

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY—PRESENTATION

The President reminded the Senate that Her Excellency the Governor-General would receive the address-in-reply at Government House today at 5.30 pm.

3 URGENT RELIEF FOR SINGLE AGE PENSIONERS BILL 2008

Senator Ellison, by leave, moved—That general business notice of motion no. 200, for the introduction of the Urgent Relief for Single Age Pensioners Bill 2008, may be moved immediately and have precedence over all government business today till determined.

Statements by leave: The Leader of the Australian Greens (Senator Bob Brown), the Leader of the Family First Party (Senator Fielding), Senator Xenophon, the Minister for Immigration and Citizenship (Senator Evans) and Senator Ellison, by leave, made statements relating to the matter.

Senator Ellison, by leave, amended the motion to read as follows:

That general business notice of motion no. 200, for the introduction of the Urgent Relief for Single Age Pensioners Bill 2008, may be moved immediately and have precedence over all government business today till the bill has been read a second time.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Omit “immediately”, substitute “immediately after the Senate has completed consideration of the orders of the day relating to the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and three related bills, the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008 and the Excise Legislation Amendment (Condensate) Bill 2008 and related bill”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob
Hanson-Young

Ludlam

Milne

Siewert (Teller)

NOES, 60

Senators—

Abetz	Collins	Forshaw	Minchin
Adams	Conroy	Furner	Moore
Arbib	Coonan	Hogg	Parry (Teller)
Barnett	Cormann	Humphries	Polley
Bernardi	Crossin	Hurley	Pratt
Bilyk	Eggleston	Hutchins	Ronaldson
Birmingham	Ellison	Kroger	Ryan
Bishop	Evans	Ludwig	Sherry
Boswell	Farrell	Lundy	Stephens
Boyce	Feeney	Macdonald	Sterle
Brandis	Ferguson	Marshall	Troeth
Bushby	Fielding	Mason	Trood
Cameron	Fierravanti-Wells	McEwen	Williams
Cash	Fifield	McGauran	Wortley
Colbeck	Fisher	McLucas	Xenophon

Question negatived.

Senator Bob Brown, by leave, moved the following amendment:

Omit “the bill has been read a second time”, substitute “determined”.

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

Main question, as amended, put and passed.

Senator Coonan moved—That the following bill be introduced:

A Bill for an Act to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* to increase payments to single age pensioners by \$30 per week, and for related purposes.

Question put and passed.

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

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

Debate ensued.

Senator Fielding moved the following amendment:

At the end of the motion, add “but the Senate is of the opinion that the increase in the pension rate should extend to recipients of the:

- (a) disability support pension;
- (b) parenting payment;
- (c) carer payment;
- (d) wife pension;

- (e) service pension; and
- (f) income support supplement.

Debate ensued.

At 2 pm: Debate was interrupted while Senator Siewert was speaking.

4 **SHADOW MINISTRY—STATEMENT BY LEAVE**

The Leader of the Opposition in the Senate (Senator Minchin), by leave, made a statement relating to the Opposition shadow ministry.

5 **QUESTIONS**

Questions without notice were answered.

6 **MOTIONS TO TAKE NOTE OF ANSWERS**

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

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to climate change and the protection of native forests.

Question put and passed.

7 **NOTICES**

Notices of motion:

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the Environment, Communications and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 September 2008, from 4.30 pm to 5.30 pm, to take evidence for the committee's inquiry into the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008. (*general business notice of motion no. 207*)

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 September 2008, from 3.30 pm, to take evidence for the committee's inquiry into the Horse Disease Response Levy Bill 2008 and two related bills. (*general business notice of motion no. 208*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the time for the presentation of the report of the Economics Committee on matters relating to the gas explosion at Varanus Island, Western Australia, be extended to 13 November 2008. (*general business notice of motion no. 209*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the order of the Senate of 16 September 2008, authorising the Economics Committee to hold a public meeting during the sitting of the Senate on Tuesday, 23 September 2008, be varied to provide for the committee to continue to meet from 6 pm to take evidence for the committee's inquiry into Australia's space science and industry sector. (*general business notice of motion no. 210*)

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

- (a) notes that:
 - (i) the mismanagement of the Murray-Darling river system is shaping up to be Australia's largest environmental catastrophe, and
 - (ii) on Sunday, 28 September 2008 a rally for the Murray River will be held in Adelaide to highlight the need for immediate, decisive action; and
- (b) calls on the Government to establish a taskforce to evaluate the options of the current Senate inquiry into the Lower Lakes and Coorong, and develop an action plan to put the solutions into place. (*general business notice of motion no. 211*)

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

- (1) On Tuesday, 23 September 2008:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.40 pm;
 - (b) the routine of business from 7 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) On Thursday, 25 September 2008:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to adjournment;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm;
 - (e) the question for the adjournment of the Senate shall be proposed when a motion for the adjournment is moved by a minister; and
 - (f) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9.30 am on Friday, 26 September 2008.
- (3) On Friday, 26 September 2008:
 - (a) the hours of meeting shall be 9.30 am to 4.30 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 3.50 pm.

Statements by leave: The Minister for Human Services (Senator Ludwig), Senator Ellison and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the notice of motion.

Senator Siewert: To move on 24 September 2008—That the following bill be introduced: A Bill for an Act to provide for the establishment of a Stolen Generations Reparations Tribunal to decide and make recommendations on claims for reparation and other matters, and for related purposes. ***Stolen Generations Reparations Tribunal Bill 2008.*** (*general business notice of motion no. 212*)

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

(a) notes that:

- (i) Sunday, 21 September 2008, was the International Day of Peace, declared by the United Nations (UN) General Assembly in 2002 as a day of non-violence and a global ceasefire, commemorating and strengthening the ideals of peace both within and among all nations and peoples,
- (ii) on this day, a general ceasefire across Afghanistan lasted from midnight Saturday through to midnight Sunday, 21 September 2008, and was observed by the military forces of the United States of America, the North Atlantic Treaty Organization, the Afghan Government and the Taliban, and
- (iii) on Thursday, 18 September 2008, the Senate voted against a motion calling on the Government to participate in the International Day of Peace ceasefire and encourage other nations to likewise; and

(b) calls on the Government to reconsider its support for UN initiatives such as the International Day of Peace. (*general business notice of motion no. 213*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 1 for the next day of sitting for the disallowance of the Film Certification Advisory Board Rules 2008, made under subsection 376-260(1) of the *Income Tax Assessment Act 1997*.

Business of the Senate notice of motion no. 1 for 8 sitting days after today for the disallowance of the Student Assistance (Public Interest Certificate Guidelines) Determination 2008, made under paragraph 356(1)(a) of the *Student Assistance Act 1973*.

Business of the Senate notices of motion nos 1 and 2 for 11 sitting days after today for the disallowance of the following instruments:

Family Assistance (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2008, made under subparagraph 169(1)(a)(i) and paragraph 169(1)(b) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Social Security (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2008, made under subparagraph 209(a)(i) and paragraph 209(b) of the *Social Security (Administration) Act 1999*.

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

8 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—STATEMENT BY LEAVE

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), by leave, made a statement relating to a matter that arose during the committee's consideration of the Film Certification Advisory Board Rules.

9 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 204—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 23 September 2008, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008.

Question put and passed.

10 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 205—That the time for the presentation of reports of the Legal and Constitutional Affairs Committee be extended as follows:

- (a) Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 and the provisions of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008—to 8 October 2008; and
- (b) Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]—to 14 October 2008.

Question put and passed.

11 SPORT—AUSTRALIAN PARALYMPICS TEAM

Senator Ellison, at the request of Senator Bernardi and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 203—That the Senate—

- (a) congratulates the 170 Australian Paralympic athletes and 121 officials, Australia's largest ever overseas team, on their success and efforts in the recent Paralympic Games in Beijing; and
- (b) notes that the 2008 Australian Paralympic team brought home a total of 79 medals, including 23 gold, placing Australia fifth on the 2008 Paralympic Games medal tally.

Question put and passed.

12 ECONOMICS—GLOBAL ECONOMY—MINISTERIAL STATEMENT—DOCUMENT

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

Economics—Global economic turbulence: An update on the Government's response—Ministerial statement by the Treasurer (Mr Swan), dated 22 September 2008.

**13 TRADE—MORTIMER REVIEW ON EXPORT POLICIES AND PROGRAMS—
MINISTERIAL STATEMENT—DOCUMENT**

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

Trade—Mortimer review on export policies and programs—Ministerial statement by the Minister for Trade (Mr Crean), dated 22 September 2008.

**14 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF
DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 20 June 2001, as amended, the Deputy President (Senator Ferguson) tabled the following document received on 18 September 2008:

Departmental and agency contracts for 2008—Letter of advice—Immigration and Citizenship portfolio agencies.

**15 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR
PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 30 May 1996, as amended, the Deputy President (Senator Ferguson) tabled the following document received on 19 September 2008:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2008—Statement of compliance—Department of Defence.

16 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS

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

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the National Portrait Gallery forecourt sculpture.

Notice of motion: Senator Ludwig, by leave, gave a notice of motion as follows: To move on 25 September 2008—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 National Portrait Gallery forecourt sculpture.

17 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 Regulations—Instrument No. CASA 440/08—Instructions – for approved use of P-RNAV procedures [F2008L03295]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/EC 135/20—Main Transmission Mast Bearing Retainer Bolts [F2008L03494]*.

AD/PA-32/12—Brake Disc – Replacement [F2008L03263]*.

107—AD/PARA/19—Emergency Parachute [F2008L03487]*.

Instrument No. CASA 496/08—Direction – Cessna 441 Conquest [F2008L03489]*.

Customs Act—

Tariff Concession Order 0707321 [F2008L03237]*.

Tariff Concession Revocation Instrument 67/2008 [F2008L03215]*.

Defence Force Discipline Act—Select Legislative Instrument 2008 No. 197—Australian Military Court Amendment Rules 2008 (No. 3) [F2008L03491]*.

Family Law Act—Select Legislative Instrument 2008 No. 104—Family Law Amendment Regulations 2008 (No. 1) [F2008L02125]—[*in substitution for explanatory statement tabled with instrument on 24 June 2008*].

Fisheries Management Act—Eastern Tuna and Billfish Fishery Management Plan 2005—ETBF Direction No. 08/02—Daylight Setting Closure [F2008L03481]*.

Health Insurance Act—

Determination HIB 15/2008 [F2008L03502]*.

Health Insurance (Home-Based Sleep Studies) Determination 2008 [F2008L03459]*.

Judiciary Act—Legal Services Amendment Directions 2008 (No. 2) [F2008L03486]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Migration Act—Select Legislative Instrument 2008 No. 189—Migration Amendment Regulations 2008 (No. 6) [F2008L03476]*.

Remuneration Tribunal Act—Remuneration Tribunal Determination 2008/18: Remuneration and Allowances for Holders of Public Office [F2008L03461]*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 30)) Determination 2008 [F2008L03507]*.

Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications (Emergency Call Service) Revocation Determination 2008 [F2008L03497]*.

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

Migration Legislation Amendment Act (No. 1) 2008—Item 5, subitem 6(3) and item 7 of Schedule 4—19 September 2008 [F2008L03482].*

* Explanatory statement tabled with legislative instrument.

18 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2008—Statement of compliance—Department of Health and Ageing.

19 COMMITTEE MEMBERSHIP

The Deputy President (Senator Ferguson) informed the Senate that the President had received a letter nominating a senator to be a member of a committee.

The Minister for Human Services (Senator Ludwig), by leave, moved—That Senator Siewert be appointed as a member of the Standing Committee for the Scrutiny of Bills.

Question put and passed.

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

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

Message no. 151, dated 18 September 2008—A Bill for an Act to amend the *Offshore Petroleum (Annual Fees) Act 2006*, and for related purposes.

Message no. 153, dated 18 September 2008—A Bill for an Act to amend the *Offshore Petroleum (Registration Fees) Act 2006*, and for related purposes.

Message no. 152, dated 18 September 2008—A Bill for an Act to amend the *Offshore Petroleum (Safety Levies) Act 2003*, 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.

21 URGENT RELIEF FOR SINGLE AGE PENSIONERS BILL 2008

Order read for the adjourned debate on the motion of Senator Coonan—That this bill be now read a second time—*and on the amendment moved by the Leader of the Family First Party (Senator Fielding) (see entry no. 3).*

Debate resumed.

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

Main 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, debated.

Senator Siewert moved the following amendment:

Schedule 1, page 4 (after line 24), after item 2, insert:

2A Section 117

Omit “A person’s disability support pension rate”, substitute “Subject to section 117A, a person’s disability support pension rate”.

2B After section 117

Insert:

117A Increased pension rate for disability support pensioners

(1) If:

- (a) a person is qualified for the disability support pension under this Part; and
- (b) the disability support pension is payable to that person under this Part; and
- (c) the person is not a member of a couple;

then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the person’s disability support pension rate is worked out by adding an amount equivalent to \$30 per week to the person’s disability support pension rate calculated under section 117.

(2) To avoid doubt, the disability support pension rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

Debate ensued.

At 5 pm: The Acting Deputy President (Senator Forshaw) resumed the chair and the Temporary Chair of Committees reported progress.

Suspension of sitting: At 5 pm the sitting of the Senate was suspended till 7.30 pm.

At 7.30 pm—

22 GOVERNOR-GENERAL’S OPENING SPEECH—ADDRESS-IN-REPLY—PRESENTATION

The Acting Deputy President (Senator Barnett) informed the Senate, that accompanied by honourable senators, the President had today waited on the Governor-General and presented to her the address-in-reply to her predecessor’s speech, on the occasion of the opening of Parliament, agreed to on 15 September 2008.

The Governor-General had indicated that she would convey the address-in-reply to Her Majesty the Queen.

23 URGENT RELIEF FOR SINGLE AGE PENSIONERS BILL 2008

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

In the committee

Consideration resumed of the bill—and of the amendment moved by Senator Siewert (see entry no. 21).

Debate resumed.

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

Senator Siewert moved the following amendment:

Schedule 1, page 4 (after line 24), after item 2, insert:

2A Section 210

Omit “A person’s carer payment”, substitute “Subject to section 211, a person’s carer payment rate”.

2B After section 210

Insert:

211 Increased carer payment rate

(1) If:

- (a) a person is qualified for the carer payment under this Part; and
- (b) the carer payment is payable to that person under this Part; and
- (c) the person is not a member of a couple;

then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the person’s carer payment rate is worked out by adding an amount equivalent to \$30 per week to the person’s carer payment rate calculated under section 210.

(2) To avoid doubt, the carer payment rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

Debate ensued.

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

The Leader of the Family First Party (Senator Fielding) moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 11), omit “**single**”.

Schedule 1, item 2, page 3 (line 15), omit paragraph (1)(c).

Schedule 1, page 3 (after line 24), after item 2, insert:

2A Section 117

Omit “A person’s disability support pension rate”, substitute “Subject to section 117A, a person’s disability support pension rate”.

2B After section 117

Insert:

117A Increased pension rate for disability support pensioners

(1) If:

- (a) a person is qualified for the disability support pension under this Part; and
- (b) the disability support pension is payable to that person under this Part;

then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the person's disability support pension rate is worked out by adding an amount equivalent to \$30 per week to the person's disability support pension rate calculated under section 117.

- (2) To avoid doubt, the disability support pension rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

2C Section 159

Omit "A woman's wife pension rate", substitute "Subject to section 160, a woman's wife pension rate".

2D After section 159

Insert:

160 Increased wife pension rate

(1) If:

- (a) a woman is qualified for the wife pension under this Part; and
- (b) the wife pension is payable to that woman under this Part;

then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the woman's wife pension rate is worked out by adding an amount equivalent to \$30 per week to the woman's wife pension rate calculated under section 159.

- (2) To avoid doubt, the wife pension rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

2E Section 210

Omit "A person's carer payment", substitute "Subject to section 211, a person's carer payment rate".

2F After section 210

Insert:

211 Increased carer payment rate

(1) If:

- (a) a person is qualified for the carer payment under this Part; and
- (b) the carer payment is payable to that person under this Part;

then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the person's carer payment rate is worked out by adding an amount equivalent to \$30 per week to the person's carer payment rate calculated under section 210.

- (2) To avoid doubt, the carer payment rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

Schedule 1, page 4 (after line 15), after item 4, insert:

4A Section 503

Omit “A person’s parenting payment rate”, substitute “Subject to section 503AAA, a person’s parenting payment rate”.

4B After section 503

Insert:

503AAA Increased parenting payment

- (1) If:
- (a) a person is qualified for the parenting payment under this Part; and
 - (b) the parenting payment is payable to that person under this Part;
- then, for the purpose of making payments under Division 4 of Part 3 of the *Social Security (Administration) Act 1991*, the person’s parenting payment rate is worked out by adding an amount equivalent to \$30 per week to the person’s parenting payment rate calculated under section 503.
- (2) To avoid doubt, the parenting payment rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

Schedule 1, page 4 (before line 17), before item 5, insert:

4C Subsection 22(3)

Omit “\$338.94”, substitute “\$398.94”.

4D Subsection 22(4)

Omit “\$510.40”, substitute “\$570.40”.

4E Subsection 23(4)

Omit \$619.80”, substitute “\$679.80”.

4F Subsection 24(4)

Omit “\$919.40”, substitute “\$979.40”.

4G Paragraph 30(1)(a)

Omit “\$312.10”, substitute “\$372.10”.

Schedule 1, item 6, page 4 (line 22), omit “single”.

Schedule 1, item 6, page 4 (line 28), omit paragraph (1)(c).

Schedule 1, page 5 (after line 4), at the end of the Schedule, add:

7 Section 37N

Omit “A veteran’s invalidity service pension rate”, substitute “Subject to section 37P, a veteran’s invalidity service pension rate”.

8 After section 37N

Insert:

37P Increased pension rate for invalidity service pensioners

- (1) If:
- (a) a veteran is qualified for the invalidity service pension under this Part; and
 - (b) the invalidity service pension is payable to that veteran under this Part;

then, for the purpose of making payments under Part VIII, the veteran's invalidity service pension rate is worked out by adding an amount equivalent to \$30 per week to the veteran's invalidity service pension rate calculated under section 37N.

- (2) To avoid doubt, the invalidity service pension rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

9 Section 38N

Omit "A person's partner service pension rate", substitute "Subject to section 38P, a person's partner service pension rate".

10 After section 38N

Insert:

38P Increased pension rate for partner service pensioners

- (1) If:
- (a) a person is qualified for the partner service pension under this Part; and
 - (b) the partner service pension is payable to that person under this Part;

then, for the purpose of making payments under Part VIII, the person's partner service pension rate is worked out by adding an amount equivalent to \$30 per week to the person's partner service pension rate calculated under section 38N.

- (2) To avoid doubt, the partner service pension rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

11 Section 45S

Omit "The rate of income support supplement", substitute "Subject to section 45SA, the rate of income support supplement".

12 After section 45

Insert:

45SA Increased income support supplement

- (1) If:
- (a) a person is qualified for the income support supplement under this Part; and
 - (b) the income support supplement is payable to that person under this Part;

then, for the purpose of making payments under Part VIII the person's income support supplement rate is worked out by adding an amount equivalent to \$30 per week to the person's income support supplement rate calculated under section 503.

- (2) To avoid doubt, the income support supplement rate determined under this section is not to be used for any other purpose, including for the calculation of any other benefit or fee under this Act or any other Act.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Bill agreed to.

Bill to be reported without amendment.

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

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

24 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 Minister for Superannuation and Corporate Law (Senator Sherry)—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.

Debate resumed.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Bills read a second time.

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

In the committee

TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008—

Bill taken as a whole by leave.

Statement by Chair of Committees: The Chair of Committees (Senator Ferguson) made a statement indicating that the bills were classified as bills imposing taxation and therefore any Senate amendments must proceed by way of requests.

Explanatory memoranda: The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled a supplementary explanatory memorandum and a revised supplementary explanatory memorandum relating to the government request for an amendment to be moved to the bill.

Senator Abetz moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Schedule 1, item 1, page 3 (lines 7 to 15), omit the formula, substitute:

- (a) if the *luxury car tax value is less than or equal to the *upper LCT threshold:

$$\frac{25}{100} \times \frac{10}{11} \times [\text{Luxury car tax value} - * \text{Lower LCT threshold}]$$

- (b) if the luxury car tax value is greater than the upper LCT threshold, the sum of:

$$\frac{25}{100} \times \frac{10}{11} \times [\text{Upper LCT threshold} - \text{Lower LCT threshold}]$$

$$\text{and } \frac{33}{100} \times \frac{10}{11} \times [\text{Luxury car tax value} - \text{Upper LCT threshold}]$$

Schedule 1, item 2, page 3 (line 18), omit the formula, substitute:

- (a) if the *luxury car tax value is less than or equal to the *upper LCT threshold:

$$\frac{25}{100} \times \frac{10}{11} \times [\text{Luxury car tax value} - * \text{Lower LCT threshold}]$$

- (b) if the luxury car tax value is greater than the upper LCT threshold, the sum of:

$$\frac{25}{100} \times \frac{10}{11} \times [\text{Upper LCT threshold} - \text{Lower LCT threshold}]$$

$$\text{and } \frac{33}{100} \times \frac{10}{11} \times [\text{Luxury car tax value} - \text{Upper LCT threshold}]$$

Schedule 1, item 3, page 3 (lines 19 to 27), omit the Schedule.

Debate ensued.

At 9.50 pm: The President resumed the chair and the Chair of Committees (Senator Ferguson) reported progress.

25 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.19 pm till Tuesday, 23 September 2008 at 12.30 pm.

26 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate