October 2007.

Reports ordered to be printed on the motion of Senator Ellison.

Senator Ellison moved—That the Senate take note of the reports.

Question put and passed.

24 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—FOURTH PROGRESS REPORT—REFORMS TO AUSTRALIA’S MILITARY JUSTICE SYSTEM

The Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop) tabled the following report and documents:

Foreign Affairs, Defence and Trade—Standing Committee—Reforms to Australia’s military justice system: Fourth progress report, dated September 2008, Hansard record of proceedings, documents presented to the committee and submission.

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

Senator Bishop moved—That the Senate take note of the report.

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

25 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2008-09—DOCUMENT

The Acting Deputy President (Senator Hutchins) tabled the following document:

Auditor-General—Audit report no. 4 of 2008-09—Performance audit—The business partnership agreement between the Department of Education, Employment and Workplace Relations (DEEWR) and Centrelink.

26 DOCUMENTS

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Australian Bureau of Statistics Act—Proposal No. 9 of 2008—Wheat Use Survey, Grain Handlers Stocks Survey, Wheat Export Sales Survey.

Australian Federal Police Act—Select Legislative Instrument 2008 No. 181—Australian Federal Police Amendment Regulations 2008 (No. 1) [F2008L03474]*.

Aviation Transport Security Act—Select Legislative Instrument 2008 No. 190—Aviation Transport Security Amendment Regulations 2008 (No. 2) [F2008L03477]*.

Christmas Island Act—List of applied Western Australian Acts for the period 16 March to 15 September 2008.

Civil Aviation Act—

Civil Aviation Safety Regulations—

Airworthiness Directives—Part 105—AD/EC 120/18—Lighting and Ancillary Control Unit [F2008L03527]*.

Instruments Nos CASA—

EX40/08—Exemption – Part 139 of CASR 1998 – provision of traffic information by UNICOM services [F2008L02071]*.

EX65/08—Exemption – from holding an air traffic control licence [F2008L03466]*.

Instrument No. AOD 2008/1 – Drug and alcohol testing [F2008L03478]*.

Select Legislative Instrument 2008 No. 191—Civil Aviation Amendment Regulations 2008 (No. 1) [F2008L03484]*.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 16 March to 15 September 2008.

Corporations Act—ASIC Class Orders—

[CO 08/506] [F2008L03496]*.

[CO 08/751] [F2008L03520]*.

[CO 08/752] [F2008L03525]*.

[CO 08/753] [F2008L03526]*.

Family Law Act—Select Legislative Instruments 2008 Nos—

182—Family Law Amendment Regulations 2008 (No. 2) [F2008L03471]*.

183—Family Law (Family Dispute Resolution Practitioners) Regulations 2008 [F2008L03470]*.

Health Insurance Act—Select Legislative Instrument 2008 No. 188—Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 3) [F2008L03166]*.

High Court of Australia Act—High Court (Precincts) Proclamation 2008 [F2008L03485]*.

Trade Practices Act—Select Legislative Instrument 2008 No. 195—Trade Practices (Consumer Product Safety Standards) (Reduced Fire Risk Cigarettes) Regulations 2008 [F2008L03475]*.

Tradex Scheme Act—Select Legislative Instrument 2008 No. 193—Tradex Scheme Regulations 2008 [F2008L03469]*.

* Explanatory statement tabled with legislative instrument.

27 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Hutchins) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That Senator Nash be discharged from and Senator Williams be appointed to the Rural and Regional Affairs and Transport Committee.

Question put and passed.

28 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008

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

Message no. 157, dated 24 September 2008—A Bill for an Act to address discrimination against same-sex couples and their children in Commonwealth laws, and for other purposes.

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

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.

29 AUSLINK (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2008

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

Message no. 159, dated 24 September 2008—A Bill for an Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes.

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

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

30 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That government business order of the day no. 3 (Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 and three related bills) be postponed till a later hour.

Question put and passed.

31 TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL 2008

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

Debate resumed.

Question put.

The Senate divided—

AYES, 33

Senators—

Arbib	Crossin	Ludlam	Sherry
Bilyk	Farrell	Lundy	Siewert
Bishop	Faulkner	Marshall	Stephens
Brown, Bob	Feeney	McEwen (Teller)	Sterle
Brown, Carol	Forshaw	McLucas	Wortley
Cameron	Furner	Milne	Xenophon
Carr	Hanson-Young	Moore	
Collins	Hogg	Polley	
Conroy	Hutchins	Pratt	

NOES, 33

Senators—

Adams	Colbeck	Humphries	Ronaldson
Barnett	Cormann	Johnston	Ryan
Bernardi	Eggleston	Joyce	Scullion
Birmingham	Ellison	Kroger	Troeth
Boswell	Ferguson	Macdonald	Trood
Boyce	Fielding	Mason	Williams
Brandis	Fierravanti-Wells	McGauran	
Bushby	Fifield	Nash	
Cash	Fisher	Parry (Teller)	

The ayes and noes were equal and so the question was negatived.

32 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Excise Legislation Amendment (Condensate) Bill 2008 and a related bill).

Question put and passed.

33 EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008**EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—That these bills be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted.

34 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (*see entry no. 2*) was considered:

Australian Research Council—Strategic plan 2008-09 to 2010-11. Motion to take note of document moved by Senator Barnett and agreed to.

General business orders of the day nos 8 to 10 relating to government documents were called on but no motion was moved.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.26 pm till Thursday, 25 September 2008 at 9.30 am.

36 ATTENDANCE

Present, all senators except Senators O'Brien* and Payne* (* on leave).

HARRY EVANS
Clerk of the Senate