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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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No. 154

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENT

The following government document was tabled:

Indigenous Land Corporation—National indigenous land strategy 2007-2012.

3 ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—That consideration of the business before the Senate on Wednesday, 8 August 2007 and on Wednesday, 15 August 2007 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senators Fisher and Cormann, respectively, to make their first speeches without any question before the chair.

Question put and passed.

4 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 2—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:

APEC Public Holiday Bill 2007

Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008

Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008

Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007

Northern Territory National Emergency Response Bill 2007

Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007.

Debate ensued.

Question put.

The Senate divided—

AYES, 49

Senators—

Abetz	Evans	Lundy	Ronaldson
Adams	Ferguson	Macdonald, Ian	Scullion
Bernardi	Fielding	Macdonald, Sandy	Stephens
Birmingham	Fierravanti-Wells	Mason	Sterle
Bishop	Fifield	McEwen	Troeth
Boyce	Fisher	McLucas	Trood
Brown, Carol	Forshaw	Moore	Watson
Calvert	Hogg	Nash (Teller)	Webber
Chapman	Hurley	Parry	Wong
Colbeck	Hutchins	Patterson	Wortley
Conroy	Kemp	Payne	
Cormann	Kirk	Polley	
Crossin	Ludwig	Ray	

NOES, 8

Senators—

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

Question agreed to.

5 CRIMES LEGISLATION AMENDMENT (NATIONAL INVESTIGATIVE POWERS AND WITNESS PROTECTION) BILL 2006 [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 third time.

Debate resumed.

Question put and passed.

Bill read a third time.

6 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007
NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007
FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007
APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 1) 2007-2008
APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (NO. 2) 2007-2008

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

Message no. 605, dated 7 August 2007—A Bill for an Act to amend the social security law, and for other purposes.

Message no. 606, dated 7 August 2007—A Bill for an Act to respond to the Northern Territory's national emergency, and for related purposes.

Message no. 607, dated 7 August 2007—A Bill for an Act to amend laws in order to respond to the Northern Territory's national emergency, and for related purposes.

Message no. 608, dated 7 August 2007—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to the Northern Territory National Emergency Response, and for related purposes.

Message no. 609, dated 7 August 2007—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to the Northern Territory National Emergency Response, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That these bills be now read a second time.

The Leader of the Opposition in the Senate (Senator Evans) moved the following amendment in respect of the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, the Northern Territory National Emergency Response Bill 2007 and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007:

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

- (a) the protection of children from harm and abuse is of paramount concern to all Australians;
- (b) the documented instances of child abuse within Indigenous communities in the Northern Territory are of such gravity as to require an urgent and comprehensive response to make safe children and the communities in which they live;
- (c) these legislative measures taken together represent a major challenge for Territorians and a change to current arrangements;
- (d) we will not succeed in our goal of protecting children without the support and leadership of Aboriginal people of the Northern Territory and therefore the Commonwealth must gain their trust, engage them and respect them throughout this emergency and beyond;
- (e) the work of strong and effective Indigenous community members and organisations must continue to be supported during this emergency;
- (f) it is important that temporary measures are replaced in time with permanent reforms that have the confidence and support of Territorians, and short-term measures aimed at ensuring the safety of children grow into long-term responses that create stronger communities that are free of violence and abuse;
- (g) in the case of town camps, effective partnerships with lessors and negotiated outcomes should obviate the need for compulsory acquisition;
- (h) stimulating economic development and more private sector partnerships will secure greater self-reliance;
- (i) both levels of government must work in partnership and there must be political accountability at the highest level – the Prime Minister (Mr Howard) and the Minister for Families, Community Services and Indigenous Affairs (Mr Brough);

- (j) program funding must hit the ground through evidence-based delivery and there must be a relentless focus on best practice and rigorous evaluation by all parties set within specific timeframes; and
- (k) practical measures must include:
 - (i) police keeping every community in the Territory safe, particularly children, women and elders,
 - (ii) safe houses that provide a safe place for women and children escaping family violence or abuse, built using the direction and leadership of local Indigenous women,
 - (iii) night patrols that provide important protection,
 - (iv) community law and justice groups that play an important role in the effective administration of justice,
 - (v) appropriate background checks for all people providing services in communities who work in proximity to children,
 - (vi) comprehensive coverage of child and maternal health services, essential to give children the best start,
 - (vii) comprehensive coverage of parenting and early development services for Indigenous parents and their babies,
 - (viii) an effective child protection system in the Northern Territory,
 - (ix) all children being enrolled and attending school and governments delivering teachers, classrooms, teacher housing and support services, such as Indigenous teacher assistants,
 - (x) investment in housing construction and maintenance to reduce the shortfall in Indigenous homes and infrastructure, and
 - (xi) reform of the Community Development and Employment Program, including transitioning participants who are employed in public sector work into proper public sector jobs and ensuring participants are not left without sufficient income or participation opportunities”.

Debate ensued.

Document: The Leader of the Australian Democrats (Senator Allison), by leave, tabled the following document:

Northern Territory national emergency response bills—A Coordinated Response to Child Sexual Assault in the Top End—An outline of the individual and collective responsibilities of police, Family and Children’s Service (FACS), medical officers and Sexual Assault Referral Centre (SARC) counsellors in the response to allegations of the sexual assault of children, prepared by the Child Sexual Assault Working Party, dated November 2006.

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

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

Administration—Queensland Government—Copy of letter from Senator McLucas to the Premier of Queensland (Mr Beattie) relating to a proposed amalgamation of the Douglas Shire Council and the Cairns City Council, dated 3 August 2007.

Further matters of public interest were discussed.

Suspension of sitting: On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the sitting of the Senate was suspended at 1.41 pm till 2 pm.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

10 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

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

Senator Lightfoot, from 95 petitioners, requesting that the Senate take action to restrict children's exposure to Internet pornography.

Senator McGauran, from 62 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

11 NOTICES

Notices of motion:

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

- (a) condemns the actions of Senator Heffernan in gatecrashing the press conference of a delegation of Indigenous leaders on 7 August 2007;
- (b) notes that this is now the third time Senator Heffernan has committed such an offence;
- (c) calls on the Prime Minister (Mr Howard) to discipline his close friend, Senator Heffernan, and require him to observe the normal courtesies extended to visiting delegations and fellow parliamentarians; and

- (d) believes that retaliation for Senator Heffernan's actions would not add to the dignity of the parliamentary process. (*general business notice of motion no. 850*)

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

- (a) notes that:
- (i) the final report *Australian University Student Finances 2006*, published by Universities Australia, includes the following indicators:
 - (A) 12.8 per cent of students regularly go without food or other necessities due to lack of funds,
 - (B) 14.5 per cent of full-time undergraduate students who are also working during semester are working more than 20 hours per week,
 - (C) 40.2 per cent of full-time undergraduate students believe work is having a significant adverse effect on their studies, and
 - (D) 16.4 per cent of full-time postgraduate coursework students have their applications for income support rejected, and
 - (ii) the Government has yet to respond to the Employment, Workplace Relations and Education References Committee report, *Student income support*, tabled on 23 June 2005;
- (b) acknowledges that:
- (i) university graduates are vital for Australia's competitiveness, and
 - (ii) significant financial stress is not conducive to a good education outcome;
- (c) welcomes the student income support measures contained in the 2007-08 Budget; and
- (d) urges the Government to consider and respond to both the Senate committee report and the recommendations for alleviating student financial stress put forward by Universities Australia, formerly the Australian Vice-Chancellors' Committee, on 15 March 2007. (*general business notice of motion no. 851*)

Senators Barnett and Chapman: To move on the next day of sitting—That the Senate—

- (a) acknowledges that 2007 is the half-time progress mark in the global effort to meet the Millennium Development Goals, which aim to halve extreme global poverty by 2015;
- (b) notes that, since the Millennium Declaration was signed by the Prime Minister (Mr Howard) and other world leaders, there has been progress with:
- (i) an additional 34 million children worldwide afforded the opportunity to enter and complete primary school,
 - (ii) more people than ever receiving treatment for HIV, and
 - (iii) 30 of the world's poorest countries receiving debt cancellation or some reduction;
- (c) affirms the positive contribution that Australia has already made, by:
- (i) providing up-front, Australia's 10-year contribution to multilateral debt relief for poor nations,
 - (ii) increasing Australia's aid budget to approximately \$4 billion by 2010,
 - (iii) strengthening Australia's commitment to coordinate aid with other donors and better aligning Australia's aid with partner countries own priorities and processes, and

- (iv) renewing the focus of Australia's aid on education and health;
- (d) notes that, despite significant progress, some of the Millennium Development Goals will not be achieved unless new action is taken and more resources are mobilised;
- (e) affirms the work of the 'Make Poverty History' and 'Micah Challenge' campaigns in raising public awareness and generating new support for international poverty reduction efforts; and
- (f) calls on Australia to continue to play its part in supporting the achievement of the Millennium Development Goals through:
 - (i) a generous, effective and poverty-focused aid program,
 - (ii) a commitment to reducing the unsustainable debt burden of heavily indebted poor countries,
 - (iii) the promotion of good governance in institutions and communities of developing countries,
 - (iv) advocacy for fairer international trade rules, and
 - (v) addressing the development challenges posed by climate change. (*general business notice of motion no. 852*)

The Chair of the Economics Committee (Senator Ronaldson): To move on the next day of sitting—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 August 2007, from 4.30 pm to 6 pm, to take evidence for the committee's inquiry into private equity markets. (*general business notice of motion no. 853*)

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

- (a) notes that:
 - (i) the Wallarah 2 Coal Project planned by Kores Australia, which is owned by the Government of South Korea, proposes to mine coal in the Wyong area of New South Wales using the longwall mining technique,
 - (ii) the proposed site of the mine in the Dooralong and Yarralong valleys includes threatened flora and fauna as well as rivers that make up 50 per cent of the Central Coast water catchment and is close to residential areas,
 - (iii) longwall coal mining is wrecking rivers in New South Wales by cracking riverbeds, disturbing aquifers, destabilising sandstone cliff formations, often resulting in cliff collapse and causing serious pollution,
 - (iv) residents in nearby areas are concerned about the proposed mine's likely noise pollution, the health effects of coal dust and effect on the local environment, and
 - (v) burning the coal extracted by the mine will contribute to global warming; and
- (b) calls on the Government to reject the proposed coal mine under the *Environment Protection and Biodiversity Conservation Act 1999*. (*general business notice of motion no. 854*)

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

- (a) notes:
 - (i) the stated opposition of Federal Labor leader Mr Kevin Rudd to forced local government amalgamations in Queensland,

- (ii) Mr Rudd's stated view that increased cooperation, including common purchase practices, can achieve improved efficiencies at a local government level, and
 - (iii) Mr Rudd's stated support on 17 May 2007 for local ballots ahead of any proposed non-voluntary local government amalgamation; and
- (b) welcomes the support of the Prime Minister (Mr Howard) for Mr Rudd's position on local democracy. (*general business notice of motion no. 855*)

Notices of motion withdrawn:

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of intention given on 7 August 2007, withdrew business of the Senate notice of motion no. 1 standing in his name for 10 September 2007 for the disapproval of Determination 2007/04: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, made pursuant to subsections 5(2A), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*.

Senator Bartlett withdrew business of the Senate notice of motion no. 1 standing in his name for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Faulkner for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, postponed till 9 August 2007.

General business notice of motion no. 835 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to the sexualisation of children in the media, postponed till 14 August 2007.

General business notice of motion no. 836 standing in the name of Senator Murray for today, relating to alcohol abuse in Australia, postponed till 9 August 2007.

General business notice of motion no. 842 standing in the name of Senator Milne for today, relating to the Montreal Protocol, postponed till 15 August 2007.

General business notice of motion no. 848 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senators Bartlett, Murray and Stott Despoja for today, proposing the introduction of the Same-Sex: Same Entitlements Bill 2007, postponed till 9 August 2007.

13 MIGRATION LEGISLATION AMENDMENT (RESTORATION OF RIGHTS AND PROCEDURAL FAIRNESS) BILL 2007

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 837—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to restore rights and procedural fairness to persons affected by decisions taken under that Act, 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.

14 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 840—That the time for the presentation of reports of the Foreign Affairs, Defence and Trade Committee be extended as follows:

- (a) Australia's public diplomacy—to 16 August 2007; and
- (b) Australia's involvement in international peacekeeping operations—to 25 October 2007.

Question put and passed.

15 FOREIGN AFFAIRS—BURMA

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 841—That the Senate—

- (a) notes that:
 - (i) 8 August 2007 is the 19th anniversary of the pro-democracy uprising in Burma, an uprising brutally suppressed by the Burmese military regime,
 - (ii) the Burmese military junta refused to recognise the results of democratic elections in 1990 that saw the National League for Democracy (NLD) emerge with a clear majority,
 - (iii) the National Convention in Burma, whose role is to recommend changes to Burma's constitution aimed at legitimising military rule, includes delegates hand-picked by the military regime and excludes representatives of the NLD and ethnic minority groups, and
 - (iv) the convention is expected to report in the near future;
- (b) condemns the ongoing persecution of pro-democracy groups in Burma and the detention of Daw Aung San Suu Kyi and other political prisoners; and
- (c) urges the Government to maintain international pressure on the Burmese military regime to:
 - (i) end state-sponsored human rights abuses in Burma,
 - (ii) release political prisoners,
 - (iii) hold a dialogue with the NLD and ethnic minority groups to pursue national reconciliation and democratisation, and
 - (iv) include pro-democracy and ethnic minority groups in the National Convention process.

Question put and passed.

16 CRONULLA SURF LIFE SAVING CLUB

Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 843—That the Senate—

- (a) notes that:
 - (i) 2007 is the Year of the Lifesaver,
 - (ii) the Cronulla Surf Life Saving Club is currently celebrating its centenary year and held its 100th annual general meeting on Sunday, 5 August 2007, and
 - (iii) during the past 100 years members of the club have performed more than 9 000 rescues with no lives lost;
- (b) recognises that the Cronulla Surf Life Saving Club has been one of the most successful clubs in the history of surf life saving championships, including being the only club to win three consecutive World, Australian, State and Branch Championships Pointscores; and
- (c) congratulates the Cronulla Surf Life Saving Club for its 100 years of ‘vigilance and service’ to the community.

Question put and passed.

17 FOREIGN AFFAIRS—INDIA—NUCLEAR NON-PROLIFERATION TREATY

Senator Milne amended general business notice of motion no. 845 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT),
 - (ii) the United States of America (US) and India have agreed to the terms of a deal to exempt India from US laws and international rules that seek to prevent states that are not parties to the NPT from using commercial imports of nuclear technology and fuel to aid their nuclear weapons ambitions,
 - (iii) under the India-US nuclear deal two reactors dedicated to making plutonium for nuclear weapons and nine power reactors, including a plutonium breeder reactor that is under construction, will be outside international safeguards,
 - (iv) India needs to import uranium to relieve an acute fuel shortage for its existing nuclear reactors and that importing uranium will free up more of India’s domestic uranium for its military program,
 - (v) Pakistan has expressed its fears about the India-US nuclear deal, and
 - (vi) any sale of Australian uranium would contravene the NPT; and
- (b) calls on the Government to:
 - (i) reject any sale of Australian uranium to non-NPT states,
 - (ii) encourage India to join the NPT, and
 - (iii) use its position in the Nuclear Suppliers Group (NSG) to block the submission to give India an exemption from the NSG rules preventing the supply of uranium to non-NPT states.

Question put.

The Senate divided—

AYES, 8

Senators—			
Allison	Brown, Bob	Murray	Siewert (Teller)
Bartlett	Milne	Nettle	Stott Despoja

NOES, 44

Senators—			
Abetz	Eggleston	Ludwig	Polley
Adams	Fielding	Lundy	Ray
Barnett	Fierravanti-Wells	Macdonald, Sandy	Ronaldson
Bernardi	Fifield	McEwen	Stephens
Birmingham	Fisher	McLucas	Sterle
Bishop	Hogg	Moore	Troeth
Boyce	Humphries	Nash	Trood
Brown, Carol	Hurley	O'Brien	Watson
Campbell	Hutchins	Parry (Teller)	Webber
Colbeck	Kemp	Patterson	Wong
Cormann	Kirk	Payne	Wortley

Question negatived.

18 FOREIGN AFFAIRS—NUCLEAR WEAPONS

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 834—That the Senate—

- (a) notes that, on 6 December 2006, 125 nations voted in favour of United Nations General Assembly Resolution 61/83, which, inter alia, called on all nations immediately to commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons, and providing for their elimination;
- (b) supports the International Campaign to Abolish Nuclear Weapons in its endeavour to persuade nations to commence negotiations leading to such a convention; and
- (c) urges the Government to promote, at international forums such as the Conference on Disarmament and the United Nations General Assembly, multilateral negotiations leading to such a convention.

Question put.

The Senate divided—

AYES, 8

Senators—			
Allison	Brown, Bob	Murray	Siewert
Bartlett (Teller)	Milne	Nettle	Stott Despoja

NOES, 44

Senators—

Abetz	Eggleston	Ludwig	Polley
Adams	Fielding	Lundy	Ray
Barnett	Fierravanti-Wells	Macdonald, Sandy	Ronaldson
Bernardi	Fifield	McEwen	Stephens
Birmingham	Fisher	McLucas	Sterle
Bishop	Hogg	Moore	Troeth
Boyce	Humphries	Nash	Trood
Brown, Carol	Hurley	O'Brien	Watson
Campbell	Hutchins	Parry (Teller)	Webber
Colbeck	Kemp	Patterson	Wong
Cormann	Kirk	Payne	Wortley

Question negatived.

19 POLITICS—ACCESS TO GOVERNMENT AND OPPOSITION LEADERS

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. 846—That the Senate—

- (a) calls on the Prime Minister (Mr Howard) and the Leader of the Opposition (Mr Rudd) to extend the same pre-election courtesy and access to all other sectors in the diverse Australian community that they are showing to the Australian Christian Lobby at the Press Club and around Australia on Thursday, 9 August 2007; and
- (b) notes that Indigenous groups, welfare groups, other religions, non-religious groups, unions, small business groups, students, environmental non-government organisations and other sectors of the Australian community are not currently offered the same opportunity to have direct access to addresses by the leaders of the Coalition and Labor Party.

Question put and negatived.

20 POSTPONEMENT

Senator Parry, by leave and at the request of the Leader of The Nationals in the Senate (Senator Boswell), moved—That general business notice of motion no. 847 standing in the name of Senator Boswell for today, relating to Queensland local government, be postponed till the next day of sitting.

Question put and passed.

21 URGENCY MOTION—FOREIGN AFFAIRS—INDIA—NUCLEAR TRADE

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from the Leader of the Australian Democrats (Senator Allison) advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

An imminent deal between the United States and India that will exempt India from restrictions on nuclear trade will pave the way for Australia to commit to a bilateral agreement with India on the export of uranium, recognising:

- (a) the dangers of undermining nuclear weapons safeguards by selling uranium to a non-signatory to the Nuclear Non-Proliferation Treaty;
- (b) the extent to which nuclear energy provides a solution to the problems associated with climate change; and

- (c) the prospect of the Government taking control of uranium reserves from anti-mining states.

The proposal was supported by 4 senators.

Senator Allison moved the motion.

Debate ensued.

Question put and negatived.

22 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 OF 2007

Senator Webber, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

8th report of 2007, dated 8 August 2007.

Alert Digest No. 8 of 2007, dated 8 August 2007.

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

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

Question put and passed.

Before 5 pm—

23 FIRST SPEECH

Pursuant to order (*see entry no. 3*), Senator Fisher made her first speech.

24 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2007-08—DOCUMENT

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

Auditor-General—Audit report no. 4 of 2007-08—Performance audit—Container examination facilities follow-up: Australian Customs Service.

25 DOCUMENTS

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice under section 45—Telstra Corporation Limited.

Sydney Airport Curfew Act—Dispensation reports 07/07 and 08/07.

26 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (COSMETICS) BILL 2007

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 2007

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

Message no. 604, dated 7 August 2007—A Bill for an Act to amend the law relating to cosmetics and industrial chemicals, and for related purposes.

Message no. 603, dated 7 August 2007—A Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

The Minister for Justice and Customs (Senator Johnston) 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 Johnston moved—That these bills be now read a second time.

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

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

Question put and passed.

27 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007

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

Message no. 610, dated 8 August 2007—A Bill for an Act to amend the *Australian Citizenship Act 2007*, and for related purposes.

The Minister for Justice and Customs (Senator Johnston) 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 Johnston moved—That this bill be now read a second time.

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

28 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Johnston) moved—That intervening business be postponed till after consideration of business of the Senate notice of motion no. 6 (proposing the disapproval of Determination 2007/08: Principal Executive office (PEO) Classification Structure and Terms and Conditions).

Question put and passed.

**29 REMUNERATION TRIBUNAL—PRINCIPAL EXECUTIVE OFFICE (PEO)
CLASSIFICATION STRUCTURE AND TERMS AND CONDITIONS—PROPOSED
DISAPPROVAL**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice, moved business of the Senate notice of motion no. 6—That Determination 2007/08: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, made pursuant to subsections 5(2A), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

Debate ensued.

Question put.

The Senate divided—

AYES, 6

Senators—

Bartlett
Brown, Bob

Fielding
Milne

Nettle
Siewert (Teller)

NOES, 56

Senators—

Adams	Crossin	Kirk	Parry (Teller)
Allison	Eggleston	Lightfoot	Patterson
Barnett	Evans	Ludwig	Payne
Bernardi	Faulkner	Macdonald, Ian	Polley
Birmingham	Ferguson	Macdonald, Sandy	Ray
Bishop	Fierravanti-Wells	Marshall	Ronaldson
Boswell	Fifield	Mason	Stephens
Brown, Carol	Fisher	McEwen	Sterle
Campbell	Forshaw	McGauran	Troeth
Chapman	Hogg	McLucas	Trood
Colbeck	Humphries	Moore	Watson
Conroy	Hurley	Murray	Webber
Coonan	Hutchins	Nash	Wong
Cormann	Kemp	O'Brien	Wortley

Question negatived.

30 COMMUNITY AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE—LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Bartlett, also on behalf of Senator Siewert, pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 3—That the provisions of the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 be referred to the Community Affairs Committee for inquiry and report by 10 September 2007, with particular reference to:

- (a) the likely effects of the new income management regime on the health and well-being of children in affected communities;
- (b) the demonstrable need to restrict the appeal rights of those on the new income management regime in affected communities;
- (c) the interaction of the bill with the *Racial Discrimination Act 1975* and the extent to which the provisions can be characterised as ‘special measures’; and
- (d) the effects of these measures on community governance and the development of remote communities.

No. 4—That the provisions of the Northern Territory National Emergency Response Bill 2007 and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 10 September 2007, with particular reference to:

- (a) the relevance of the acquisition of Aboriginal land and changes to the permit system to address the problems of child protection, health and development;
- (b) the possible impacts of the prohibition of alcohol on child safety;
- (c) the interaction of the bills with the *Racial Discrimination Act 1975* and the extent to which the provisions can be characterised as ‘special measures’; and
- (d) the effects of these measures on community governance and the development of remote communities.

Debate ensued.

Senator Barnett moved the following amendment in respect of each motion:

Omit all words after “That”, substitute “the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and four related bills be referred to the Legal and Constitutional Affairs Committee, at whatever stage the bills have reached at 12.45 pm on 9 August 2007, for inquiry and report by 13 August 2007”.

Debate ensued.

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

Main question, as amended, put and passed.

31 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Nettle, pursuant to notice, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 15 October 2007:

All aspects of the detention and release of Dr Mohamed Haneef, including:

- (a) the source and veracity of information upon which decisions were made;
- (b) the actions of the Minister for Immigration and Citizenship (Mr Andrews), including his overriding of the decision of the Brisbane Magistrates Court to grant bail to Dr Haneef;
- (c) the role of other ministers, including the Attorney-General (Mr Ruddock) and the Prime Minister (Mr Howard);
- (d) the investigation by the Australian Federal Police and other agencies;
- (e) the decisions taken by the Director of Public Prosecutions;
- (f) the international impact on Australia of the Government’s handling of the case; and
- (g) any future decisions to be made in relation to Dr Haneef.

At 6.50 pm: Debate was interrupted while Senator Nettle was speaking.

32 GOVERNMENT DOCUMENTS—CONSIDERATION

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

33 ADJOURNMENT

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

The Senate adjourned at 6.51 pm till Thursday, 9 August 2007 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senator Sherry (on leave).

HARRY EVANS
Clerk of the Senate