

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 17

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

Senator Stott Despoja, from 40 petitioners, requesting that the Senate pass legislation to provide a national system of Government-funded paid maternity leave which provides at least a 14-week payment for working women, with minimal exclusions.

Senator Stott Despoja, from 22 petitioners, requesting that the Senate take action to regulate pregnancy counselling services in Australia, including banning misleading and deceptive advertising.

Senator Trood, from 19 petitioners, requesting that the Senate amend the *Marriage Act 1961* to invalidate present or future relationship registers.

3 NOTICES

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

- (a) notes that:
 - (i) 19 June 2008, marks the 63rd birthday of Nobel laureate and leader of the democracy movement in Burma, Daw Aung San Suu Kyi,
 - (ii) Daw Aung San Suu Kyi has been held under house arrest since May 2003, and periodically before then since 1989,
 - (iii) the Burmese military dictatorship has refused to acknowledge the results of the 1990 election, in which the National League for Democracy led by Daw Aung San Suu Kyi won an overwhelming majority, and
 - (iv) Daw Aung San Suu Kyi has refused a number of opportunities to leave Burma, even to visit her dying husband, knowing that she would be denied the right to return to continue the struggle for democracy and human rights in Burma;
- (b) welcomes the Australian Government's continued advocacy on behalf of democracy in Burma;
- (c) calls on the Government to continue to pressure the Burmese regime to immediately and unconditionally release Daw Aung San Suu Kyi and all political prisoners in Burma, including 18 members of Parliament, and to commence an inclusive national reconciliation process to restore genuine democracy in Burma; and
- (d) offers good wishes to Daw Aung San Suu Kyi for her birthday and for her continued efforts to campaign for human rights and democracy on behalf of the people of Burma. (*general business notice of motion no. 121*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate requests the Government to report by 1 September 2008 on:

- (a) the total amount of carbon sequestered in Australia's:
 - (i) native forests and woodlands,
 - (ii) plantations, and

(iii) planted and non-planted regrowth; and

(b) the rate of loss of these stores. (*general business notice of motion no. 122*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be amended by omitting ‘report by 30 June 2009’ and substituting ‘report by 10 November 2008’. (*general business notice of motion no. 123*)

4 DAYS OF MEETING—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That the Senate not meet on Friday, 20 June 2008.

Debate ensued.

Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That—

(a) the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 6 Export Market Development Grants Amendment Bill 2008
- No. 7 Veterans’ Entitlements Legislation Amendment (2007 Election Commitments) Bill 2008
- No. 8 Defence Home Ownership Assistance Scheme Bill 2008
Defence Home Ownership Assistance Scheme (Consequential Amendments) Bill 2008
- No. 9 Indigenous Affairs Legislation Amendment Bill 2008
- No. 10 Indigenous Education (Targeted Assistance) Amendment (2008 Budget Measures) Bill 2008
- No. 11 Law Officers Legislation Amendment Bill 2008
- No. 12 Customs Tariff Amendment (Tobacco Content) Bill 2008
- No. 13 Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008
- No. 14 Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008
- No. 15 Health Care (Appropriation) Amendment Bill 2008
- No. 16 Private Health Insurance Legislation Amendment Bill 2008
- No. 17 Health Insurance Amendment (90 Day Pay Doctor Cheque Scheme) Bill 2008; and

(b) the following government business orders of the day be considered from 7 pm today:

- No. 18 Wheat Export Marketing Bill 2008
Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008
- No. 19 Tax Laws Amendment (Election Commitments No. 1) Bill 2008
Income Tax (Managed Investment Trust Withholding Tax) Bill 2008
Income Tax (Managed Investment Trust Transitional) Bill 2008.

Question put and passed.

6 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 103 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Western Sahara, postponed till 23 June 2008.

General business notice of motion no. 110 standing in the names of Senators Stott Despoja and Bartlett for today, relating to human rights, postponed till 23 June 2008.

7 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Heffernan for 18 June and 19 June 2008, for family reasons.

Question put and passed.

8 POKER MACHINE HARM MINIMISATION BILL 2008

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 109—That the following bill be introduced:

A Bill for an Act to provide for the regulation of poker machines to promote responsible gambling practices and minimise problem gambling, and for related purposes.

Question put and passed.

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

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

9 PREGNANCY COUNSELLING (TRUTH IN ADVERTISING) BILL 2006—RESTORATION TO NOTICE PAPER

Senator Stott Despoja, also on behalf of Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 116—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Pregnancy Counselling (Truth in Advertising) Bill 2006 be restored to the *Notice Paper* and that consideration of the bill resume at the stage reached in the 41st Parliament.
- (3) That the bill be restored to the *Notice Paper* in the names of Senators Stott Despoja and Nettle.

Question put and passed.

**10 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT
(CONTROL OF POWER STATION EMISSIONS) BILL 2008**

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. 118—That the following bill be introduced:

A Bill for an Act to restrict approvals of new power stations to those operating within environmentally responsible emissions limits, and for related purposes.

Question put and passed.

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

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

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

11 POSTPONEMENT

Senator Parry, by leave and at the request of Senators Ellison, Murray and Sandy Macdonald, moved—That general business notice of motion no. 119 standing in the names of Senators Ellison, Murray and Sandy Macdonald for today, relating to Zimbabwe, be postponed till the next day of sitting.

Question put and passed.

**12 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—
EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 114—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on sexualisation of children in the media be extended to 25 June 2008.

Question put and passed.

13 EDUCATION—MUSIC EDUCATION

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Kemp, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 115—That the Senate—

- (a) recognises that there is a growing body of scientific research demonstrating that children who receive a comprehensive, sequential music instruction gain many academic and social benefits, including findings that:

- (i) playing music:
 - (A) builds or modifies neural pathways related to spatial-temporal reasoning tasks, which are crucial for higher brain functions like complex maths and science,
 - (B) improves concentration, memory and self expression,
 - (C) increases reasoning capacity, time management and the ability to think in the abstract, and
 - (D) improves the ability to think,
- (ii) learning music helps underperforming students improve, and
- (iii) music students learn critical teamwork and social skills;
- (b) appreciates the positive link between the well-being of Australia's youth and their appreciation and active participation in music activities;
- (c) understands the special benefits that active music making has for at risk, vulnerable and Indigenous children;
- (d) acknowledges the significant contribution and effort that people from all walks of life make to their local communities through music and arts initiatives, particularly those that support Australia's youth;
- (e) concedes that many Australian children, including the overwhelming majority of children attending state schools nationally, do not have access to a comprehensive, sequential music instruction as part of their education;
- (f) highlights the progress in measuring and enunciating the current scarcity of school music education, through:
 - (i) the *Trends in School Music Education Provision in Australia* report,
 - (ii) the National Review of School Music Education, and
 - (iii) the National Music Workshop;
- (g) calls on all governments nationally, through the Ministerial Council on Education, Employment, Training and Youth Affairs and the Cultural Ministers Council to actively support and encourage:
 - (i) an increased presence and heightened importance of learning music within the various education curricula throughout Australia, and
 - (ii) a closing of the gap between school sectors on access to music education, and
 - (iii) the inclusion of meaningful and effective instruction on the delivery of school music within qualifications for school teachers; and
- (h) calls on the Government to.
 - (i) assist all school systems nationally in their ability to deliver a comprehensive, sequential music instruction for all Australian children in the years from Kindergarten to Year 10,
 - (ii) increase funding for school music education programs, and
 - (iii) include the delivery of a comprehensive, sequential music instruction in the development of the national curriculum.

Question put and passed.

14 FOREIGN AFFAIRS—IRAQ—WOMEN

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. 100—That the Senate—

- (a) notes that:
- (i) despite the relative improvement in the security situation in Iraq, the Iraqi people continue to live in an atmosphere of general chaos including lawlessness, unbridled terrorism, insecurity and the spread of organised crime, and
 - (ii) Iraqi women are subjected to various forms of discrimination, oppression and exploitation and face violence on a daily basis, they are facing mass killings because of widespread terrorism targeting them and that heinous murders are committed against them in broad daylight with impunity;
- (b) condemns the crimes of killing women in Iraq and denounces all forms of violations of their human rights; and
- (c) calls on the Government to promote an international fact-finding mission to Iraq, organised by the United Nations High Commission for Human Rights, with the participation of international human rights organisations, to investigate the crimes committed against women and to help the Iraqi authorities to identify the perpetrators and work to stop these crimes, and to:
- (i) expose the criminals and those who stand behind them, and bring them to justice,
 - (ii) disclose the outcome of the investigations,
 - (iii) take measures to safeguard personal freedoms that are constitutionally guaranteed,
 - (iv) take deterrent measures to ensure the safety of citizens and to protect their lives, and
 - (v) act firmly to improve the conditions of women and facilitate their involvement in the reconstruction process.

Statements by leave: The Minister for Human Services (Senator Ludwig) and Senator Parry, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 51

Senators—

Adams	Coonan	Johnston	Parry (Teller)
Barnett	Cormann	Kemp	Patterson
Bernardi	Crossin	Kirk	Payne
Birmingham	Eggleston	Ludwig	Polley
Boswell	Evans	Lundy	Ronaldson
Boyce	Faulkner	Macdonald, Ian	Scullion
Brandis	Ferguson	Macdonald, Sandy	Sherry
Brown, Carol	Fierravanti-Wells	Marshall	Stephens
Bushby	Fifield	Mason	Sterle
Campbell	Fisher	McEwen	Troeth
Chapman	Humphries	McLucas	Watson
Colbeck	Hurley	Moore	Webber
Collins	Hutchins	O'Brien	

Question negatived.

15 FOREIGN AFFAIRS—ZIMBABWE

Senator Parry, by leave and at the request of Senators Ellison, Murray and Sandy Macdonald, moved general business notice of motion no. 119 in an amended form—
That the Senate—

- (a) notes the statements by the Government that it is gravely concerned about the deteriorating situation in Zimbabwe and that it strongly condemns the intimidation and terrorising of opposition leaders, civil society and ordinary Zimbabweans;
- (b) further notes the Government's statement that the Zimbabwean Government's suspension of humanitarian non-government organisation activity in Zimbabwe is immoral and represents a callous move by the Mugabe regime to use food security as a political weapon against its own people;
- (c) commends the commitment of African states and organisations to deploy an increased number of observers for the forthcoming election, and condemns the intimidation of domestic observers;
- (d) supports the Government's intensified efforts, including with other concerned nations and organisations, to ensure that the forthcoming election in Zimbabwe is as fair and democratic as possible; and
- (e) urges the Government to use as many international bodies, including the United Nations, to put pressure on the Zimbabwean Government to return Zimbabwe to a democratic state with the rule of law and a civil society.

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

16 ENVIRONMENT—NORTHERN PACIFIC SEASTAR

Senator Parry, at the request of Senator Abetz and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 117—
That the Senate—

- (a) notes:
 - (i) the devastating impact that marine pests have on our marine environment and valuable fisheries sector,
 - (ii) the particular damage that has been caused across Australia by the Northern Pacific Seastar (*Asterias amurensis*),

- (iii) the support that the previous Howard Government gave to the pilot study into management of the Northern Pacific Seastar and the National System for the Prevention and Management of Marine Pest Incursions in Tasmania, and
- (iv) the critical need to act to control the Northern Pacific Seastar before spawning begins in July;
- (b) condemns the Rudd Labor Government for refusing to fund this urgent action; and
- (c) calls on the Government to urgently reconsider its position and fund the control program.

Question put and passed.

17 COMMUNITY AFFAIRS—STANDING COMMITTEE—INTERIM REPORT—MENTAL HEALTH SERVICES IN AUSTRALIA

The Chair of the Community Affairs Committee (Senator Moore) tabled the following report:

Community Affairs—Standing Committee—Mental health services in Australia—Interim report, dated June 2008.

Notice of motion: Senator Moore, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the final report of the Community Affairs Committee on its inquiry into mental health services in Australia be presented by 25 September 2008. (*general business notice of motion no. 124*)

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

Debate ensued.

Question put and passed.

18 TREATIES—JOINT STANDING COMMITTEE—92ND REPORT

The Deputy Chair of the Joint Standing Committee on Treaties (Senator Sandy Macdonald) tabled the following report:

Treaties—Joint Standing Committee—92nd report—Treaty tabled on 4 June 2008, dated June 2008.

Senator Sandy Macdonald moved—That the Senate take note of the report.

Question put and passed.

19 EVIDENCE AMENDMENT BILL 2008

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

Message no. 105, dated 18 June 2008—A Bill for an Act to amend the law relating to evidence, and for other purposes.

The Minister for Human Services (Senator Ludwig) 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 Ludwig moved—That this bill be now read a second time.

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

**20 HEALTH INSURANCE (DENTAL SERVICES) AMENDMENT AND REPEAL
DETERMINATION—DISALLOWANCE**

Senator Colbeck, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Health Insurance (Dental Services) Amendment and Repeal Determination 2008, made under subsection 3C(1) of the *Health Insurance Act 1973*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 31

Senators—

Allison	Evans	McEwen	Siewert
Bartlett	Fielding	McLucas	Stephens
Bishop	Hogg	Moore	Sterle
Brown, Bob	Hurley	Murray	Stott Despoja
Brown, Carol	Hutchins	Nettle	Webber
Campbell	Kirk	O'Brien	Wong
Collins	Ludwig	Polley	Wortley (Teller)
Crossin	Marshall	Sherry	

Question agreed to.

**21 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—
REPORT—BROADCASTING CODES OF PRACTICE**

Pursuant to order, the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) tabled the following report and documents:

Environment, Communications and the Arts—Standing Committee—The effectiveness of the broadcasting codes of practice—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

22 FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET AND OTHER MEASURES) 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 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 Faulkner moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

23 QUARANTINE AMENDMENT (NATIONAL HEALTH SECURITY) 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.

At 12.45 pm: Debate was interrupted while the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) was speaking.

24 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT 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 and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

25 VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (2007 ELECTION COMMITMENTS) 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 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 Senator Sherry the bill was read a third time.

26 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That intervening business be postponed till after consideration of the following government business orders of the day:

No. 15 Health Care (Appropriation) Amendment Bill 2008.

No. 16 Private Health Insurance Legislation Amendment Bill 2008.

No. 17 Health Insurance Amendment (90 Day Pay Doctor Cheque Scheme) Bill 2008.

Question put and passed.

27 HEALTH CARE (APPROPRIATION) AMENDMENT 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 and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

28 PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT 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 and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

29 HEALTH INSURANCE AMENDMENT (90 DAY PAY DOCTOR CHEQUE SCHEME) 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 and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

30 DEFENCE HOME OWNERSHIP ASSISTANCE SCHEME BILL 2008

DEFENCE HOME OWNERSHIP ASSISTANCE SCHEME (CONSEQUENTIAL AMENDMENTS) 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.

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 Minister for Superannuation and Corporate Law (Senator Sherry) the bills were read a third time.

31 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That government business order of the day no. 9 (Indigenous Affairs Legislation Amendment Bill 2008) be postponed till the next day of sitting.

Question put and passed.

32 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT (2008 BUDGET MEASURES) 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 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 McLucas) the bill was read a third time.

33 LAW OFFICERS LEGISLATION AMENDMENT 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 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 McLucas) the bill was read a third time.

34 CUSTOMS TARIFF AMENDMENT (TOBACCO CONTENT) 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 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 McLucas) the bill was read a third time.

35 FARM HOUSEHOLD SUPPORT AMENDMENT (ADDITIONAL DROUGHT ASSISTANCE MEASURES) 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 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 McLucas) the bill was read a third time.

36 FISHERIES LEGISLATION AMENDMENT (NEW GOVERNANCE ARRANGEMENTS FOR THE AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY AND OTHER MATTERS) 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.

At 2 pm: Debate was interrupted while Senator Ian Macdonald was speaking.

37 QUESTIONS

Questions without notice were answered.

38 DEFENCE—PROCUREMENT PROJECTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Special Minister of State (Senator Faulkner), by leave, made a statement relating to the order of the Senate of 15 May 2008 for the production of documents concerning defence procurement projects and tabled the following document:

Defence—Procurement projects—Letter to the President of the Senate from the Minister for Defence (Mr Fitzgibbon) responding to the resolution of the Senate of 15 May 2008, dated 16 June 2008.

39 MOTION TO TAKE NOTE OF ANSWERS

Senator Ian Macdonald moved—That the Senate take note of the answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked today.

Debate ensued.

Question put and passed.

**40 INDIGENOUS AUSTRALIANS—NORTHERN TERRITORY EMERGENCY RESPONSE—
MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) tabled the following document:

Indigenous Australians—The Northern Territory emergency response: One year on—Ministerial statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin), dated 19 June 2008.

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

Debate ensued.

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

At 3.45 pm—

41 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) moved—That the order of consideration of government business orders of the day for the remainder of today be as follows:

- No. 14 Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008.
- No. 2 Quarantine Amendment (National Health Security) Bill 2008.
- No. 3 Higher Education Support Amendment (2008 Budget Measures) Bill 2008.
- No. 4 Social Security and Other Legislation Amendment (Employment Entry Payment) Bill 2008.
- No. 5 Commonwealth Securities and Investment Legislation Amendment Bill 2008.

Senator Ellison moved the following amendment:

At the end of the motion, add:

- No. 18 Wheat Export Marketing Bill 2008
Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008.

Debate ensued.

Senator Ellison, by leave, withdrew the amendment.

The Minister for Human Services (Senator Ludwig) moved the following amendment:
Omit “for the remainder of today”, substitute “from 3.45 pm till not later than 6.30 pm today”.

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

Main question, as amended, put and passed.

42 FISHERIES LEGISLATION AMENDMENT (NEW GOVERNANCE ARRANGEMENTS FOR THE AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY AND OTHER MATTERS) 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 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 McLucas) the bill was read a third time.

43 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That Senator Stott Despoja replace Senator Murray on the Economics Committee for the committee’s inquiry into Australia’s space science and industry sector.

Question put and passed.

44 QUARANTINE AMENDMENT (NATIONAL HEALTH SECURITY) 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 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 McLucas) the bill was read a third time.

45 HIGHER EDUCATION SUPPORT AMENDMENT (2008 BUDGET MEASURES) 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 and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

46 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 Safety Regulations—Airworthiness Directives—Part—

105—

AD/B767/243—Engine Indication and Crew Alerting System [F2008L02099]*.

AD/CESSNA 180/64—Nose Gear Tunnel Access Hole Plug Button [F2008L01805]*.

AD/CL-600/100—Fuel Tube Coupling – Electrical Bonding [F2008L01927]*.

AD/DA42/5—Aileron Bellcrank and Rod Ends [F2008L01928]*.

AD/EMB-120/47—Fuel Booster Pump Electrical Wiring [F2008L02116]*.

AD/EMB-145/1—State of Design ADs [F2008L02101]*.

AD/EMB-145/2—Vent and Pilot Valve Electrical Wiring Conduits [F2008L02129]*.

AD/EMB-145/3—Pitot and TAT Current Sensor Relays [F2008L02130]*.

AD/EMB-145/4—Engine Thrust Reverser Stow/Transit Switches [F2008L02131]*.

AD/EMB-145/5—Fuel Pump Electrical Connectors [F2008L02132]*.

AD/ERJ-170/4 Amdt 4—Flight Guidance Control Unit [F2008L02103]*.

AD/ERJ-190/3 Amdt 1—Flight Guidance Control System [F2008L02102]*.

AD/F100/73 Amdt 1—Wing-to-Fuselage Fairings [F2008L01936]*.

106—

AD/BR700/12—Damaged Engine Material [F2008L02127]*.

AD/MAKILA/9 Amdt 1—Engine Control Unit – Comparator/Selection Board [F2008L02100]*.

AD/TPE 331/63 Amdt 1—Fuel Control Unit Drive Spline [F2008L02128]*.

107—AD/PARA/18—VIGIL Parachute Automatic Activation Device [F2008L02093]*.

Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies (Report of Operations) Orders 2008 [F2008L02092]*.

Corporations Act—ASIC Class Order [CO 08/285] [F2008L02091]*.

Financial Management and Accountability Act—Determination 2008/30—Section 32 (Transfer of Functions from the former DEWR to FaHCSIA) [F2008L02098]*.

Health Insurance Act—

Health Insurance (Accredited Pathology Laboratories — Approval) Amendment Principles 2008 (No. 1) [F2008L02105]*.

Health Insurance (Positron Emission Tomography) Determination 2008 [F2008L02115]*.

Higher Education Support Act—Higher Education in External Territories Guidelines 2008 [F2008L02047]*.

Housing Assistance Act—Housing Assistance (Form of Agreement) Determination 2008 [F2008L02114]*.

National Health Act—Pharmaceutical Benefits Amendment Determination under paragraph 98B(1)(a) No. 11 [F2008L02117]*.

Private Health Insurance Act—

Private Health Insurance (Accreditation) Rules 2008 [F2008L02106]*.

Private Health Insurance (Data Provision) Rules 2008 [F2008L02089]*.

Private Health Insurance (Health Insurance Business) Rules 2008 [F2008L02090]*.

Remuneration Tribunal Act—Determinations—

2008/09: Judicial and Related Offices – Remuneration and Allowances [F2008L02075]*.

2008/10: Principal Executive Office (PEO) Classification Structure and Terms and Conditions [F2008L02074]*.

Social Security Act—Social Security Exempt Lump Sum (Climate Change Adjustment Program Re-establishment Grant) (FaHCSIA) Determination 2008 [F2008L02094]*.

Sydney Airport Curfew Act—Dispensation Report 07/08.

Trade Practices Act—Pricing Principles for the Unconditioned Local Loop Service Amendment Determination 2008 (No. 1) [F2008L02120]*.

* Explanatory statement tabled with legislative instrument.

47 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009

APPROPRIATION BILL (NO. 1) 2008-2009

APPROPRIATION BILL (NO. 2) 2008-2009

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

Message no. 108, dated 19 June 2008—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 106, dated 19 June 2008—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 107, dated 19 June 2008—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

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

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

48 **APPROPRIATION BILL (NO. 5) 2007-2008**
APPROPRIATION BILL (NO. 6) 2007-2008

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

Message no. 109, dated 19 June 2008—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of Government, and for related purposes.

Message no. 110, dated 19 June 2008—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

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

Debate ensued.

At 6.30 pm: Debate was interrupted while the Leader of the Australian Democrats (Senator Allison) was speaking.

At 7 pm—

49 **WHEAT EXPORT MARKETING BILL 2008**
WHEAT EXPORT MARKETING (REPEAL AND CONSEQUENTIAL AMENDMENTS)
BILL 2008

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

In the committee

WHEAT EXPORT MARKETING BILL 2008—

Bill taken as a whole by leave.

The Leader of the Opposition in the Senate (Senator Minchin) moved the following amendments together by leave:

No. 1—Clause 3, page 2 (line 14), omit “responsive to”, substitute “advances”.

No. 2—Clause 5, page 6 (after line 10), after the definition of *foreign law*, insert:

individual producer means a wheat producer who deals solely in wheat which that individual producer has grown himself or herself.

No. 3—Clause 7, page 9 (after line 7), after subclause (1), insert:

(1A) Notwithstanding subsection (1), an individual producer may export wheat provided that it is wheat produced by that individual producer.

No. 4—Clause 15, page 18 (lines 27 to 30), omit subclause (2), substitute:

(2) Paragraphs (1)(c) and (d) do not apply:

(a) to the export of wheat in:

(i) a bag; or

- (ii) a container;
that is capable of holding not more than 50 tonnes of wheat; or
- (b) to an individual producer exporting wheat produced by that individual producer.

No. 5—Clause 21, page 25 (lines 19 to 22), omit subclause (3), substitute:

- (3) Paragraphs (2)(a) and (b) do not apply:
 - (a) to the export of wheat in:
 - (i) a bag; or
 - (ii) a container;
that is capable of holding not more than 50 tonnes of wheat; or
 - (b) to an individual producer exporting wheat produced by that individual producer.

No. 6—Clause 22, page 27 (lines 26 to 29), omit subclause (4), substitute:

- (4) Paragraphs (3)(a) and (b) do not apply:
 - (a) to the export of wheat in:
 - (i) a bag; or
 - (ii) a container;
that is capable of holding not more than 50 tonnes of wheat; or
 - (b) to an individual producer exporting wheat produced by that individual producer.

No. 7—Page 69 (after line 3), before clause 87, insert:

86A Operation of certain State and Territory laws

(1) In this section:

corporation means a trading corporation formed within the limits of the Commonwealth.

sale contract means a contract for the sale of grain or for the growing of grain and the sale of the grain, being a contract to which a corporation is a party and which is entered into by a corporation in the course of, or for the purposes of:

- (a) the export of the grain; or
- (b) trade and commerce:
 - (i) among the States; or
 - (ii) between a State and a Territory or between Territories; or
 - (iii) within a Territory.

service contract means a contract, agreement or arrangement for the storage, handling or transport of grain for a corporation, being a contract to which a corporation is a party and which is entered into by the corporation in the course of, or for the purposes of:

- (a) the export of the grain; or
- (b) trade and commerce:
 - (i) among the States; or
 - (ii) between a State and a Territory or between Territories; or
 - (iii) within a Territory.

State or Territory enactment means:

- (a) a State Act; or
- (b) an enactment of a Territory; or

- (c) an instrument made or issued under such an Act or enactment.
- (2) A sale contract or a service contract is not rendered unlawful or unenforceable by any prescribed State or Territory enactment.
- (3) A party to a sale contract or a service contract does not incur any liability, penalty or forfeiture under a prescribed State or Territory enactment by virtue only of having entered into the contract.
- (4) Nothing in any prescribed State or Territory enactment operates to prevent a party to a sale contract or a service contract discharging obligations under the contract according to the terms of the contract.
- (5) In the case of a sale contract, nothing in any prescribed State or Territory enactment operates to prevent the property in the grain passing to the purchaser according to the terms of the contract.
- (6) A person who, under a contract (including a contract of service), agreement or arrangement with a party to a sale contract or a service contract, does anything on behalf of that party in the discharge of an obligation under the sale contract or the service contract does not incur any liability, penalty or forfeiture under any prescribed State or Territory enactment by virtue only of having done that thing, and the contract, agreement or arrangement between that person and the party is not rendered unlawful or unenforceable by any prescribed State or Territory enactment.
- (7) A corporation does not incur any liability, penalty or forfeiture under a prescribed State or Territory enactment by virtue only of storing, handling or transporting grain for a purpose referred to in the definition of service contract in subsection (1).
- (8) Nothing in any prescribed State or Territory enactment prevents a corporation storing, handling or transporting grain for a purpose referred to in the definition of service contract in subsection (1).
- (9) A person who, under a contract (including a contract of service), agreement or arrangement with a corporation does anything for the corporation in, or in connection with, the storage, handling or transport of grain by the corporation does not incur any liability, penalty or forfeiture under any prescribed State or Territory enactment by virtue only of having done that thing, and the contract, agreement or arrangement between that person and the corporation is not rendered unlawful or unenforceable by any prescribed State or Territory enactment.
- (10) Nothing in any prescribed State or Territory enactment operates to prevent a party to a contract, agreement or arrangement referred to in subsection (6) or (9) discharging obligations under the contract, agreement or arrangement according to its terms.
- (11) Subsection (5) does not affect the rights of the holder of a security over grain for money owing.
- (12) Subject to subsection (13), a reference in this section to a prescribed State or Territory enactment is a reference to:
 - (a) a State or Territory enactment declared by the regulations to be a prescribed State or Territory enactment for the purposes of this section; or

- (b) a State or Territory enactment included in a class of State or Territory enactments declared by the regulations to be prescribed State or Territory enactments for the purposes of this section.
- (13) The regulations must not prescribe a State or Territory enactment except in relation to the storage, handling and transport of grain or the marketing of wheat.
- (14) The regulations may provide that a State or Territory enactment, or a State or Territory enactment included in a class of State or Territory enactments, is a prescribed State or Territory enactment only to the extent, or only in the circumstances, specified in the regulations.
- (15) Regulations prescribing a State or Territory enactment for the purposes of this section must not be made unless the Minister has notified the Minister of the State or Territory responsible for the administration of the enactment of the subject matter of the regulations.

No. 8—Clause 89, page 70 (line 2), omit “Before 1 January 2011”, substitute “By 1 January 2010”.

No. 9—Clause 89, page 70 (line 17), at the end of paragraph (4)(b), add “before 1 July 2010”.

Debate ensued.

The question was divided—

Question—That amendment no. 1 be agreed to—put and passed.

Question—That amendments nos 7, 8 and 9 be agreed to—put and passed.

Question—That amendments nos 2, 3, 4, 5 and 6 be agreed to—put and passed.

Bill, as amended, agreed to.

**WHEAT EXPORT MARKETING (REPEAL AND CONSEQUENTIAL AMENDMENTS)
BILL 2008—**

Bill, taken as a whole by leave, agreed to.

The Wheat Export Marketing Bill 2008 to be reported with amendments and the Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008 to be reported without amendments.

The President resumed the chair and the Temporary Chair of Committees (Senator Moore) reported accordingly.

On the motion of Senator Sherry the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 58

Senators—

Adams (Teller)	Collins	Kirk	Payne
Allison	Coonan	Lundy	Polley
Barnett	Cormann	Macdonald, Ian	Ronaldson
Bartlett	Crossin	Marshall	Sherry
Bernardi	Eggleston	Mason	Siewert
Birmingham	Ellison	McEwen	Stephens
Bishop	Ferguson	McGauran	Sterle
Boyce	Fierravanti-Wells	McLucas	Stott Despoja
Brandis	Fifield	Milne	Trooth
Brown, Bob	Fisher	Minchin	Trood
Brown, Carol	Hogg	Moore	Watson
Bushby	Hurley	Murray	Webber
Campbell	Hutchins	O'Brien	Wortley
Chapman	Johnston	Parry	
Colbeck	Kemp	Patterson	

NOES, 6

Senators—

Boswell	Joyce (Teller)	Macdonald, Sandy	Scullion
Fielding	Lightfoot		

Question agreed to.

Bills read a third time.

50 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That intervening business be postponed till after consideration of the government business order of the day relating to Appropriation Bill (No. 5) 2007-2008 and a related bill.

Question put and passed.

51 APPROPRIATION BILL (NO. 5) 2007-2008

APPROPRIATION BILL (NO. 6) 2007-2008

Order 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.

No amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bills were read a third time.

**52 TAX LAWS AMENDMENT (ELECTION COMMITMENTS NO. 1) BILL 2008
INCOME TAX (MANAGED INVESTMENT TRUST WITHHOLDING TAX) BILL 2008
INCOME TAX (MANAGED INVESTMENT TRUST TRANSITIONAL) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—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 Minister for Superannuation and Corporate Law (Senator Sherry) the bills were read a third time.

53 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That the order of the Senate of 17 June 2008 be varied to provide that:

- (a) on Monday, 23 June 2008, the hours of meeting shall be 12.30 pm to 6.30 pm, and 7 pm to 11.40 pm; and
- (b) on Wednesday, 25 June 2008, the routine of business from 5.30 pm shall be:
 - (i) valedictory statements, and
 - (ii) the Senate shall adjourn without any question being put.

Question put and passed.

54 ADJOURNMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 9.18 pm till Monday, 23 June 2008 at 12.30 pm.

55 ATTENDANCE

Present, all senators except Senators Carr*, Conroy*, Forshaw*, Heffernan* and Nash* (* on leave).

HARRY EVANS
Clerk of the Senate