

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 49

MONDAY, 1 DECEMBER 2008

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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 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig) amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That, on Monday, 1 December 2008:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Debate ensued.

Question put and passed.

3 CONSIDERATION OF LEGISLATION

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Corporations Amendment (Short Selling) Bill 2008

Tax Laws Amendment (Luxury Car Tax—Minor Amendments) Bill 2008.

Question put and passed.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That intervening business be postponed till after consideration of government business orders of the day no. 3 (Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008) and no. 4 (Aged Care Amendment (2008 Measures No. 2) Bill 2008).

Question put and passed.

5 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET AND OTHER MEASURES) 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.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

Senator McLucas moved the following amendments together by leave:

Clause 2, page 2 (table item 6), omit “1 January 2009” (wherever occurring), substitute “1 July 2009”.

Clause 2, page 2 (table item 7), omit the table item.

Schedule 2, heading to Part 2, page 18 (lines 2 and 3), omit “**1 January 2009**”, substitute “**1 July 2009**”.

Schedule 2, item 5, page 18 (lines 9 to 18), omit subsection 38(2AA).

Schedule 2, item 5, page 18 (lines 23 to 26), omit subsection 38(2AC), substitute:

(2AC) A person’s eligibility under paragraph (1)(b) or (g) does not cease under subsection (2AB) if:

(a) the person has reached pension age; or

(b) the circumstances specified under subsection (2AD) exist in relation to the person.

Note: For *pension age* see section 5Q.

(2AD) The Commission may, by legislative instrument, specify circumstances for the purposes of paragraph (2AC)(b).

Schedule 2, item 6, page 18 (line 28), omit “, (2AA)”.

Schedule 2, item 7, page 19 (lines 9 and 10), omit “if the person has reached pension age”, substitute “in certain circumstances”.

Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Bishop) reported progress.

6 QUESTIONS

Questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Ellison 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 Ellison today relating to border protection.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Bob Brown) 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 Bob Brown today relating to emission trading targets.

Question put and passed.

8 DEATH OF LIEUTENANT MICHAEL KENNETH HOUSDAN FUSSELL

The Leader of the Government in the Senate (Senator Evans), by leave, moved—That the Senate records its deep regret at the death, on 27 November 2008, of Lieutenant Michael Kenneth Housdan Fussell, killed while on combat operations in Afghanistan, and places on record its appreciation of his service to his country, and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

9 NOTICES

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008 be extended to 18 December 2008. (*general business notice of motion no. 308*)

The Chair of the Select Committee on Fuel and Energy (Senator Cormann): To move on the next day of sitting—That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on 2 December 2008, from 4 pm. (*general business notice of motion no. 309*)

Senator Humphries: To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Committee on residential and community aged care in Australia be extended to 29 April 2009. (*general business notice of motion no. 310*)

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

(a) notes:

- (i) with sadness, the passing of the architect of the Sydney Opera House, Mr Joern Utzon, on 29 November 2008, and
- (ii) the immense contribution that he made to Australia's architecture and international image;

(b) commends the reconciliation between Mr Utzon and the New South Wales Government following their 1966 fallout;

(c) calls on all levels of government to commit to the remaining work that needs to be done on the Sydney Opera House to complete Mr Utzon's vision; and

(d) offers its condolences to his family, including his wife, children and grandchildren. (*general business notice of motion no. 311*)

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

(a) notes:

- (i) the valuable work of Trees For Life in South Australia, including the management of more than 4 000 hectares of threatened bushland and the training of 2 500 community bush carers, and
- (ii) that Trees For Life's 10 000 members have volunteered approximately 100 000 hours to protect and enhance the South Australian environment; and

(b) calls on the Government to reinstate funding to Trees For Life to provide for the protection of sights of conservation significance in South Australia. (*general business notice of motion no. 312*)

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

- (1) On Tuesday, 2 December 2008:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
 - (b) the routine of business from 7.30 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) On Wednesday, 3 December 2008, the routine of business from 5.30 pm to not later than 7.20 pm shall be valedictory statements relating to Senator Ellison.
- (3) In making valedictory statements in accordance with paragraph (2) above, a senator shall not speak for more than 20 minutes.

Senator Milne: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on 3 December 2008, the set of national principles intended to apply to new Feed-in-Tariff schemes and to inform the reviews of existing schemes agreed to by the Council of Australian Governments on 29 November 2008. (*general business notice of motion no. 313*)

Senators Milne and Ronaldson: To move on the next day of sitting—That the Senate—

- (a) notes:
 - (i) the extraordinary expressions of support from around the world for the excellent standard of tuition offered by the Australian National Academy of Music,
 - (ii) that the Government, having said that the academy must be closed down, has now appropriated its name and reputation for its replacement institution, undermining any credibility in the Government's claims that the new institution would be a 'better alternative' than the existing academy,
 - (iii) that, as of 1 December 2008, there are still no appropriate transitional arrangements in place for the students from the academy whose plans for 2009 have been destroyed, and
 - (iv) the extreme distress of some of our most outstanding young musicians, who have no idea what they will do in 2009 or where they will be sent, having already missed the audition deadlines for the great majority of other music schools; and
- (b) calls on the Government to:
 - (i) acknowledge its mistake, and
 - (ii) immediately impose a 12-month moratorium on the closure of the Australian National Academy of Music with a view to continuing the excellent standards of the academy while undertaking a proper consultation process in 2009 of ways to implement the findings of the two independent reviews which both recommended expansion and increased funding for the academy. (*general business notice of motion no. 314*)

10 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Polley from today to the end of the 2008 sittings, for family reasons.

Question put and passed.

11 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 183 standing in the name of Senator Milne for today, proposing the introduction of the Energy Efficiency Opportunities Amendment (Mandatory Implementation) Bill 2008, postponed till 3 February 2009.

General business notice of motion no. 233 standing in the name of Senator Xenophon for today, proposing an order for the production of a document relating to the Productivity Commission, postponed till 3 December 2008.

12 HEALTH—WORLD AIDS DAY

Senator Siewert amended general business notice of motion no. 305 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) Monday, 1 December 2008 marks the 20th anniversary of World AIDS Day,
- (ii) World AIDS Day was instituted by the World Health Organization to raise public awareness about AIDS and to promote support and understanding for people living with HIV/AIDS,
- (iii) globally, there are an estimated 33.2 million people living with HIV,
- (iv) in Australia, between 1981 and 2007, there were 27 331 diagnoses of HIV infection, 10 230 diagnoses of AIDS and 6 767 deaths from AIDS,
- (v) in 2007, 1 051 people in Australia were diagnosed with HIV,
- (vi) currently, approximately 16 692 people in Australia are living with HIV, and
- (vii) from 2003 to 2007 the overall rate of new HIV diagnoses in Australia has increased from 4 to 4.4 per 100 000; and

(b) calls on the Government to review the national policies and funding on research, education and prevention programs in order to reverse the current upward trend in the rate of HIV infections.

Question put and passed.

13 ENVIRONMENT—TASMANIA—TARKINE FOREST

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. 306—That the Senate—

- (a) notes local government and community opposition to a road, proposed by Forestry Tasmania, through a section of the Tarkine forest; and
- (b) calls on the Government to ensure no federal funding is used, directly or indirectly, for this road unless or until local government concerns are addressed.

Question put and passed.

14 ADMINISTRATION—COAG MEETING—WESTERN AUSTRALIAN TREASURER

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 304—That the Senate—

(a) notes that:

- (i) on 15 November 2008, state and territory Labor Treasurers held a pre-Council of Australian Governments (COAG) strategy meeting in preparation of the COAG meeting on 29 November 2008,
 - (ii) the Western Australian Treasurer (Mr Buswell) was explicitly told not to attend that meeting by the Treasurer for Victoria (Mr Lenders),
 - (iii) the Leader of the Government in the Senate (Senator Evans) has sought to justify the exclusion of the Western Australian Treasurer from the pre-COAG strategy meeting held by all Labor state and territory Treasurers,
 - (iv) when asked whether the Government had received any representations or had any discussions on issues relating to the upcoming COAG meeting as a result of that pre-COAG strategy meeting, the Leader of the Government in the Senate responded that ‘certainly there would have been preparations done’,
 - (v) the exclusion of the Western Australian Treasurer from COAG preparations and the attitude of the Leader of the Government in the Senate in relation to that are not in the spirit of ‘cooperative federalism’ promoted by the Government before the 2007 federal election, and
 - (vi) even the Western Australian Labor Shadow Treasurer (Mr Wyatt) was ‘surprised and disappointed’ that his Labor colleagues from the other states had excluded Western Australia; and
- (b) calls on the Prime Minister (Mr Rudd) to reprimand state and territory Labor Governments and the Leader of the Government in the Senate, or at least remind them, in the spirit of cooperative federalism, of the need to work cooperatively, including with the State of Western Australia.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 35

Senators—

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

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

15 ADMINISTRATION—COAG BUSINESS REGULATION AGREEMENT AND SMALL BUSINESS INITIATIVES—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Administration—COAG business regulation agreement and small business initiatives—Ministerial statement by the Minister for Small Business, Independent Contractors and the Service Economy (Mr Emerson), dated 1 December 2008.

16 ENVIRONMENT—CARBON POLLUTION REDUCTION SCHEME—MINISTERIAL STATEMENT

The Minister for Climate Change and Water (Senator Wong), by leave, made a statement relating to the Carbon Pollution Reduction Scheme.

Senator Johnston, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

17 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REPORT—BUILDING AND CONSTRUCTION INDUSTRY (RESTORING WORKPLACE RIGHTS) BILL 2008

The Acting Deputy President (Senator Forshaw) tabled the following report and documents received on 28 November 2008:

Education, Employment and Workplace Relations—Standing Committee—Building and Construction Industry (Restoring Workplace Rights) Bill 2008—Report, dated November 2008 and submissions.

Report ordered to be printed on the motion of Senator Carol Brown.

18 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—PRESIDING OFFICERS' RESPONSE—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2007-08

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

Intelligence and Security—Joint Statutory Committee—Annual report of committee activities 2007-08—Presiding Officers' response, dated November 2008.

19 DOCUMENTS

The following documents were tabled by the Clerk:

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

Appropriation Act (No. 1) 2008-2009—Advance to the Finance Minister—No. 2 of 2008-2009 [F2008L04452].*

Broadcasting Services Act—

Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008 [F2008L04443]*.

Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008 [F2008L04444]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument Nos CASA—

558/08—Authorisation, permission and direction – helicopter special operations [F2008L04277]*.

627/08—Direction – number of cabin attendants [F2008L04468]*.

629/08—Designation of airspace for broadcast requirements – aerodrome with certified air/ground radio services [F2008L04530]*.

Civil Aviation Safety Regulations—Instrument No. CASA EX74/08—

Exemption – Rotary Air Force 2000 two-place gyroplanes [F2008L04276]*.

Classification (Publications, Films and Computer Games) Act—Classification (Authorised Television Series Assessor Scheme) Determination 2008 [F2008L04442]*.

Commissioner of Taxation—Public Rulings—

Class Rulings—CR 2008/79-CR 2008/82.

Taxation Ruling—Notice of Withdrawal—TR 2000/12.

Defence Act—Determination under section 58B—Defence Determination 2008/60—Army critical categories, trainee's dependant allowance, short-term duty travel costs and overseas public holidays – amendment.

Environment, Protection and Biodiversity Conservation Act—

Amendments of lists of exempt native specimens—

EPBC303DC/SFS/2008/32 [F2008L04453]*.

EPBC303DC/SFS/2008/39 [F2008L04532]*.

Heritage theme for prioritising nominations for assessment for the National Heritage List for the assessment period commencing 1 July 2009 [F2008L04416]*.

Excise Act—

Excise By-Law (Amendment) 2008 (No. 1) [F2008L04519]*.

Excise By-Law Nos—

155 [F2008L04515]*.

156 [F2008L04516]*.

Higher Education Support Act—

Other Grants Guidelines (Education) 2008 [F2008L04362]*.

Other Grants Guidelines (Research) 2008 [F2008L04398]*.

National Health Act—

Arrangements No. PB 122 of 2008—Botulinum Toxin Program [F2008L04527]*.

Instruments Nos PB—

113 of 2008—Declaration and determination – drugs and medicinal preparations [F2008L04383]*.

114 of 2008—Determinations – pharmaceutical benefits [F2008L04397]*.

115 of 2008—Determination – responsible persons [F2008L04412]*.

116 of 2008—Determination – prescription of pharmaceutical benefits by authorised optometrists [F2008L04414]*.

117 of 2008—Determination – drugs on F1 and drugs in Part A of F2 [F2008L04415]*.

118 of 2008—Price determinations and special patient contributions [F2008L04418]*.

119 of 2008—Determination – conditions [F2008L04420]*.

120 of 2008—Special Arrangements – highly specialised drugs program [F2008L04413]*.

121 of 2008—Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2008L04422]*.

123 of 2008—Special Arrangements: Special Authority Program – Trastuzumab [F2008L04428]*.

Navigation Act—Marine Order No. 11 of 2008—AUSREP [F2008L04382]*.

Private Health Insurance (Complaints Levy) Act—Private Health Insurance (Complaints Levy) Amendment Rules 2008 [F2008L04531]*.

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment – Amount of payment for disasters outside Australia) Determination 2008 [F2008L04535]*.

Social Security (Australian Government Disaster Recovery Payment) Determination 2008 (No. 4) [F2008L04534]*.

Telecommunications (Consumer Protection and Service Standards) Act—Universal Service Subsidies (2008-09 Extended Zones) Determination (No. 1) 2008 [F2008L04450]*.

* Explanatory statement tabled with legislative instrument.

20 COMMITTEE MEMBERSHIP

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

The Special Minister of State (Senator Faulkner), by leave, moved—That senators be discharged from and appointed to the Environment, Communications and the Arts Committee as follows:

Appointed—

Substitute member:

Senator Nash to replace Senator Boswell for the committee's inquiry into the effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities

Participating member: Senator Boswell.

Question put and passed.

21 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 219, dated 27 November 2008—Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008.

22 TAX LAWS AMENDMENT (LUXURY CAR TAX—MINOR AMENDMENTS) BILL 2008

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

Message no. 218, dated 27 November 2008—A Bill for an Act to amend the law relating to taxation, and for related purposes.

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

On the motion of the Senator Faulkner the debate was adjourned.

23 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

25 November 2008—Message—

No. 44—*National Rental Affordability Scheme Act 2008* (Act No. 121, 2008).

No. 45—

Australian Organ and Tissue Donation and Transplantation Authority Act 2008 (Act No. 122, 2008)

Dairy Adjustment Levy Termination Act 2008 (Act No. 123, 2008)

Financial Transaction Reports Amendment (Transitional Arrangements) Act 2008 (Act No. 124, 2008).

No. 46—

Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008 (Act No. 125, 2008)

Trade Practices Amendment (Clarity in Pricing) Act 2008 (Act No. 126, 2008).

27 November 2008—Message—

No. 47—

Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Act 2008 (Act No. 127, 2008)

Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Act 2008 (Act No. 128, 2008).

No. 48—*Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Act 2008* (Act No. 129, 2008).

28 November 2008—Message No. 49—*National Rental Affordability Scheme (Consequential Amendments) Act 2008* (Act No. 130, 2008).

24 ENVIRONMENTAL AND NATURAL RESOURCE MANAGEMENT GUIDELINES—PROPOSED DISALLOWANCE

Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Environmental and Natural Resource Management Guidelines in relation to the establishment of trees for the purposes of carbon sequestration, made under subsection 40-1010(3) of the *Income Tax Assessment Act 1997*, be disallowed.

Debate ensued.

Debate adjourned till a later hour, Senator McGauran in continuation.

25 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, moved—That the order of the Senate agreed to earlier today (*see entry no. 2*) relating to the hours of meeting and routine of business, be amended as follows:

Omit paragraph (b), substitute:

(b) the routine of business from 7.30 pm shall be:

- (i) the business of the Senate notice of motion standing in the name of Senator Milne for the disallowance of the Environmental and Natural Resource Management Guidelines, shall be called on and have precedence over all other business until determined, and
- (ii) consideration of the following government business orders of the day:
 - No. 2—Tax Laws Amendment (2008 Measures No. 5) Bill 2008
 - No. 3—Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008
 - No. 5—Education Legislation Amendment Bill 2008 and a related bill
 - No. 4—Aged Care Amendment (2008 Measures No. 2) Bill 2008
 - No. 1—Temporary Residents' Superannuation Legislation Amendment Bill 2008 and a related bill.

Question put and passed.

**26 ENVIRONMENTAL AND NATURAL RESOURCE MANAGEMENT GUIDELINES—
PROPOSED DISALLOWANCE**

Order read for the adjourned debate on the motion of Senator Milne (*see entry no. 24*).

Debate resumed.

Document: The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Environment—Draft Environmental and Natural Resource Management Guidelines in relation to the establishment of trees for the purposes of carbon sequestration.

Debate continued.

Question put.

The Senate divided—

AYES, 11

Senators—

Boswell
Brown, Bob
Fielding

Hanson-Young
Joyce
Ludlam

Milne
Nash
Siewert (Teller)

Williams
Xenophon

NOES, 45

Senators—

Abetz	Collins	Hurley	Pratt
Arbib	Conroy	Hutchins	Ronaldson
Barnett	Coonan	Kroger	Ryan
Bilyk	Cormann	Ludwig	Sherry
Birmingham	Crossin	Marshall	Stephens
Bishop	Farrell	Mason	Sterle
Boyce	Feeney	McEwen (Teller)	Troeth
Brown, Carol	Fifield	McLucas	Trood
Bushby	Fisher	Minchin	Wong
Cameron	Forshaw	Moore	
Cash	Furner	Parry	
Colbeck	Humphries	Payne	

Question negatived.

27 TAX LAWS AMENDMENT (2008 MEASURES NO. 5) BILL 2008

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Milne, also on behalf of Senators Joyce and Xenophon, moved the following amendments together by leave:

Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedules 1 to 5	The day on which this Act receives the Royal Assent.	
2. Schedule 6	Immediately after the commencement of Part 1 of Schedule 8 of the <i>Tax Laws Amendment (2008 Measures No. 2) Act 2008</i> .	24 June 2008

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

Page 35 (after line 8), at the end of the bill, add:

Schedule 6—Provision relating to capital expenditure for the establishment of trees in carbon sink forests

1 Application of Schedule 8 of the *Tax Laws Amendment (2008 Measures No. 2) Act 2008*

The *Income Tax Assessment Act 1997* has effect as if Schedule 8 of the *Tax Laws Amendment (2008 Measures No. 2) Act 2008* had not been enacted.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 10

Senators—

Boswell	Joyce	Nash	Xenophon
Fielding	Ludlam	Siewert (Teller)	
Hanson-Young	Milne	Williams	

NOES, 47

Senators—

Abetz	Colbeck	Fisher	McLucas
Arbib	Collins	Forshaw	Minchin
Barnett	Conroy	Furner	Moore
Bilyk	Coonan	Humphries	Parry (Teller)
Birmingham	Cormann	Hurley	Pratt
Bishop	Eggleston	Hutchins	Ryan
Boyce	Ellison	Kroger	Sherry
Brown, Carol	Evans	Ludwig	Stephens
Bushby	Farrell	Macdonald	Sterle
Cameron	Feeney	Marshall	Troeth
Carr	Fierravanti-Wells	Mason	Trood
Cash	Fifield	McEwen	

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the report from the committee was adopted and the bill read a third time.

28 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET AND OTHER MEASURES) 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—and of the amendments moved by the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) (see entry no. 5).

Debate resumed.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, Part 3.

Question—That Schedule 2, Part 3 stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, items 5 to 7.

Schedule 2, items 5 to 7, as amended, agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

29 ADJOURNMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.32 pm till Tuesday, 2 December 2008 at 12.30 pm.

30 ATTENDANCE

Present, all senators except Senators Adams*, Polley* and O'Brien* (* on leave).

HARRY EVANS
Clerk of the Senate