

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 28

THURSDAY, 4 SEPTEMBER 2008

Contents

1	Meeting of Senate.....	805
2	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	805
3	Petitions.....	805
4	Notice.....	806
5	Order of Business—Rearrangement.....	806
6	Rural and Regional Affairs and Transport—Standing Committee— Reference	806
7	Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008.....	806
8	ATMs and Cash Facilities in Licensed Venues Bill 2008.....	807
9	Emergency Assistance Fund for the Lower Lakes and Coorong Region of South Australia Bill 2008 [No. 2].....	807
10	Environment—National Landcare Week.....	808
11	Publications—Standing Committee—4th Report.....	808
12	Committees—Additional Information—Additional Estimates 2007-08 and Budget Estimates 2008-09	809
13	Australian Crime Commission—Joint Statutory Committee—Report— Inquiry into the <i>Australian Crime Commission Amendment Act 2007</i>	809
14	Tax Laws Amendment (Luxury Car Tax) Bill 2008 and Three Related Bills—Division.....	810
15	Treaties—Joint Standing Committee—93rd Report.....	810
16	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008..	810
17	Offshore Petroleum Amendment (Datum) Bill 2008.....	810

18	Rural and Regional Affairs and Transport—Standing Committee—Interim Report—Climate Change and the Australian Agricultural Sector	811
19	Rural and Regional Affairs and Transport—Standing Committee—Interim Report—Meat Marketing	811
20	Order of Business—Rearrangement.....	812
21	Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008.....	812
22	Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008.....	814
23	Notice.....	814
24	Financial Framework Legislation Amendment Bill 2008	815
25	Aviation Legislation Amendment (International Airline Licences and Carriers' Liability Insurance) Bill 2008	815
26	Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008.....	815
27	Offshore Petroleum Amendment (Datum) Bill 2008.....	815
28	Order of Business—Rearrangement.....	816
29	Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008.....	816
30	Questions.....	816
31	Motion to Take Note of Answers.....	816
32	Leave of Absence—Selection of Bills—Standing Committee—Acting Chair ..	817
33	Economics—The Australian Economy and Global Conditions—Ministerial Statement—Document	817
34	Science and Technology—Australian Laureate Fellowships Scheme and New Chief Executive of CSIRO—Ministerial Statement—Document.....	817
35	Appropriations and Staffing—Standing Committee—Report for 2007-08.....	817
36	Research Involving Human Embryos—Report—Statement by Leave.....	817
37	National Health (Pharmaceutical Benefits — Charges) Regulations 2008—Draft Regulations—Document.....	817
38	Selection of Bills—Standing Committee—Report No. 10 of 2008.....	818
39	Documents.....	818
40	Departmental and Agency Contracts—Order for Production of Documents—Document	820
41	Committee Membership	820
42	Migration Legislation Amendment Bill (No. 1) 2008.....	821
43	Notice.....	821
44	Orders for Production of Documents—Statement by Leave	821
45	Rural and Regional Australia	821
46	Temporary Chairs of Committees.....	822
47	Government Documents—Orders of the Day—Consideration	822
48	Committee Reports and Government Responses—Orders of the Day—Consideration.....	824
49	Auditor-General's Reports—Orders of the Day—Consideration	824
50	Adjournment.....	825
51	Attendance.....	825

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 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

Senator Ellison asked that the question on the second reading of the bills be put again.

Leave was granted for the question to be put again.

Question—That these bills be now read a second time—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 34

Senators—

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

Question negatived (*but see entry no. 14*).

3 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bob Brown, from 4 077 petitioners, requesting that the Senate take action to ensure that products containing palm oil are accurately labelled.

Senator Trood, from 17 petitioners, requesting that the Senate amend the *Marriage Act 1961* to invalidate present or future relationship registers.

4 NOTICE

Senator Milne: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Energy Efficiency Opportunities Act 2006* to require the implementation of identified energy efficiency opportunities, and for related purposes. ***Energy Efficiency Opportunities Amendment (Mandatory Implementation) Bill 2008.*** (*general business notice of motion no. 183*)

5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 4 Financial Framework Legislation Amendment Bill 2008.

No. 5 Aviation Legislation Amendment (International Airline Licences and Carriers' Liability Insurance) Bill 2008.

No. 6 Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008.

Offshore Petroleum Amendment (Datum) Bill 2008.

Question put and passed.

Senator Ludwig moved—That the order of general business for consideration today be as follows:

(a) general business order of the day no. 36 relating to rural and regional Australia; and

(b) orders of the day relating to government documents.

Question put and passed.

6 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REFERENCE

The Leader of The Nationals in the Senate (Senator Scullion), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.

Statement by leave: The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the motion.

Question put and passed.

7 PROTECTING CHILDREN FROM JUNK FOOD ADVERTISING (BROADCASTING AMENDMENT) BILL 2008

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. 167—That the following bill be introduced:

A Bill for an Act to amend the *Broadcasting Services Act 1992* and the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* to encourage healthier eating habits among children and to prohibit the broadcasting of advertisements for junk food during certain times, and for related purposes.

Question put and passed.

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

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

8 ATMS AND CASH FACILITIES IN LICENSED VENUES BILL 2008

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 168—That the following bill be introduced:

A Bill for an Act to limit ATM and cash facilities in licensed venues, and for related purposes.

Question put and passed.

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

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

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

9 EMERGENCY ASSISTANCE FUND FOR THE LOWER LAKES AND COORONG REGION OF SOUTH AUSTRALIA BILL 2008 [NO. 2]

Senator Fisher, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 181—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.

Question put and passed.

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

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

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

10 ENVIRONMENT—NATIONAL LANDCARE WEEK

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 180—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.

Statement by leave: The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the motion.

Question put and passed.

11 PUBLICATIONS—STANDING COMMITTEE—4TH REPORT

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

PUBLICATIONS COMMITTEE
4TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 26 June 2008, recommends that the following be printed:

Australia and the International Financial Institutions—Report 2006-07.

Australian Law Reform Commission—Report No. 108—For your information - Australian Privacy Law and Practice—

Volume 1.

Volume 2.

Volume 3.

Productivity Commission—Report No. 43—The market for retail tenancy leases in Australia—Inquiry report.

Senator Carol Brown

Chair

4 September 2008.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

12 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2007-08 AND BUDGET ESTIMATES 2008-09

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2007-08—

Economics—Standing Committee—Additional information received between 26 June and 3 September 2008—Treasury portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received on 24 July 2008—Environment, Water, Heritage and the Arts portfolio.

Budget estimates 2008-09—

Community Affairs—Standing Committee—Additional information received between 24 June and 3 September 2008—

Families, Housing, Community Services and Indigenous Affairs portfolio.
Health and Ageing portfolio.

Economics—Standing Committee—Additional information received between 2 June and 3 September 2008—

Innovation, Industry, Science and Research portfolio.
Resources, Energy and Tourism portfolio.
Treasury portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received between 30 May and 3 September 2008—

Broadband, Communications and the Digital Economy portfolio.
Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 26 June and 3 September 2008—

Department of Parliamentary Services.
Finance and Deregulation portfolio.
Human Services portfolio.
Prime Minister and Cabinet portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 30 May and 14 August 2008—

Agriculture, Fisheries and Forestry portfolio.
Infrastructure, Transport, Regional Development and Local Government portfolio.

13 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—REPORT—INQUIRY INTO THE AUSTRALIAN CRIME COMMISSION AMENDMENT ACT 2007

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Hutchins) tabled the following report and documents:

Australian Crime Commission—Joint Statutory Committee—Inquiry into the *Australian Crime Commission Amendment Act 2007*—Report, dated September 2008, Hansard record of proceedings and submissions.

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

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

Debate ensued.

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

14 TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008 AND THREE RELATED BILLS—DIVISION

The Acting Deputy President (Senator Bishop) informed the Senate that he had been advised by the tellers in the division on the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and three related bills that the result of the division was 34 ayes and 34 noes (*see entry no. 2*).

15 TREATIES—JOINT STANDING COMMITTEE—93RD REPORT

Senator Nash, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—93rd report—Treaties tabled on 12 March and 14 May 2008—Report, dated September 2008.

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

Question put and passed.

16 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (EMERGENCY RESPONSE CONSOLIDATION) BILL 2008

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

Message no. 142, dated 3 September 2008—A Bill for an Act to amend laws in order to respond to the Northern Territory's national emergency, and for other purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

Explanatory memorandum: Senator Carr tabled a revised explanatory memorandum relating to the bill.

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

17 OFFSHORE PETROLEUM AMENDMENT (DATUM) BILL 2008

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

Message no. 143, dated 3 September 2008—A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Consideration of legislation: Senator Carr, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the bill, allowing it to be considering during this period of sittings.

Document: Senator Carr tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Offshore Petroleum Amendment (Datum) Bill 2008 in the 2008 spring sittings.

Question put and passed.

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

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

**18 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
INTERIM REPORT—CLIMATE CHANGE AND THE AUSTRALIAN AGRICULTURAL
SECTOR**

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) tabled the following report:

Rural and Regional Affairs and Transport—Standing Committee—Climate change and the Australian agricultural sector—Interim report, dated September 2008.

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

Extension of time to report: Senator Sterle, by leave, moved—That the final report of the Rural and Regional Affairs and Transport Committee on its inquiry on climate change in the Australian agricultural sector be presented by 4 December 2008.

Question put and passed.

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

Debate ensued.

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

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
INTERIM REPORT—MEAT MARKETING**

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) tabled the following report:

Rural and Regional Affairs and Transport—Standing Committee—Meat marketing—Interim report, dated September 2008.

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

Extension of time to report: Senator Sterle, by leave, moved—That the final report of the Rural and Regional Affairs and Transport Committee on its inquiry on meat marketing be presented by 30 June 2009.

Question put and passed.

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

Debate ensued.

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

20 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—
That intervening business be postponed till after consideration of government business order of the day no. 7 (Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008).

Question put and passed.

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

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

In the committee

Consideration resumed of the bill.

Bill further debated.

Senator Mason moved the following amendments together by leave:

Schedule 1, item 6, page 3 (line 28) to page 4 (line 1), omit the item, substitute:

6 Section 33-17

Repeal the section, substitute:

33-17 Reduction in assistance for higher education providers failing to meet certain requirements

- (1) A higher education provider's *basic grant amount for a year is reduced if the Minister is satisfied that the provider does not meet the requirements known as the National Governance Protocols that were specified in the Commonwealth Grant Scheme Guidelines, as in force on 27 February 2008, as at 31 August, in the year preceding the year.
- (2) The reduction under subsection (1) is an amount equal to the amount that would have been the increase under repealed section 33-15 if:
 - (a) the provider had been entitled to an increase of 7.5% under that section as in force immediately before the commencement of Schedule 2 to the *Higher Education Legislation Amendment (2007 Budget Measures) Act 2007*; and
 - (b) the *funding clusters were the funding clusters that existed immediately before the commencement of Schedule 2 to the *Higher Education Legislation Amendment (2007 Budget Measures) Act 2007*; and
 - (c) the *Commonwealth contribution amount for each of those funding clusters was the amount that would have been the Commonwealth contribution amount for the funding cluster for the year if the amounts in the table in section 33-10 had not been amended by the *Higher Education Legislation Amendment (2007 Budget Measures) Act 2007* or any later Act.

Schedule 1, item 7, page 4 (lines 2 to 5), omit the item, substitute:

7 Application—section 33-17

Section 33-17 as in force immediately after the commencement of item 6 of this Schedule has no effect in relation to a higher education provider's *basic grant amount for the grant year 2008.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

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

NOES, 34

Senators—

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

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Bill read a third time.

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

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

Debate resumed.

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

23 NOTICE

The Leader of The Nationals in the Senate (Senator Scullion) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Community Affairs Committee for inquiry and report by 4 December 2008:

The levels of Federal and Northern Territory Government expenditure on Indigenous affairs and social services in the Northern Territory, including expenditure on services for families, children and people with disabilities in the Northern Territory, with particular reference to:

- (a) the level of service delivery and of outcomes achieved in Indigenous communities in the Northern Territory in relation to the expenditure of both Federal and Northern Territory monies; and
- (b) whether the Northern Territory Government's expenditure of goods and services tax receipts accurately reflects the Commonwealth Grants Commission's funding formula for the expenditure of such receipts by program, by location, and by intended service recipient for meeting disadvantage and regional need.

24 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That this bill be now read a second time.

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 Special Minister of State (Senator Faulkner) the bill was read a third time.

25 AVIATION LEGISLATION AMENDMENT (INTERNATIONAL AIRLINE LICENCES AND CARRIERS' LIABILITY INSURANCE) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Special Minister of State (Senator Faulkner) the bill was read a third time.

26 AVIATION LEGISLATION AMENDMENT (2008 MEASURES NO. 1) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

The Special Minister of State (Senator Faulkner) moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

27 OFFSHORE PETROLEUM AMENDMENT (DATUM) BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—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 Special Minister of State (Senator Faulkner) the bill was read a third time.

28 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Faulkner) moved—That consideration of government business order of the day no. 2 (Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008) be called on to enable second reading speeches to be made till not later than 2 pm.

Question put and passed.

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

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

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the debate was adjourned till the next day of sitting.

Suspension of sitting: On the motion of Senator Stephens the sitting of the Senate was suspended at 1.46 pm till 2 pm.

At 2 pm—

30 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Ireland led by Chairman of Dáil Éireann, the Honourable John O'Donoghue, and, with the concurrence of honourable senators, invited the Chairman to take a seat on the floor of the chamber.

Further questions without notice were answered.

31 MOTION TO TAKE NOTE OF ANSWERS

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

Debate ensued.

Question put and passed.

32 LEAVE OF ABSENCE—SELECTION OF BILLS—STANDING COMMITTEE—ACTING CHAIR

Senator McEwen, by leave, moved—That—

- (a) leave of absence be granted to Senator O'Brien from 15 September to 11 December 2008, on account of parliamentary business overseas; and
- (b) Senator McEwen as acting whip be appointed as acting chair of the Selection of Bills Committee, during the absence of Senator O'Brien.

Question put and passed.

33 ECONOMICS—THE AUSTRALIAN ECONOMY AND GLOBAL CONDITIONS—MINISTERIAL STATEMENT—DOCUMENT

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

Economics—The Australian economy and global conditions—Ministerial statement by the Treasurer (Mr Swan), dated 4 September 2008.

34 SCIENCE AND TECHNOLOGY—AUSTRALIAN LAUREATE FELLOWSHIPS SCHEME AND NEW CHIEF EXECUTIVE OF CSIRO—MINISTERIAL STATEMENT—DOCUMENT

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

Science and technology—Australian Laureate Fellowships Scheme and New Chief Executive of CSIRO—Ministerial statement by the Minister for Innovation, Industry, Science and Research (Senator Carr), dated 4 September 2008.

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

Debate ensued.

Question put and passed.

35 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT FOR 2007-08

The Deputy President (Senator Ferguson) tabled the following report:

Appropriations and Staffing—Standing Committee—Report for 2007-08, dated September 2008.

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

36 RESEARCH INVOLVING HUMAN EMBRYOS—REPORT—STATEMENT BY LEAVE

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, made a statement relating to a report under section 47C of the *Research Involving Human Embryos Act 2002*.

37 NATIONAL HEALTH (PHARMACEUTICAL BENEFITS — CHARGES) REGULATIONS 2008—DRAFT REGULATIONS—DOCUMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) tabled the following document:

National Health (Pharmaceutical Benefits — Charges) Regulations 2008—Draft regulations.

Reference to committee: Senator McLucas, by leave, moved—That the draft National Health (Pharmaceutical Benefits — Charges) Regulations 2008 be referred to the Community Affairs Committee for inquiry and report by 2 October 2008.

Debate ensued.

Question put and passed.

38 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2008

Senator McEwen, by leave and at the request of the Chair of the Selection of Bills Committee (Senator O'Brien), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 10 OF 2008

1. The committee met in private session on Thursday, 4 September 2008 at 1.30 pm.
2. The committee resolved to recommend—That—
 - (a) the ATMs and Cash Facilities in Licensed Venues Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 10 November 2008;
 - (b) the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 25 November 2008; and
 - (c) the *provisions* of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 30 September 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Australian Research Council Amendment Bill 2008
 - First Home Saver Account Providers Supervisory Levy Imposition Bill 2008
 - First Home Saver Accounts (Further Provisions) Amendment Bill 2008
 - Flags (Protection of Australian Flags) Amendment Bill 2008
 - Safe Work Australia Bill 2008
 - Safe Work Australia (Consequential and Transitional Provisions) Bill 2008
 - Migration Amendment (Notification Review) Bill 2008.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
 - Emergency Assistance Fund for the Lower Lakes and Coorong Region of South Australia Bill 2008 [No. 2]
 - Plastic Bag Levy (Assessment and Collection) Bill 2002 [2008].

Kerry O'Brien

Chair

4 September 2008.

Senator McEwen moved—That the report be adopted.

Question put and passed.

39 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—

Goods and Services Tax: Waiver of Adjustment Note Requirement (Corporate Card Statements) Legislative Instrument (No. 1) 2008 [F2008L03346]*.

Goods and Services Tax: Waiver of Tax Invoice Requirement (Corporate Card Statements) Legislative Instrument (No. 1) 2008 [F2008L03345]*.

Goods and Services Tax: Waiver of Tax Invoice Requirement (Visa Purchasing Card) Legislative Instrument (No. 2) 2008 [F2008L03348]*.

AusLink (National Land Transport) Act—Variation of Auslink Roads to Recovery List Instrument No. 2008/6 [F2008L03240]*.

Australian Capital Territory (Planning and Land Management) Act—Revocation of Declaration of National Land in the District of Kowen, Australian Capital Territory [F2008L03241]*.

Australian Citizenship Act—Instrument IMMI 08/055—Instrument of delegation and authorisation [F2008L03347]*.

Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2008/3 [F2008L03293]*.

Broadcasting Services Act—

Broadcasting Services (Anti-Siphoning Monitoring) Direction (No. 1) 2005 (Amendment No. 1 of 2008) [F2008L03362]*.

Variation to the Licence Area Plan for Mudgee Radio – No. 1 of 2008 [F2008L03234]*.

Charter of the United Nations Act—Select Legislative Instrument 2008 No. 177—Charter of the United Nations (Sanctions — Rwanda) Repeal Regulations 2008 [F2008L03068]*.

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 422/08—Instructions – for approved use of P-RNAV procedures [F2008L03049]*.

Corporations Act—Auditing Standard ASA 2008-1—Amendments to Australian Auditing Standards [F2008L03239]*.

Customs Act—Select Legislative Instruments 2008 Nos—

173—Customs Amendment Regulations 2008 (No. 5) [F2008L03226]*.

174—Customs (Prohibited Exports) Amendment Regulations 2008 (No. 2) [F2008L03224]*.

Defence Act—Select Legislative Instrument 2008 No. 175—Defence Force Amendment Regulations 2008 (No. 2) [F2008L03070]*.

Defence Service Homes Act—Select Legislative Instrument 2008 No. 176—Defence Service Homes Amendment Regulations 2008 (No. 1) [F2008L03075]*.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) (Reporting Standard) Determination No. 59 of 2008—Reporting standard ARS 320.8 Housing Loan Reconciliation [F2008L03321]*.

Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—NPF Direction No. 121—Second Season Closures [F2008L03358]*.

Higher Education Support Act—Higher Education Provider Approval (No. 8 of 2008)—Gestalt Therapy Brisbane Pty Ltd [F2008L03247]*.

Migration Act—Migration Agents Regulations—MARA Notices—

MN36-08c of 2008—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2008L03394]*.

MN36-08e of 2008—Migration Agents (Continuing Professional Development – Preparation of Material for Presentation) [F2008L03395]*.

MN36-08f of 2008—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2008L03396]*.

Military Rehabilitation and Compensation Act—Instrument No. M18/2008—MRCA Treatment Principles (Incorporated Documents Update) Instrument 2008 [F2008L03320]*.

National Health Act—Instrument No. PB 91 of 2008—Amendment Special Arrangements – IVF/GIFT program [F2008L03282]*.

Patents Act—Select Legislative Instrument 2008 No. 178—Patents Amendment Regulations 2008 (No. 1) [F2008L03228]*.

Protection of the Sea (Harmful Anti-fouling Systems) Act—Marine Order No. 8 of 2008—Marine Pollution — Anti-fouling Systems [F2008L03232]*.

Remuneration Tribunal Act—Remuneration Tribunal Determination 2008/17: Remuneration and Allowances for Holders of Public Office [F2008L03405]*.

Taxation Administration Act—Select Legislative Instrument 2008 No. 179—Taxation Administration Amendment Regulations 2008 (No. 3) [F2008L03220]*.

Trade Practices Act—Consumer Protection Notices Nos—

9 of 2008—Consumer Product Safety Standard for Vehicle Support Stands [F2008L03233]*.

10 of 2008—Consumer Product Safety Standard for Trolley Jacks [F2008L03230]*.

Governor-General's Proclamation—Commencement of Provisions of an Act

Lands Acquisition Legislation Amendment Act 2008—Schedules 1 to 3—3 September 2008 [F2008L03227].*

* Explanatory statement tabled with legislative instrument.

40 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Departmental and agency contracts for 2008—Letter of advice—Families, Housing, Community Services and Indigenous Affairs portfolio agencies.

41 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, moved—That senators be discharged from and appointed to committees as follows:

Agricultural and Related Industries—Select Committee—

Discharged—Senator O'Brien from 15 September 2008, and Senator Farrell from 12 December 2008

Appointed—Senator Farrell from 15 September 2008, and Senator O'Brien from 12 December 2008

Foreign Affairs, Defence and Trade—Standing Committee—

Appointed—Senator Ludlam

Privileges—Standing Committee—

Discharged—Senator O’Brien from 15 September 2008, and Senator Lundy from 12 December 2008

Appointed—Senator Lundy from 15 September 2008, and Senator O’Brien from 12 December 2008

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Substitute member: Senator Farrell to replace Senator O’Brien for the period 15 September to 12 December 2008

Treaties—Joint Standing Committee—

Appointed—Senator Ludlam.

Question put and passed.

42 MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2008

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 144, dated 4 September 2008—Migration Legislation Amendment Bill (No. 1) 2008.

43 NOTICE

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, gave a notice of motion as follows: To move on the next day of sitting—That the 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 and A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Bill 2008, be now read a second time.

44 ORDERS FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, made a statement relating to the following orders of the Senate of 3 September 2008 for the production of documents:

Concerning emissions-intensive companies (*see entry no. 17, 3 September 2008*).

Concerning the report of the Strategic Review of Climate Change Policies (*see entry no. 18, 3 September 2008*).

Statement by leave: Senator Milne, by leave, made a statement relating to the matter.

General business was called on.

45 RURAL AND REGIONAL AUSTRALIA

Order of the day read for the adjourned debate on the motion of Senator Nash—That the Senate—

(a) notes:

- (i) the challenges facing Australia’s rural and regional communities, and
- (ii) that the Government is showing its contempt of rural and regional Australia, including through cuts to rural and regional funding programs; and

- (b) calls on the Labor Government to continue the strong commitment of the former Coalition Government to rural and regional Australia.

Debate resumed.

At 6 pm: Debate was interrupted while Senator Heffernan was speaking.

46 TEMPORARY CHAIRS OF COMMITTEES

The Acting Deputy President (Senator Forshaw) tabled warrants, dated 4 September 2008, nominating Senators Crossin and Hurley as additional temporary chairs of committees, and revoking the warrant nominating Senator McEwen as a temporary chair of committees.

47 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Great Barrier Reef Marine Park Authority—Report for 2006-07. Motion of Senator Nash to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

National Native Title Tribunal—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Sydney Harbour Federation Trust—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Native Title Act 1993—Native title representative bodies—Northern Land Council—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Torres Strait Regional Authority—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Department of Immigration and Citizenship—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 221/07 to 346/07—Commonwealth Ombudsman's reports—Government response. Motion of Senator Bartlett to take note of document agreed to.

Australia Business Arts Foundation Ltd—Financial statements for 2006-07. Motion of Senator Bartlett to take note of document agreed to.

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities during exports by sea—Report for the period 1 July to 31 December 2007. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 366/08 to 412/08—Government response to reports by the Commonwealth Ombudsman, dated 13 May 2008. Motion of Senator Bartlett to take note of document agreed to.

Which way home? A new approach to homelessness—Green paper by the Prime Minister and the Minister for Housing, dated May 2008. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Department of Education, Science and Training—Australian vocational and technical education system—Report for 2006. Motion to take note of document moved by Senator Barnett, debated and agreed to.

Australian Communications and Media Authority—National Relay Service provider performance—Report for 2006-07. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

NetAlert Limited—Report for 2006-07—Statement relating to exemption from reporting requirements. Motion to take note of document moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Second five yearly review, dated February 2008. Motion to take note of document moved by Senator Barnett and debated. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Maritime College—Report for 2006-07 [Final report]. Motion to take note of document moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Treaties—*Multilateral*—Explanatory statement 2 of 2008—Amendment, adopted 1 October 2007, to Annex 1 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005. Motion to take note of document moved by Senator Boyce. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

Treaties—*Bilateral*—Australia-Chile Free Trade Agreement—Text, together with the national interest analysis, regulation impact statement and annexures. Motion to take note of document moved by Senator McEwen. Debate adjourned till Thursday at general business, Senator McEwen in continuation.

Australian Competition and Consumer Commission—Telecommunication reports for 2006-07—Report 1: Telecommunications competitive safeguards—Report 2: Changes in the prices paid for telecommunications services in Australia. Motion to take note of document moved by Senator Barnett agreed to.

AusLink—Report for 2006-07. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Institute of Health and Welfare—Report—Australia's health 2008—Eleventh biennial report. Motion to take note of document moved by Senator Boyce. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 October 2007 to 31 March 2008. Motion to take note of document moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Treaties—*Multilateral*—Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto, 11 December 1997, [2008] ATS 2)—Text, together with national interest analysis and annexures. Motion to take note of document moved by Senator Macdonald and debated. On the motion of Senator McEwen, debate was adjourned till Thursday at general business.

Indigenous Business Australia—Corporate plan 2008-2013. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

General business orders of the day nos 16 to 18, 20, 22 to 27, 30, 31, 33, 34, 37 to 43, 45 to 47, 49 to 51, 53, 56, 58 to 66 and 68 were called on but no motion was moved.

General business concluded.

48 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Public Accounts and Audit—Joint Statutory Committee—Report 411—Progress on equipment acquisition and financial reporting in Defence. Motion of Senator Bishop to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Report—Waste management in Australia (including consideration of the Drink Container Recycling Bill 2008). Motion of the chair of the committee (Senator McEwen) to take note of report. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Environment, Communications and the Arts—Standing Committee—Report—Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2]. Motion of the chair of the committee (Senator McEwen) to take note of report debated. Debate adjourned till the next day of sitting, Senator Parry in continuation.

49 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 1 of 2008-09—Performance audit—Employment and management of locally engaged staff—Department of Foreign Affairs and Trade. Motion to take note of document moved, by leave, by Senator Trood and agreed to.

50 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.06 pm till Monday, 15 September 2008 at 12.30 pm.

51 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate