

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 27

WEDNESDAY, 3 SEPTEMBER 2008

**Contents**

1	Meeting of Senate.....	789
2	Government Documents .....	789
3	Tax Laws Amendment (2008 Measures No. 4) Bill 2008.....	789
4	Tax Laws Amendment (Luxury Car Tax) Bill 2008	
	A New Tax System (Luxury Car Tax Imposition—General) Amendment	
	Bill 2008	
	A New Tax System (Luxury Car Tax Imposition—Customs) Amendment	
	Bill 2008	
	A New Tax System (Luxury Car Tax Imposition—Excise) Amendment	
	Bill 2008 .....	790
5	Matters of Public Interest.....	790
6	Questions.....	791
7	Motions to Take Note of Answers .....	791
8	Petition .....	791
9	Notices .....	791
10	Selection of Bills—Standing Committee—Report No. 9 of 2008 .....	792
11	Postponement.....	793
12	Parliamentary Zone—Capital Works Proposal—Approval .....	793
13	Foreign Affairs—India and Nepal—Floods.....	793
14	Environment—Carbon Storage .....	794
15	Foreign Affairs—Russia—Uranium .....	794
16	Foreign Affairs—Afghanistan—Civilian Deaths .....	795
17	Industry—Alternative Formula—Emissions-Intensive Companies—Order	
	for Production of Documents.....	796
18	Environment—Strategic Review of Climate Change Policies—Order for	
	Production of Documents .....	796
19	Rural and Regional Affairs and Transport—Standing Committee—	
	Extension of Time to Report.....	796
20	Historical Events—Great Irish Famine .....	797
21	Flags (Protection of Australian Flags) Amendment Bill 2008.....	797

22	Discussion of Matter of Public Importance—Environment—Murray-Darling Basin.....	797
23	First Speeches.....	798
24	Matter of Public Importance—Environment—Murray-Darling Basin.....	798
25	Scrutiny of Bills—Standing Committee—8th Report and Alert Digest No. 8 of 2008.....	798
26	Work of Committees—Document.....	798
27	Documents.....	798
28	Committee Membership.....	799
29	Horse Disease Response Levy Bill 2008 Horse Disease Response Levy Collection Bill 2008 Horse Disease Response Levy (Consequential Amendments) Bill 2008.....	799
30	Finance and Public Administration—Standing Committee—Report—Lobbying Code of Conduct.....	799
31	Environment, Communications and the Arts—Standing Committee—Report—Waste Management in Australia and the Drink Container Recycling Bill 2008.....	800
32	Tax Laws Amendment (Luxury Car Tax) Bill 2008 A New Tax System (Luxury Car Tax Imposition—General) Amendment Bill 2008 A New Tax System (Luxury Car Tax Imposition—Customs) Amendment Bill 2008 A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Bill 2008.....	800
33	Adjournment.....	801
34	Attendance.....	801

**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:

ASC Pty Ltd—Statement of corporate intent 2008 to 2011.

Indigenous Business Australia—Corporate plan 2008 to 2013.

*Migration Act 1958*—

Reports for the period 1 March to 30 June 2008—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.

*Witness Protection Act 1994*—Report for 2007-08 on the operation of the National Witness Protection Program.

**3 TAX LAWS AMENDMENT (2008 MEASURES NO. 4) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That this bill be now read a second time.

Debate resumed.

---

*Declarations of interest:* Senator Xenophon and the Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senators Milne and Hanson-Young, each declared an interest in relation to the bill.

---

Debate continued.

Question put and passed.

Bill read a second time.

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

---

*In the committee*

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put.

The committee divided—

AYES, 34

Senators—

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

NOES, 36

Senators—

Abetz	Colbeck	Humphries	Parry
Adams	Coonan	Johnston	Payne
Barnett	Ellison	Joyce	Ronaldson
Bernardi	Ferguson	Kroger	Ryan
Boswell	Fielding	Macdonald	Scullion
Boyce	Fierravanti-Wells	Mason	Troeth
Brandis	Fifield	McGauran	Trood
Bushby	Fisher	Minchin	Williams
Cash	Heffernan	Nash (Teller)	Xenophon

Schedule negatived.

On the motion of Senator Coonan the following amendment was agreed to:

Clause 2, page 2 (table item 2), omit “Schedules 1 and 2”, substitute “Schedule 1”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

---

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

On the motion of Senator Conroy the report from the committee was adopted and the bill read a third time.

- 4 **TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008**  
**A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—GENERAL) AMENDMENT**  
**BILL 2008**  
**A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—CUSTOMS) AMENDMENT**  
**BILL 2008**  
**A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—EXCISE) AMENDMENT**  
**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 12.45 pm: Debate was interrupted.

- 5 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

---

At 2 pm—

**6 QUESTIONS**

Questions without notice were answered.

**7 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Abetz moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today relating to unemployment and to the Carbon Pollution Reduction Scheme.

Debate ensued.

Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Hanson-Young today relating to mandatory detention.

Question put and passed.

**8 PETITION**

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

From 5 347 petitioners, requesting that the Senate support the proposed Flags (Protection of Australian Flags) Amendment Bill 2008.

**9 NOTICES**

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

(a) notes that:

(i) the week beginning 1 September 2008 is National Landcare Week, a week in which we celebrate the contributions made to Australia's environment by many thousands of Australians who voluntarily give their time to local Landcare, Bushcare, Rivercare and Coastcare groups and in Indigenous Landcare groups who continue a long tradition of 'caring for country', and

(ii) the theme of Landcare Week 2008 is to recognise our 'landcare heroes';

(b) recognises the importance of Landcare groups and activities in promoting community activities, engendering community spirit and in fostering and promoting engagement, respect and concern for Australia's precious and unique ecosystems and landscapes;

(c) notes that details of the delivery of the 2008-09 to 2011-12 National Landcare Program remain uncertain; and

(d) calls on the Government to provide continuity and certainty to community Landcare groups, and to ensure that the integration of local landcare activities into regional natural resource management planning frameworks is not lost.  
(*general business notice of motion no. 180*)

The Leader of The Nationals in the Senate (Senator Scullion): To move on the next day of sitting—That the following bills be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 3 October 2008:

Horse Disease Response Levy Bill 2008

Horse Disease Response Levy Collection Bill 2008

Horse Disease Response Levy (Consequential Amendments) Bill 2008.

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act concerning the provision of emergency assistance for the communities of the Lower Lakes and Coorong region of South Australia. ***Emergency Assistance Fund for the Lower Lakes and Coorong Region of South Australia Bill 2008 [No. 2].*** (*general business notice of motion no. 181*)

Senator Ludlam: To move on 18 September 2008—That the Senate—

- (a) notes that:
  - (i) on 7 September 2001, the United Nations General Assembly passed Resolution 55/282 declaring that the International Day of Peace should be observed annually on the fixed date of 21 September, as a day of global ceasefire and non-violence, and
  - (ii) the United Nations Secretary-General Ban Ki-moon and his predecessor, Kofi Annan, have urged member states to support the observance of global ceasefire on the day;
- (b) supports non-government organisations in Australia who intend to observe the day through vigils, concerts and walks;
- (c) calls on the Australian Government to actively support the observance of a ceasefire in Iraq, East Timor, Afghanistan, the Solomon Islands, Egypt (the Sinai Peninsula) and Sudan on Sunday, 21 September 2008, by ensuring that Australia's armed forces:
  - (i) do not engage in hostilities for the duration of 21 September, unless provoked to do so in self-defence, and
  - (ii) promote the observance of a global ceasefire for the duration of 21 September; and
- (d) requests that the Australian Government encourage other nation states also to support the observance of a global ceasefire. (*general business notice of motion no. 182*)

#### 10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2008

The Chair of the Selection of Bills Committee (Senator O'Brien) tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 9 OF 2008

1. The committee met in private session on Tuesday, 2 September 2008 at 4.17 pm.
2. The committee resolved to recommend—That—
  - (a) the Building and Construction Industry (Restoring Workplace Rights) Bill 2008 be ***referred immediately*** to the Education, Employment and Workplace Relations Committee for inquiry and report by 30 November 2008;
  - (b) the ***provisions*** of the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008 be ***referred immediately*** to the Community Affairs Committee for inquiry and report by 13 November 2008;
  - (c) the ***provisions*** of the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 be ***referred immediately*** to the Economics Committee for inquiry and report by 5 November 2008.

3. The committee resolved to recommend—That the following bills *not* be referred to committees:

AusLink (National Land Transport) Amendment Bill 2008  
International Tax Agreements Amendment Bill (No. 1) 2008  
Offshore Petroleum Amendment (Datum) Bill 2008.

*The committee recommends accordingly.*

4. The committee deferred consideration of the Plastic Bag Levy (Assessment and Collection) Bill 2002 [2008] to its next meeting.

Kerry O'Brien  
Chair  
3 September 2008.

Senator O'Brien moved—That the report be adopted.

Question put and passed.

#### 11 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 16 September 2008.

#### 12 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Human Services (Senator Ludwig), at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the design of the Pavement Artwork at Reconciliation Place.

Question put and passed.

#### 13 FOREIGN AFFAIRS—INDIA AND NEPAL—FLOODS

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. 179—That the Senate—

- (a) notes, with grave concern, the distress of the people affected by floods in India and Nepal; and
- (b) extends the sincere wish that the millions of people harmed by the floods find rapid relief and recovery from this disaster.

Question put and passed.

**14 ENVIRONMENT—CARBON STORAGE**

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. 175—That the Senate—

- (a) notes the Australian National University's report, *Green Carbon: The role of natural forests in carbon storage*, which finds that destroying native forests releases vast amounts of greenhouse gases; and
- (b) calls on the Government to seriously consider the report in developing policy.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob	Hanson-Young	Milne	Xenophon
Fielding	Ludlam	Siewert (Teller)	

NOES, 47

Senators—

Adams	Cash	Hutchins	Payne
Arbib	Colbeck	Johnston	Polley
Barnett	Ellison	Joyce	Pratt
Bernardi	Farrell	Kroger	Ryan
Bilyk	Feeney	Ludwig	Scullion
Bishop	Ferguson	Lundy	Stephens
Boswell	Fierravanti-Wells	Marshall	Sterle
Boyce	Fifield	McLucas	Troeth
Brandis	Fisher	Moore	Trood
Brown, Carol	Furner	Nash	Williams
Bushby	Humphries	O'Brien	Wortley
Cameron	Hurley	Parry (Teller)	

Question negatived.

**15 FOREIGN AFFAIRS—RUSSIA—URANIUM**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 177—That the Senate—

- (a) notes the European Union's concern regarding Russia's aggressive military actions in Georgia;
- (b) notes:
  - (i) Prime Minister Putin's long-standing policy of suppression of dissent in Russia,
  - (ii) Russia's nuclear cooperation with Iran through the supply of reactor technology and nuclear fuel for the facilities at Bushehr,
  - (iii) the fragile state of the Nuclear Non-Proliferation Treaty due to the Nuclear Weapons States not fulfilling their legal obligation to disarm,
  - (iv) the Russian Chief of the Armed Forces, General Yuri Baluevsky has claimed the right to use nuclear weapons 'preventatively', and
  - (v) that it is Australia's stated aim to be a 'responsible supplier of uranium'; and

- (c) calls on the Government to immediately repudiate the Australia-Russia uranium agreement signed by former Prime Minister Howard and the then President Putin in 2007.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob	Ludlam	Siewert (Teller)	Xenophon
Hanson-Young	Milne		

NOES, 46

Senators—

Adams	Colbeck	Hutchins	Polley
Arbib	Ellison	Johnston	Pratt
Barnett	Farrell	Kroger	Ryan
Bernardi	Feeney	Ludwig	Scullion
Bilyk	Ferguson	Lundy	Stephens
Bishop	Fielding	Marshall	Sterle
Boyce	Fierravanti-Wells	McLucas	Troeth
Brandis	Fifield	Moore	Trood
Brown, Carol	Fisher	Nash	Williams
Bushby	Furner	O'Brien (Teller)	Wortley
Cameron	Humphries	Parry	
Cash	Hurley	Payne	

Question negatived.

#### 16 FOREIGN AFFAIRS—AFGHANISTAN—CIVILIAN DEATHS

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 169 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the finding by the United Nations and Afghanistan Government that the military of the United States of America (US) killed at least 90 civilians, including 60 children, in the Afghan village of Nawabad on 21 August and 22 August 2008;
- (b) regrets the death of these innocent civilians and condemns the Taliban for deliberately targeting civilians and using civilians as unwilling shields for attacks on Afghan and international forces; and
- (c) calls on the Minister for Foreign Affairs (Mr Smith) to urge the US to acknowledge the civilian death toll of its military operation in Nawabad and to support the Afghanistan Government's call for a full-scale review of US and the North Atlantic Treaty Organization military operations in the wake of the country's mounting civilian death toll.

*Statements by leave:* The Minister for Human Services (Senator Ludwig), Senators Ellison, Bob Brown, the Leader of the Family First Party (Senator Fielding) and Senator Xenophon, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob	Ludlam	Milne	Siewert (Teller)
Hanson-Young			

NOES, 47

Senators—

Adams	Ellison	Joyce	Payne
Barnett	Farrell	Kroger	Polley
Bernardi	Feeney	Ludwig	Pratt
Bilyk	Ferguson	Lundy	Ryan
Bishop	Fielding	Marshall	Scullion
Boyce	Fifield	Mason	Sterle
Brandis	Fisher	McEwen	Troeth
Brown, Carol	Furner	Minchin	Trood
Bushby	Humphries	Moore	Williams
Cameron	Hurley	Nash	Wortley
Cash	Hutchins	O'Brien	Xenophon
Colbeck	Johnston	Parry (Teller)	

Question negatived.

**17 INDUSTRY—ALTERNATIVE FORMULA—EMISSIONS-INTENSIVE COMPANIES—  
ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 176—That there be laid on the table, no later than 4 pm on 4 September 2008, the ‘alternative, more business-friendly formula for providing assistance to trade-exposed, emissions-intensive companies’ circulated to the business community by either the Department of Resources, Energy and Tourism or the office of the Minister for Resources and Energy (Mr Ferguson) ahead of the roundtable meetings on 29 August 2008.

Question put and passed.

**18 ENVIRONMENT—STRATEGIC REVIEW OF CLIMATE CHANGE POLICIES—ORDER  
FOR PRODUCTION OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 178—That there be laid on the table, no later than 4 pm on 4 September 2008, the report of the Strategic Review of Climate Change Policies recently completed by Mr Roger Wilkins, AO, with the support by a secretariat located in the Department of Finance and Deregulation.

Question put and passed.

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 174—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the implementation, operation and administration of the legislation underpinning Carbon Sink Forests be extended to 23 September 2008.

Question put and passed.

**20 HISTORICAL EVENTS—GREAT IRISH FAMINE**

Senator Hutchins, also on behalf of Senator Joyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 173—That the Senate—

(a) notes:

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

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

(c) notes:

- (i) the hardships suffered by the Irish emigrants as a result of the Great Irish Famine of 1845 to 1850, and
- (ii) the million lives lost during the Great Irish Famine, reducing the population of Ireland by between 20 to 25 per cent, from which the Irish population has only recently begun to recover.

Question put and passed.

**21 FLAGS (PROTECTION OF AUSTRALIAN FLAGS) AMENDMENT BILL 2008**

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 172—That the following bill be introduced:

A Bill for an Act to amend the *Flags Act 1953* to prevent the desecration or wilful destruction of Australian flags, and for related purposes.

Question put and passed.

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

---

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

---

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

**22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—MURRAY-DARLING BASIN**

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:

- (a) the current dire state of the Murray-Darling Basin and, in particular, the challenges facing the Lower Lakes communities;
- (b) the failure of the Government to deliver immediate short-term relief to communities reliant on the Murray-Darling Basin; and
- (c) the need for the Government to support the immediate provision of \$50 million to assist the communities in the Lower Lakes and Coorong region of South Australia.

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

*At 5 pm:* Debate was interrupted.

### 23 FIRST SPEECHES

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

### 24 MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—MURRAY-DARLING BASIN

Discussion of the matter of public importance proposed by Senator Bernardi (*see entry no. 22*) concluded.

### 25 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 OF 2008

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

Scrutiny of Bills—Standing Committee—

8th report of 2008, dated 3 September 2008.

Alert Digest No. 8 of 2008, dated 3 September 2008.

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

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

Question put and passed.

### 26 WORK OF COMMITTEES—DOCUMENT

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

Work of committees—Financial year statistics: 1 July 2007 to 30 June 2008; and half-year statistics: 1 January to 30 June 2008.

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

### 27 DOCUMENTS

The following documents were tabled by the Clerk:

Acts Interpretation Act—Statement pursuant to subsection 34C(6) relating to the extension of specified period for presentation of a report—Australian Competition and Consumer Commission—Report for 2007-08.

Higher Education Support Act—Funding Agreements under section 30-25, in respect of grant years—

2008, dated 23 June 2008—

Australian Catholic University.

Curtin University of Technology.

Edith Cowan University.

La Trobe University.

2008, 2009 and 2010, dated 23 June 2008—Charles Sturt University.

**28 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Forshaw) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Human Services (Senator Ludwig), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Legal and Constitutional Affairs—Standing Committee—**

Appointed—

Substitute member: Senator Ludlam to replace Senator Hanson-Young for the committee's inquiry into the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]

Participating member: Senator Hanson-Young

**Rural and Regional Affairs and Transport—Standing Committee—**

Appointed—

Substitute member: Senator Siewert to replace Senator Milne for the committee's inquiry into the management of the Murray-Darling Basin system.

Participating member: Senator Milne

Question put and passed.

**29 HORSE DISEASE RESPONSE LEVY BILL 2008****HORSE DISEASE RESPONSE LEVY COLLECTION BILL 2008****HORSE DISEASE RESPONSE LEVY (CONSEQUENTIAL AMENDMENTS) BILL 2008**

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

Message no. 139, dated 3 September 2008—A Bill for an Act to impose a levy on the registration of horses, and for related purposes.

Message no. 140, dated 3 September 2008—A Bill for an Act to provide for the collection of horse disease response levy, and for related purposes.

Message no. 141, dated 3 September 2008—A Bill for an Act to deal with consequential matters relating to the enactment of the *Horse Disease Response Levy Act 2008*, and for related purposes.

The Minister for Human Services (Senator Ludwig) 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.

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

**30 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—LOBBYING CODE OF CONDUCT**

Pursuant to order, the Chair of the Finance and Public Administration Committee (Senator Polley) tabled the following report and documents:

Finance and Public Administration—Standing Committee—Knock, knock... who's there? The Lobbying Code of Conduct—Report, dated September 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Question put and passed.

**31 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
REPORT—WASTE MANAGEMENT IN AUSTRALIA AND THE DRINK CONTAINER  
RECYCLING BILL 2008**

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—Management of Australia's waste streams (including consideration of the Drink Container Recycling Bill 2008)—Report, dated September 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 adjourned till the next day of sitting, Senator McEwen in continuation.

**32 TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008  
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—GENERAL) AMENDMENT  
BILL 2008  
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—CUSTOMS) AMENDMENT  
BILL 2008  
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—EXCISE) AMENDMENT  
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.

The Senate divided—

AYES, 34

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Bills read a second time.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That consideration of the bills in committee of the whole be made an order of the day for the next day of sitting.

Debate ensued.

Question put and passed.

---

*Personal Explanation:* Senator Boyce, by leave, made a personal explanation relating to the vote on the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and three related bills.

*Statements by leave:* The Special Minister of State (Senator Faulkner), Senator Ellison, the Leader of the Australian Greens (Senator Bob Brown), the Minister for Human Services (Senator Ludwig), the Leader of the Opposition in the Senate (Senator Minchin) and the Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, made statements relating to the matter.

---

At 7.20 pm—

**33 ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.50 pm till Thursday, 4 September 2008 at 9.30 am.

**34 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate