

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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## 1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

## 2 NOTICES

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That, on Tuesday, 12 June 2007:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
- (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 10 pm.

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 12 June 2007, from 4.30 pm, to take evidence for the committee's continuing oversight of the operations of the Australian Securities and Investments Commission. (*general business notice of motion no. 795*)

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

- (a) notes:
  - (i) the decision by the New South Wales Government to allow Emirates Hotels & Resorts to build a \$60 million resort in the World Heritage-listed Wollemi National Park, and
  - (ii) that this sets a dangerous precedent about development in World Heritage areas; and
- (b) calls on the Government to reject the development in the World Heritage area. (*general business notice of motion no. 796*)

## 3 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2007

The Chair of the Selection of Bills Committee (Senator Parry) tabled the following report:

### SELECTION OF BILLS COMMITTEE

#### REPORT NO. 7 OF 2007

1. The committee met in private session on Wednesday, 9 May 2007 at 3.05 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Great Barrier Reef Marine Park Amendment Bill 2007 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 12 June 2007; and
  - (b) the *provisions* of the Forestry Marketing and Research and Development Services Bill 2007 and the Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Bill 2007 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 12 June 2007.

3. The committee considered a proposal relating to a Bill for an Act to Amend the *Workplace Relations Act 1996*, and for related purposes (Stronger Safety Net). The committee resolved to recommend that, upon its introduction in the House of Representatives, the *provisions* of the bill be referred to the Employment, Workplace Relations and Education Committee for inquiry and report, but was unable to reach agreement on a reporting date.
4. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Australian Wine and Brandy Corporation Amendment Bill (No. 1) 2007
  - Building and Construction Industry Improvement Amendment (OHS) Bill 2007
  - Governance Review Implementation (Science Research Agencies) Bill 2007
  - Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007
  - Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Bill 2007
  - International Tax Agreements Amendment Bill (No. 1) 2007.

***The committee recommends accordingly.***

5. The committee deferred consideration of the following bills to its next meeting:
  - Repatriation of Citizens Bill 2007
  - Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007.

Stephen Parry  
Chair  
10 May 2007.

Senator Parry moved—That the report be adopted.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved the following amendment:

At the end of the motion, add:

- (a) and, in respect of paragraph 3, the Employment, Workplace Relations and Education Committee report on the bill by 14 June 2007; and
- (b) the Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007 be referred to the Employment, Workplace Relations and Education Committee for inquiry and report by 14 June 2007.

Debate ensued.

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

Main question, as amended, put and passed.

#### 4 LEAVE OF ABSENCE

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator Carol Brown from 8 May to 10 May 2007, for personal reasons.

Question put and passed.

**5 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Bill 2007.

Superannuation Laws Amendment (2007 Budget Co-contribution Measure) Bill 2007.

No. 5 Education Services for Overseas Students Legislation Amendment Bill 2007.

No. 6 Primary Industries and Energy Research and Development Amendment Bill 2007.

No. 7 Governance Review Implementation (Treasury Portfolio Agencies) Bill 2007.

Question put and passed.

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

(a) general business notice of motion no. 789 standing in the name of Senator Sherry relating to the 2007-08 Budget; and

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

Question put and passed.

**6 POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing the disallowance of the Southern and Eastern Scalefish and Shark Fishery (non-quota species) Total Allowable Catch (2007 Fishing Year) Determination, postponed till 14 June 2007.

Business of the Senate notice of motion no. 2 standing in the name of Senator Bartlett for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till the next day of sitting.

General business notice of motion no. 634 standing in the name of Senator Adams for today, proposing the introduction of the Wheat Marketing Legislation Amendment Bill 2007, postponed till 12 June 2007.

General business notice of motion no. 791 standing in the name of Senator Milne for today, relating to Colombia and human rights, postponed till 12 June 2007.

**7 CONSIDERATION OF LEGISLATION**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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:

Social Security and Veterans' Affairs Legislation Amendment (One-Off Payments and Other 2007 Budget Measures) Bill 2007

Superannuation Laws Amendment (2007 Budget Co-contribution Measure) Bill 2007.

Question put and passed.

**8 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—  
STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Nash, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 785—That the Environment, Communications, Information Technology and the Arts Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 May 2007, from 1 pm.

Question put and passed.

**9 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET  
DURING SITTING**

Senator Nash, at the request of Senator Watson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 786—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 June 2007, from 11.30 am to 1 pm, to take evidence for the committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and the Defence Materiel Organisation.

Question put and passed.

**10 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSION OF  
TIME TO REPORT**

Senator Nash, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Payne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 787—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on the Cluster Munitions (Prohibition) Bill 2006 be extended to 31 May 2007.

Question put and passed.

**11 FAMILY AND COMMUNITY SERVICES—GRANDPARENTS—PARENTING**

Senator Stephens, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 788—That the Senate—

(a) notes:

- (i) the growing incidence of, and pressures on, grandparents who are being called upon to assume the role of parenting of grandchildren because of family tragedies, family breakdown, or the devastating impact of drug or alcohol abuse,
- (ii) the important role played by community organisations and support services in highlighting these issues and seeking funding for services, and
- (iii) the fundamental role many grandparents play in holding family units together, and their struggle to provide a safe, secure and supportive environment for their grandchildren;

(b) acknowledges:

- (i) the support currently provided by government departments and agencies,

- (ii) the contribution of peak organisations, including research and reports developed by such bodies as Families Australia (*Grandparenting: present and future*, January 2007) and, in the Australian Capital Territory, the Canberra Mothercraft Society Inc (*Grandparents parenting children because of alcohol and other drugs*, 2006), and
  - (iii) calls to achieve substantive improvements in quality of life for grandparents and the children in their care by advocating for legislative recognition of these particular family units and their unique situations;
- (c) recognises:
- (i) the need for relevant, current and accessible information as soon as children arrive,
  - (ii) the potential for significant financial hardship and compromise when they take on parenting of grandchildren,
  - (iii) the need for access to affordable legal advice and support,
  - (iv) that parenting over the age of 55 years has significant health impacts,
  - (v) the significant contribution grandparents make to the social capital of their communities and the nation, and
  - (vi) the need for further research to identify the extent of grandparent families, particularly Indigenous grandparent families; and
- (d) calls for improved responses by government to these issues, including in relation to:
- (i) accessibility of relevant information and advice,
  - (ii) consideration of financial implications,
  - (iii) legal complexities and costs,
  - (iv) health impacts on grandparents and children,
  - (v) impact on grandparents and their contribution to society, and
  - (vi) the need for further research.

Question put and passed.

#### 12 SENATE—SENATOR WATSON—MERITORIOUS SERVICE AWARD

Senator Nash, at the request of Senator Joyce and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 790—That the Senate—

- (a) notes that:
  - (i) on 30 April 2007, CPA Australia presented Senator John Watson with the Meritorious Service Award, and
  - (ii) the Meritorious Service Award is the highest honour bestowed by CPA Australia; and
- (b) commends Senator Watson, the father of the Senate, for his long-standing contribution to the Senate and the people of Australia, particularly for his work on superannuation.

Question put and passed.

**13 INDIGENOUS AUSTRALIANS**

Senator Bartlett, also on behalf of Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—  
That the Senate—

- (a) notes that:
  - (i) 27 May 2007 marks the 40th anniversary of the referendum giving the Federal Government the right to make specific laws in relation to Aboriginal and Torres Strait Islander people and to count them in the census, and
  - (ii) the referendum was passed with an unprecedented level of support from more than 90 per cent of Australians, and is a great example of Indigenous and non-Indigenous people working together in support of equal rights for Indigenous people;
- (b) recognises the continuing need for the legislative and other powers of the Commonwealth and other levels of government to be used to redress the profound economic and social disadvantage continuing to be experienced by many Indigenous Australians;
- (c) acknowledges that although important gains have been made since 1967, Indigenous Australians remain the singularly most disadvantaged group in Australia;
- (d) notes, in particular, the facts that Indigenous Australians:
  - (i) still have an average life expectancy that is 17 years less than that of their non-Indigenous counterparts,
  - (ii) represent only 2.5 per cent of the Australian population but represent more than 22 per cent of people in Australian prisons and even more of those taken into police custody, and
  - (iii) experience an unemployment rate more than three times that of non-Indigenous Australians and enjoy an average income only two-thirds the national average;
- (e) commits to giving greater priority to addressing the needs of Indigenous Australians and to paying greater heed to the diverse views, abilities and achievements of Indigenous Australians from all parts of our nation;
- (f) recognises that Australia will not reach its full potential as a nation until there is full respect for all its people, including Aboriginal and Torres Strait Islander people and their unique, valuable and continuing heritage of this land; and
- (g) encourages all Australians and all political parties to revive and rebuild the cooperative spirit of the 1967 referendum to complete the unfinished business of ensuring true equality of opportunity for all Australians.

Question put and passed.

**14 INDIGENOUS AUSTRALIANS—NATIONAL SORRY DAY**

Senator Siewert, also on behalf of Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 784—  
That the Senate—

- (a) notes that:
  - (i) 26 May 2007 is the 10th anniversary of the tabling in the Senate of the Human Rights and Equal Opportunity Commission report, *Bringing them home: National inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, and



- (ii) as recommended in the report, the Senate recognises that 26 May is National Sorry Day, a day of remembrance each year to commemorate the history of forcible removal of Aboriginal and Torres Strait Islander children and its effects on individuals, families and communities;
- (b) acknowledges the efforts to implement the report's recommendations on support for services to reunite Indigenous family members, such as Link-Up's counselling support and tracing services, while recognising that the unmet need for these services is still unacceptably large; and
- (c) notes:
  - (i) the release yesterday of the Urbis Keys Young *Bringing them home* evaluation report, which documents the outstanding work being done by Link-Up services and bringing them home counsellors, and highlights their positive outcomes and high rates of client satisfaction along with their inordinately heavy case loads and high rates of burnout, and
  - (ii) that there remains a need for full implementation of the report's recommendations in order to provide healing and make reparations to Indigenous people removed from their families.

Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Faulkner	Marshall	Polley
Bartlett	Forshaw	McEwen	Ray
Bishop	Hogg	McLucas	Siewert
Brown, Bob	Hurley	Milne	Stephens
Campbell, G (Teller)	Hutchins	Moore	Sterle
Conroy	Kirk	Murray	Webber
Crossin	Ludwig	Nettle	Wong
Evans	Lundy	O'Brien	Wortley

NOES, 35

Senators—

Abetz	Coonan	Joyce	Parry
Adams	Eggleston	Kemp	Patterson
Bernardi	Ellison	Lightfoot	Payne
Birmingham	Ferguson	Macdonald, Ian	Ronaldson
Boyce	Fielding	Macdonald, Sandy	Scullion
Calvert	Fierravanti-Wells	Mason	Troeth
Campbell, Ian	Fifield	McGauran	Trood
Chapman	Heffernan	Minchin	Watson
Colbeck	Johnston	Nash (Teller)	

Question negatived.

15 ENVIRONMENT—CLIMATE CHANGE

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 793—That the Senate—

- (a) notes that most industrialised nations now accept the imperative of constraining global temperature increase to 2 degrees or less to avoid catastrophic climate change; and
- (b) agrees that the imperative of constraining global temperature increase to no more than 2 degrees above pre-industrial levels should underpin government policy responses to global warming.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 51

Senators—

Abetz	Evans	Ludwig	Polley
Adams	Faulkner	Lundy	Ray
Bernardi	Fielding	Macdonald, Ian	Ronaldson
Birmingham	Fierravanti-Wells	Mason	Scullion
Bishop	Fifield	McEwen	Stephens
Boyce	Forshaw	McLucas	Sterle
Campbell, G (Teller)	Hogg	Minchin	Troeth
Chapman	Hurley	Moore	Trood
Colbeck	Hutchins	Nash	Watson
Conroy	Johnston	O'Brien	Webber
Coonan	Joyce	Parry	Wong
Crossin	Kemp	Patterson	Wortley
Eggleston	Kirk	Payne	

Question negatived.

#### 16 FOREIGN AFFAIRS—IRAQ

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. 794—That the Senate calls on the Government to inform the Senate by 13 June 2007 on the following matters:

- (a) the number of civilians displaced by the war in Iraq, both internally and externally;
- (b) the circumstances of these Iraqi refugees;
- (c) what aid or assistance is going to the refugees and what component of that aid comes from the Australian Government;
- (d) how many such refugees have been accommodated in Australia and what plans there are to give refuge to more; and
- (e) what calls from the United Nations, the Red Cross or any other international agencies have been made to nations, including Australia, to meet the refugees' needs.

Question put.

The Senate divided—

AYES, 7

Senators—

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

## NOES, 48

Senators—

Adams	Faulkner	Lundy	Payne
Bernardi	Fielding	Macdonald, Ian	Polley
Birmingham	Fierravanti-Wells	Marshall	Ray
Bishop	Fifield	Mason	Ronaldson
Boyce	Forshaw	McEwen	Stephens
Campbell, George	Hogg	McLucas	Sterle
Chapman	Hurley	Minchin	Troeth
Colbeck	Hutchins	Moore	Trood
Coonan	Joyce	Nash (Teller)	Watson
Crossin	Kemp	O'Brien	Webber
Eggleston	Kirk	Parry	Wong
Evans	Ludwig	Patterson	Wortley

Question negatived.

**17 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—REPORT—ESTIMATES FOR THE AUSTRALIAN NATIONAL AUDIT OFFICE**

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, made an oral report as follows:

Public Accounts and Audit—Joint Statutory Committee—Budget estimates for the Australian National Audit Office for 2007-08.

**18 PUBLICATIONS—STANDING COMMITTEE—21ST REPORT**

Senator Nash, at the request of the Chair of the Standing Committee on Publications (Senator Barnett), tabled the following report:

PUBLICATIONS COMMITTEE  
21ST 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 29 March 2007, recommends that the following be printed:

Australian Radiation Protection and Nuclear Safety Agency—Report for 2005-06—Correction.

Charter of Budget Honesty Act—Intergenerational Report for 2007.

Productivity Commission—Reports—

No. 40—Review of price regulation of airport services, 14 December 2006.

No. 41—Road and rail freight infrastructure pricing, 22 December 2006.

Telecommunications (Interception and Access) Act—Report for 2005-06.

Senator Guy Barnett

Chairperson

10 May 2007.

Senator Nash moved—That the report be adopted.

Question put and passed.

**19 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2005-06 AND 2006-07 AND ADDITIONAL ESTIMATES 2005-06 AND 2006-07**

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

Budget estimates 2005-06 (Supplementary)—Finance and Public Administration—Standing Committee—Additional information received between 29 March and 9 May 2007—Prime Minister and Cabinet portfolio.

Additional estimates 2005-06—

Environment, Communications, Information Technology and the Arts—Standing Committee—Additional information received on 29 March 2007—Communications, Information Technology and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 29 March and 9 May 2007—Human Services portfolio.

Budget estimates 2006-07—

Community Affairs—Standing Committee—Additional information received between 1 March and 8 May 2007—Families, Community Services and Indigenous Affairs portfolio.

Finance and Public Administration—Standing Committee—Additional information received between—

1 March and 28 March 2007—Finance and Administration portfolio.

29 March and 9 May 2007—Prime Minister and Cabinet portfolio.

Budget estimates 2006-07 (Supplementary)—

Environment, Communications, Information Technology and the Arts—Standing Committee—Additional information received between 28 March and 9 May 2007—Communications, Information Technology and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between—

1 March and 28 March 2007—Finance and Administration portfolio.

29 March and 9 May 2007—

Finance and Administration portfolio.

Prime Minister and Cabinet portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 27 March and 8 May 2007—Transport and Regional Services portfolio.

Additional estimates 2006-07—

Community Affairs—Standing Committee—Additional information received between—

23 March and 9 May 2007—Health and Ageing portfolio.

10 April and 9 May 2007—Families, Community Services and Indigenous Affairs portfolio.

Economics—Standing Committee—Additional information received between 14 February and 9 May 2007—

Industry, Tourism and Resources portfolio.

Treasury portfolio.

Environment, Communications, Information Technology and the Arts—  
Standing Committee—Additional information received between 28 March and  
9 May 2007—

Communications, Information Technology and the Arts portfolio.

Environment and Water Resources portfolio.

Finance and Public Administration—Standing Committee—Additional  
information received between—

1 March and 28 March 2007—

Finance and Administration portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

29 March and 9 May 2007—

Finance and Administration portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional  
information received between 12 February and 9 May 2007—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional  
information received between 27 March and 8 May 2007—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

**20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING  
COMMITTEE—DOCUMENT—HIGHER EDUCATION LEGISLATION AMENDMENT  
(2007 MEASURES NO. 1) BILL 2007**

Senator Marshall, by leave, tabled the following document:

Employment, Workplace Relations and Education—Standing Committee—Higher  
Education Legislation Amendment (2007 Measures No. 1) Bill 2007  
[Provisions]—Additional remarks by Australian Labor Party Senators.

**21 HEALTH INSURANCE AMENDMENT (INAPPROPRIATE AND PROHIBITED PRACTICES  
AND OTHER MEASURES) BILL 2007**

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

Message no. 546, dated 9 May 2007—A Bill for an Act to amend the law relating  
to health insurance, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator  
Coonan) 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.

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

**22 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (ONE-OFF PAYMENTS AND OTHER 2007 BUDGET MEASURES) BILL 2007  
SUPERANNUATION LAWS AMENDMENT (2007 BUDGET CO-CONTRIBUTION MEASURE) BILL 2007**

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

Message no. 547, dated 9 May 2007—A Bill for an Act to amend the law relating to social security and veterans' affairs, and for other purposes.

Message no. 548, dated 9 May 2007—A Bill for an Act to amend the law relating to superannuation co-contributions.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) 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 Coonan moved—That these bills be now read a second time.

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

*Consideration of legislation:* Senator Coonan moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**23 NATIONAL CAPITAL PLAN—PROPOSED DISALLOWANCE**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice, moved business of the Senate notice of motion no. 3—That—

- (a) Amendment 56 (The Griffin Legacy – Principles and Policies);
- (b) Amendment 59 (City Hill Precinct);
- (c) Amendment 60 (Constitution Avenue); and
- (d) Amendment 61 (West Basin)

of the National Capital Plan, made under section 19 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison  
Bartlett

Brown, Bob  
Milne

Murray  
Nettle

Siewert (Teller)

## NOES, 44

Senators—

Adams	Eggleston	Lundy	Patterson
Barnett	Ellison	Macdonald, Ian	Payne
Bernardi	Faulkner	Marshall	Polley
Birmingham	Ferguson	Mason	Ronaldson
Bishop	Fielding	McEwen	Stephens
Boyce	Fierravanti-Wells	McGauran (Teller)	Sterle
Brown, Carol	Fifield	McLucas	Troeth
Chapman	Hurley	Moore	Trood
Colbeck	Hutchins	Nash	Watson
Conroy	Kemp	O'Brien	Webber
Crossin	Kirk	Parry	Wong

Question negatived.

**24 BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2007  
RADIO LICENCE FEES AMENDMENT BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Johnston)—That these bills be now read a second time.

Debate resumed.

Senator Webber moved the following amendment in respect of the Broadcasting Legislation Amendment (Digital Radio) Bill 2007:

At the end of the motion, add “but the Senate:

(a) notes:

- (i) that the inquiry into the bill by the Environment, Communications, Information Technology and the Arts Committee did not allow interested parties sufficient time to consider and draft submissions to the committee – this constraint not allowing meaningful consultation on the bill,
- (ii) the lack of information as to how the omission of the Digital Radio Mondiale (DRM) platform from the legislation will affect the roll-out of digital radio to rural and regional Australia,
- (iii) that this legislation only specifies the use of Digital Audio Broadcasting, and
- (iv) that trials on DRM and compression standards are still being carried out;

(b) calls for debate on the bill to be deferred until meaningful consultation has occurred; and

(c) demands that the Government make every endeavour to ensure that standards are in place to enable the roll-out of digital radio to remote, rural and regional Australia”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

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

*In the committee*

Bills taken together and as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment in respect of the Broadcasting Legislation Amendment (Digital Radio) Bill 2007:

Schedule 1, page 29 (after line 31), after item 52, insert:

**52A After subsection 122(2)**

Insert:

- (2A) A standard under paragraph (2)(a) must include standards for the control of food or beverage advertising, including:
- (a) that advertisements for food or for a beverage must not be broadcast during a C period; and
  - (b) that no advertisement or sponsorship announcement broadcast during a C period must identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of food or of a beverage—this requirement is in addition to the requirements of the Commercial Television Industry Code of Practice; and
  - (c) that no advertisement for food or for a beverage may be broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after any C program or P program; and
  - (d) that no advertisement or sponsorship announcement broadcast during a C program or P program that is broadcast outside a C period or P period, or in a break immediately before or after such a C program or P program, must identify or refer to a company, person or organisation whose principal activity is the manufacture, distribution or sale of food or of beverages—this requirement is in addition to the requirements of the Commercial Television Industry Code of Practice.
- (2B) A standard made in accordance with subsection (2A) may permit the making of community service announcements regarding food and beverages.

Note 1: For the purposes of subsection 122(2B), an example is where a public health or education organisation makes a community service announcement in relation to food or beverages.

Note 2: C and P Programs and C and P periods are defined in the Children's Television Standards (made under subsection 122(1) of the *Broadcasting Services Act 1992*).

Note 3: *children* is defined in the Children's Television Standards (made under subsection 122(1) of the *Broadcasting Services Act 1992*).

Note 4: A code of practice is registered by section 123 of the *Broadcasting Services Act 1992*.

Debate ensued.

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

Bills agreed to.

Bills to be reported without amendments.



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

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the report from the committee was adopted and the bills read a third time.

**25 TAX LAWS AMENDMENT (2007 MEASURES NO. 2) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Johnston)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Sherry was speaking.

**26 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (ONE-OFF PAYMENTS AND OTHER 2007 BUDGET MEASURES) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**27 SUPERANNUATION LAWS AMENDMENT (2007 BUDGET CO-CONTRIBUTION MEASURE) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**28 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Johnston)—That this bill be now read a second time.

Debate resumed.

Senator Carr moved the following amendment:

At the end of the motion, add “but the Senate notes that, while there is a need to update the requirements for the provision of education to overseas students, it condemns the Government for poor management of Australia’s international education industry, including:

- (a) the threat to quality in Australia’s higher education sector as a result of the Government’s cuts to, and lack of investment in, universities, leading to undue reliance by the higher education sector on revenue from international student fees; and
- (b) a lack of action taken in response to recent examples of questionable activity in the overseas student area in both the university and vocational education and training sectors”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**29 PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT AMENDMENT  
BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—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 Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**30 GOVERNANCE REVIEW IMPLEMENTATION (TREASURY PORTFOLIO AGENCIES)  
BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—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.

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*In the committee*

Bill taken as a whole by leave.

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

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

Schedule 1, item 24, page 10 (lines 20 to 32), omit subsection 601AE(1A), substitute:

- (1A) If the Commonwealth continues to act as trustee in respect of the property, subject to its obligations as trustee, the Commonwealth:
- (a) in the case of money—must credit the amount of the money to a Special Account (within the meaning of section 5 of the *Financial Management and Accountability Act 1997*); or
  - (b) otherwise:
    - (i) may sell or dispose of the property as it thinks fit; and
    - (ii) if the Commonwealth does so—must credit the amount of the proceeds to a Special Account (within the meaning of section 5 of the *Financial Management and Accountability Act 1997*).

Note: ASIC may, for and on behalf of the Commonwealth, perform all the duties and exercise all the powers of the Commonwealth as trustee in relation to property held on trust by the Commonwealth (see subsection 8(6) of the ASIC Act).

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

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*At 2 pm—*

### 31 QUESTIONS

Questions without notice were answered.

### 32 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Marshall, pursuant to standing order 74, asked the Minister for Fisheries, Forestry and Conservation (Senator Abetz) for an explanation of answers not being provided to questions placed on notice during the consideration by the Employment, Workplace Relations and Education Committee of the 2006-07 supplementary Budget and additional estimates.

Senator Abetz provided an explanation.

Senator Marshall moved—That the Senate take note of the explanation.

Question put and passed.

**33 BUDGET 2007-08—ANSWERS TO QUESTIONS**

Senator O'Brien moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today relating to the 2007-08 Budget.

Debate ensued.

Question put and passed.

**34 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2007**

Senator McGauran, by leave and at the request of the Chair of the Selection of Bills Committee (Senator Parry), tabled the following report:

## SELECTION OF BILLS COMMITTEE

## REPORT NO. 8 OF 2007

1. The committee met in private session on Thursday, 10 May 2007 at 11.03 am.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Communications Legislation Amendment (Content Services) Bill 2007 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 12 June 2007;
  - (b) the *provisions* of the Australian Centre for International Agricultural Research Amendment Bill 2007 be *referred immediately* to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 12 June 2007; and
  - (c) the *provisions* of the Tax Laws Amendment (2007 Measures No. 3) Bill 2007 and the Tax Laws Amendment (Small Business) Bill 2007 be *referred immediately* to the Economics Committee for inquiry and report by 6 June 2007.

*The committee recommends accordingly.*

3. The committee deferred consideration of the following bill to its next meeting:  
Repatriation of Citizens Bill 2007.

Stephen Parry  
Chair  
10 May 2007.

Senator McGauran moved—That the report be adopted.

Question put and passed.

**35 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McGauran, by leave and at the request of the Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston), moved—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Committee on the provisions of the Great Barrier Reef Marine Park Amendment Bill 2007 be extended to 15 June 2007.

Question put and passed.

**36 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S URBAN WATER MANAGEMENT**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Environment, Communications, Information Technology and the Arts References Committee—Report—The value of water: Inquiry into Australia's management of urban water—Government response.

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

Question put and passed.

**37 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 2006**

The Minister for Finance and Administration (Senator Minchin) tabled the following document:

Legal and Constitutional Legislation Committee—Report—Provisions of Telecommunications (Interception) Amendment Bill 2006—Government response.

**38 VACANCIES IN THE REPRESENTATION OF QUEENSLAND AND SOUTH AUSTRALIA—CHOICE OF SUZANNE KAY BOYCE AND SIMON JOHN BIRMINGHAM—DOCUMENTS**

The Deputy President (Senator Hogg) tabled the following documents:

Original certificates of—

Choice by the Parliament of Queensland of Suzanne Kay Boyce to fill the vacancy caused by the resignation of Senator Santoro (*see entry no. 3, 8 May 2007*).

Choice by the Parliament of South Australia of Simon John Birmingham to fill the vacancy caused by the death of Senator Ferris (*see entry no. 3, 8 May 2007*).

**39 DOCUMENT**

The following document was tabled by the Clerk:

Australian Research Council Act—Approval of proposals under section 51—Determination No. 45—Special Research Initiatives (ARC Centre of Excellence in Policing and Security) commencing in 2007, dated 30 April 2007.

*General business was called on.*

**40 BUDGET 2007-08**

Senator Sherry, pursuant to notice, moved general business notice of motion no. 789—That the Senate notes the 2007-08 Budget:

(a) fails to:

- (i) tackle Australia's poor productivity performance,
- (ii) meet the challenges of climate change,
- (iii) deliver practical solutions to the water crisis, and
- (iv) ensure long-term investment in broadband infrastructure; and

(b) focuses on a short-term election fix rather than long-term nation building.

Debate ensued.

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

*General business concluded.*

**41 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—  
STANDING COMMITTEE—CHANGE IN MEMBERSHIP**

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

The Minister for the Arts and Sport (Senator Brandis), by leave, moved—That Senator Moore replace Senator Wortley on the Environment, Communications, Information Technology and the Arts Committee on 6 June 2007.

Question put and passed.

**42 SHADOW MINISTRY—DOCUMENT**

Senator Ludwig, by leave, tabled a document showing the Opposition shadow ministry, dated 10 May 2007.

**43 LEAVE OF ABSENCE**

Senator Bartlett, by leave, moved—That leave of absence be granted to Senator Stott Despoja for today.

Question put and passed.

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*At 8 pm—*

**44 BUDGET STATEMENT AND DOCUMENTS 2007-08**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Administration (Senator Minchin)—That the Senate take note of the Budget statement and documents.

Debate resumed.

On the motion of the Minister for the Arts and Sport (Senator Brandis) the debate was adjourned till the next day of sitting.

**45 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 9.44 pm till Tuesday, 12 June 2007 at 12.30 pm.

**46 ATTENDANCE**

Present, all senators except Senators Carol Brown\* and Stott Despoja\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate