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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australian Heritage Council—Report for the period March 2004 to February 2007.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2005-06.

Australian Maritime College—Report for 2006.

Australian Political Exchange Council—Report for 2005-06.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2006.

Australian River Co. Limited—Report for 1 December 2005 to 30 November 2006.

Higher Education—Report for 2005.

Migration Act 1958—Reports for the period 1 November 2006 to 28 February 2007—

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

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

Productivity Commission—Reports—

No. 37—Conservation of Australia's historic heritage places—Government response.

No. 39—Tasmanian freight subsidy arrangements, 14 December 2006.

3 VACANCY IN THE REPRESENTATION OF SOUTH AUSTRALIA—CHOICE OF MARY JOSEPHINE FISHER

The President informed the Senate that he had received, through the Governor-General, from the Governor of South Australia, a copy of the certificate of the choice by the Parliament of South Australia of Mary Josephine Fisher to fill the vacancy caused by the resignation of Senator Vanstone.

The President tabled the copy of the certificate as follows:

Government House
Adelaide

Wednesday 6th June 2007

Your Excellency

I have the honour to inform Your Excellency that the President of the Legislative Council in this State reports that, in accordance with Section 15 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Houses of Parliament was held today and Ms Mary Josephine Fisher was duly chosen to be a Senator to fill the vacancy in the representation of South Australia in the Senate of the Commonwealth caused by the resignation of Senator Amanda Vanstone.

Yours sincerely

Marjorie Jackson-Nelson AC CVO MBE
Governor of South Australia

His Excellency Major General Michael Jeffery AC CVO MC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600.

Senator sworn: Senator Fisher, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

4 VACANCY IN THE REPRESENTATION OF WESTERN AUSTRALIA

The President announced the resignation, on 31 May 2007, of Senator Ian Campbell and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of Western Australia that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Western Australia—Copies of letters from—
Senator Ian Campbell to the President, dated 31 May 2007.
President of the Senate to the Governor of Western Australia (His Excellency Dr Kenneth Michael, AC), dated 31 May 2007.

5 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—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.

Question put and passed.

**6 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2007
TAX LAWS AMENDMENT (2007 BUDGET MEASURES) BILL 2007**

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

Message no. 557, dated 23 May 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 556, dated 23 May 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Debate ensued.

Question put and passed.

Bills read a first time.

Senator Abetz moved—That these bills be now read a second time.

Debate ensued.

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.

Explanatory memorandum: Senator Murray, by leave, tabled a supplementary explanatory memorandum relating to the Australian Democrats amendments to be moved to the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2007.

Bills debated.

Senator Murray moved the following amendment in respect of the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2007:

Schedule 1, page 3 (after line 14), after item 4, insert:

4A At the end of Part I of Schedule 7

Add:

Indexation of the ordinary taxable income of the taxpayer in item 1

4. The amount of the ordinary taxable income of the taxpayer in item 1 of the table in clause 1 is indexed for each year of tax after the year of tax commencing on 1 July 2006 in accordance with the CPI indexation method as follows.

The amounts specified in item 1 of the table in clause 1 are to be increased by the indexation factor worked out using the following formula:

$$\frac{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the current year}}{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the previous year}}$$

Sum of the index numbers for the CPI quarters for the
12 months ending on 31 March of the previous year

where:

CPI quarter means a period of 3 months ending 31 March, 30 June, 30 September or 31 December.

index number means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the 4th decimal place is more than 4.

Calculations:

- (a) are to be made using only the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and

- (b) are to disregard index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the reference base).

If an amount worked out under the formula is not a multiple of \$5, the amount is to be rounded as follows:

- (c) if the amount exceeds the nearest lower multiple of \$5 by \$2.50 or more—round the amount up to the nearest higher multiple of \$5;
- (d) in any other case—round the amount down to the nearest lower multiple of \$5.

Indexed amounts for each year of tax must be notified in the *Gazette* before the commencement of that year.

Debate ensued.

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

Bills agreed to.

Bills to be reported without amendments.

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

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the report from the committee was adopted and the bills read a third time.

**7 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION
AMENDMENT (CHILD SUPPORT REFORM CONSOLIDATION AND OTHER MEASURES)
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 2 pm: Debate was interrupted while Senator Bartlett was speaking.

8 QUESTIONS

Questions without notice were answered.

Document: The Minister for Fisheries, Forestry and Conservation (Senator Abetz) tabled the following document:

Employment—Copy of graph showing the fall in Australia's unemployment rate.

Further questions without notice were answered.

9 ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

10 FAMILY AND COMMUNITY SERVICES—HOUSING AFFORDABILITY—ANSWER TO QUESTION

Senator Bartlett moved—That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Bartlett today relating to housing affordability.

Question put and passed.

11 AUSTRALIAN LABOR PARTY—PRESELECTIONS—PERSONAL EXPLANATION

Senator Forshaw, by leave, made a personal explanation relating to an article in the *Herald Sun* of 12 May 2007 concerning Australian Labor Party preselections.

12 PETITION

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

From 382 petitioners, requesting that the Senate support the construction of a community based not-for-profit child and family centre within the Beaconsfield Primary School grounds, Tasmania.

13 NOTICES

Notices of motion:

The Chair of the Standing Committee on Publications (Senator Barnett): To move on the next day of sitting—That the Joint Standing Committee on Publications be authorised to hold a public meeting during the sitting of the Senate on Monday, 18 June 2007, from 12.30 pm to 1.30 pm, to take evidence for the committee's inquiry into printing standards for documents presented to Parliament. (*general business notice of motion no. 797*)

Senators Siewert and Nettle: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the impact of reduced rainfall on inflows into river systems in northern New South Wales due to the combined effects of climate change and drought,
- (ii) that serious water management issues already exist in these systems, including problems with the over-allocation of water resources, and
- (iii) the economic value of the range of industries that depend on these systems, from dairy farms on the floodplains through to commercial fisheries; and

(b) calls on the Federal Government to:

- (i) abandon the further assessment of damming and extracting water from these northern rivers for additional water supplies for southeast Queensland, and
- (ii) focus its efforts on non-runoff dependent alternative sources to meet increasing demand, such as setting water efficiency standards and water conservation measures. (*general business notice of motion no. 798*)

Senator Bartlett: To move on 14 June 2007—That the Senate—

- (a) notes that the Legal and Constitutional Affairs Committee report, *Unfinished business: Indigenous stolen wages* was tabled in the Senate on 7 December 2006;
- (b) notes that the report contained six unanimous recommendations, as follows:

Recommendation 1

The committee recommends that the Commonwealth Government and state governments facilitate unhindered access to their archives for Indigenous people and their representatives for the purposes of researching the Indigenous stolen wages issue as a matter of urgency.

Recommendation 2

The committee recommends that the Ministerial Council on Aboriginal and Torres Strait Islander Affairs agree on joint funding arrangements for:

- (a) an education and awareness campaign in Indigenous communities in relation to stolen wages issues; and
- (b) preliminary legal research on Indigenous stolen wages matters.

Recommendation 3

The committee recommends that the Commonwealth Government provide funding in the next budget to the Australian Institute of Aboriginal and Torres Strait Islander Studies to conduct a national oral history and archival project in relation to Indigenous stolen wages.

Recommendation 4

The committee recommends that:

- (a) the Western Australian Government:
 - (i) urgently consult with Indigenous people in relation to the stolen wages issue, and
 - (ii) establish a compensation scheme in relation to withholding, underpayment and non-payment of Indigenous wages and welfare entitlements using the New South Wales scheme as a model; and
- (b) the Commonwealth Government conduct preliminary research of its archival material in relation to the stolen wages issues in Western Australia.

Recommendation 5

The committee recommends that the Commonwealth Government in relation to the Northern Territory and the Australian Capital Territory, and the state governments of South Australia, Tasmania and Victoria:

- (a) urgently consult with Indigenous people in relation to the stolen wages issue;
- (b) conduct preliminary research of their archival material; and
- (c) if this consultation and research reveals that similar practices operated in relation to the withholding, underpayment or non-payment of Indigenous wages and welfare entitlements in these states, then establish compensation schemes using the New South Wales scheme as a model.

Recommendation 6

The committee recommends that the Queensland Government revise the terms of its reparations offer so that:

- (a) Indigenous claimants are fully compensated for monies withheld from them;
- (b) further time is provided for the lodgement of claims;
- (c) claimants are able to rely on oral and other circumstantial evidence where the records held by the state are incomplete or are allegedly affected by fraud or forgery;

- (d) new or further payments do not require claimants to indemnify the Queensland Government; and
 - (e) the descendants of claimants who died before 9 May 2002 are included within the terms of the offer.
- (c) notes that the Federal Government has yet to respond to the report's recommendations, more than 6 months after the report was tabled, and did not act on recommendation 3 in the 2007-08 Federal Budget;
- (d) urges the Federal Government to table a response to the report in the Senate by 7 August 2007; and
- (e) requests state governments to provide a response to the Senate regarding those recommendations which are relevant to them. (*general business notice of motion no. 799*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) recognises that, according to a survey of parents commissioned by the Coalition on Food Advertising to Children:
- (i) 86.2 per cent support a ban on advertising of unhealthy foods at times when children watch television, and
 - (ii) 88.7 per cent agree that the Government should introduce stronger restrictions on food advertising at times when children are watching television; and
- (b) calls on the Government to support a ban on food advertising during peak viewing times of children. (*general business notice of motion no. 800*)

Senators Carol Brown, O'Brien, Polley and Sherry: To move on the next day of sitting—That the Senate—

- (a) notes:
- (i) the comments by the Member for Bass, Mr Michael Ferguson, on 17 August 2005 that the 'sale of Telstra will not disadvantage Northern Tasmania',
 - (ii) the announcement by Telstra on 5 June 2007 that it plans to close its Launceston Service Advantage centre, which will result in the loss of 257 jobs,
 - (iii) that, on top of this, a further 20 Telstra technicians' jobs were axed on 6 June 2007, and
 - (iv) the dramatic effect these redundancies will have on the lives of workers and their families; and
- (b) calls on the Minister for Communications, Information Technology and the Arts (Senator Coonan) to join Tasmanian members and senators and the Tasmanian State Government to lobby Telstra to reverse the decision. (*general business notice of motion no. 801*)

Senators Ronaldson, Conroy, the Leader of the Australian Democrats (Senator Allison), the Leader of the Family First Party (Senator Fielding), Senators Fifield, Kemp, McGauran, Patterson, Troeth, Carr, Marshall and Ray: To move on the next day of sitting—That the Senate sends:

- (a) its sympathies to the families of the 11 people who were tragically killed in the Kerang train disaster;
- (b) a message of support to those who were injured and wishes them a full and speedy recovery;

- (c) its gratitude to the emergency personnel, many of whom were volunteers, who performed with great skill and dedication during the rescue operation; and
- (d) its thanks to the members of the public who offered assistance at the crash site, many of whom had been passengers aboard the train. (*general business notice of motion no. 802*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson): To move 15 sitting days after today—That the Broadcasting (Charges) Determination 2007 and the Radiocommunications (Charges) Determination 2007, made under subsection 60(1) of the *Australian Communications and Media Authority Act 2005*, be disallowed.

Senator Watson, by leave, made a statement relating to the notice of motion.

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

- (a) notes the extensive and destructive flooding of the New South Wales Central Coast and Hunter region of New South Wales over the long weekend of 9 June to 11 June 2007;
- (b) recognises the pain and loss being experienced by affected communities particularly with respect to the loss of life, property, housing, buildings, roads and community infrastructure;
- (c) congratulates all levels of government and community organisations, particularly police, ambulance, Australian Defence Force, state emergency service personnel from far and wide, rescue crews and all those responding to the human heartache and loss brought about by this natural disaster;
- (d) highlights the general assistance provided by the Federal Government under the Natural Disaster Relief and Recovery Arrangements which provides assistance to state governments with costs and resourcing of response and recovery operations in large scale disasters;
- (e) highlights the particular assistance being provided by the Federal Government in the form of cash payments to people who have suffered serious injury, lost their principal place of residence, or had that residence rendered uninhabitable for a period of 48 hours as a direct result of this disaster; and
- (f) notes that this additional relief will amount to \$1 000 per eligible adult and \$400 per eligible child and is accessible through Centrelink. (*general business notice of motion no. 803*)

Senators Nettle and Stott Despoja: To move on 14 June 2007—That the Senate—

- (a) notes that Australia and the United States of America are the only two Organisation for Economic Co-operation and Development countries without a national paid maternity leave scheme;
- (b) congratulates the magazine *marie claire* for its ‘Push It’ campaign calling for mandatory paid maternity leave; and
- (c) calls on the Government to legislate for government-funded paid maternity leave. (*general business notice of motion no. 804*)

Notice of motion withdrawn: Senator Adams withdrew general business notice of motion no. 634 standing in her name for today, proposing the introduction of the Wheat Marketing Legislation Amendment Bill 2007.

14 ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, moved—That consideration of the business before the Senate today and on Wednesday, 13 June 2007 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senators Boyce and Birmingham, respectively, to make their first speeches without any question before the chair.

Question put and passed.

15 JOINT COMMITTEES—LEAVE TO MEET DURING SITTING

Senator Patterson, by leave, moved—That—

- (a) the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 June 2007, from 3.30 pm, to take evidence for the committee's inquiry into the Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007 and related bills; and
- (b) the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 June 2007, from noon till 1.30 pm, to take evidence for the committee's inquiry into temporary business visas.

Question put and passed.

16 COMMITTEES—EXTENSIONS OF TIME TO REPORT

Senator Patterson, by leave and at the request of the chairs of the respective committees, moved—That the time for the presentation of reports of committees be extended as follows:

- (a) Environment, Communications, Information Technology and the Arts Committee on Australia's Indigenous visual arts and craft sector—to 21 June 2007; and
- (b) Foreign Affairs, Defence and Trade Committee on Australia's public diplomacy—to 9 August 2007.

Question put and passed.

17 LEAVE OF ABSENCE

Senator Patterson, by leave, moved—That leave of absence be granted to Senator Nash today, on account of ill health.

Question put and passed.

18 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 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 14 June 2007.

General business notice of motion no. 747 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Lobbying and Ministerial Accountability Bill 2007, postponed till 14 June 2007.

General business notice of motion no. 775 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the introduction of the Energy Savings (White Certificate Trading) and Productivity Bill 2007, postponed till 14 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 14 June 2007.

General business notice of motion no. 792 standing in the name of the Leader of the Australian Democrats (Senator Allison) for 13 June 2007, proposing the introduction of the Peace Commission and Non-Violence Bill 2007, postponed till 14 June 2007.

**19 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator Patterson, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 795—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.

Question put and passed.

20 ENVIRONMENT—WOLLEMI NATIONAL PARK

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—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 Federal Government to reject the development in the World Heritage area.

Question put and negatived.

**21 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—AGED CARE
AMENDMENT (RESIDENTIAL CARE) BILL 2007**

The Deputy President (Senator Hogg) tabled the following report and documents received on 17 May 2007:

Community Affairs—Standing Committee—Aged Care Amendment (Residential Care) Bill 2007 [Provisions]—Report, dated May 2007, Hansard record of proceedings and submissions [6].

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

**22 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REPORT—
CLUSTER MUNITIONS (PROHIBITION) BILL 2006**

The Deputy President (Senator Hogg) tabled the following report and documents received on 31 May 2007:

Foreign Affairs, Defence and Trade—Standing Committee—Cluster Munitions (Prohibition) Bill 2006—Report, dated May 2007, additional information and submissions [15].

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

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

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

**23 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (2007
MEASURES NO. 3) BILL 2007**

The Deputy President (Senator Hogg) tabled the following report and documents received on 6 June 2007:

Economics—Standing Committee—Tax Laws Amendment (2007 Measures No. 3) Bill 2007 [Provisions]—Report, dated June 2007, Hansard record of proceedings, document presented to the committee, additional information and submissions [11].

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

**24 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT
(SMALL BUSINESS) BILL 2007**

The Deputy President (Senator Hogg) tabled the following report and documents received on 6 June 2007:

Economics—Standing Committee—Tax Laws Amendment (Small Business) Bill 2007 [Provisions]—Report, dated June 2007, additional information and submission.

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

25 GOVERNMENT DOCUMENT

The Deputy President (Senator Hogg) tabled the following document received on 18 May 2007:

Estimates of proposed expenditure for 2007-08—Portfolios and executive departments—Portfolio budget statements—Defence portfolio—Corrigendum.

26 AUDITOR-GENERAL—AUDIT REPORTS NOS 36 AND 37 OF 2006-07—DOCUMENTS

The Deputy President (Senator Hogg) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2006-07—

No. 36—Performance audit—Management of the Higher Bandwidth Incentive Scheme and Broadband Connect Stage 1: Department of Communications, Information Technology and the Arts. [*Received 16 May 2007*]

No. 37—Performance audit—Administration of the health requirement of the *Migration Act 1958*. [*Received 17 May 2007*]

27 AUDITOR-GENERAL—AUDIT REPORTS NOS 38 TO 42 OF 2006-07—DOCUMENTS

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

Auditor-General—Audit reports for 2006-07—

No. 38—Performance audit—Administration of the Community Aged Care Packages Program: Department of Health and Ageing.

No. 39—Performance audit—Distribution of funding for community grant programmes: Department of Families, Community Services and Indigenous Affairs.

No. 40—Performance audit—Centrelink's review and appeals system follow-up audit: Centrelink.

No. 41—Performance audit—Administration of the Work for the Dole Programme: Department of Employment and Workplace Relations.

No. 42—Performance audit—The ATO's administration of debt collection – micro-business: Australian Taxation Office.

28 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—INDIGENOUS STOLEN WAGES

Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Barnett), tabled the following documents:

Legal and Constitutional Affairs—Standing Committee—Report—Unfinished business: Indigenous stolen wages—Additional information.

Senator Bartlett, by leave, moved—That the Senate take note of the documents.

Debate ensued.

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

29 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—2ND, 3RD AND 4TH REPORTS OF 2007

Senator Parry, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

2nd report of 2007—Proposed Defence Force School of Signals redevelopment, Simpson Barracks, Watsonia, Victoria, dated May 2007.

3rd report of 2007—Proposed National Towers Program stage 1 – Adelaide, Canberra, Melbourne, Rockhampton, dated May 2007.

4th report of 2007—Proposed Lavarack Barracks redevelopment stage 4, Townsville, Queensland, dated May 2007.

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

Question put and passed.

30 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF ANSAR AL-SUNNA, JEM, LEJ, EIJ, IAA, AAA AND IMU AS TERRORIST ORGANISATIONS

Senator Parry, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Review of the re-listing of Ansar al-Sunna, JeM, LeJ, EIJ, IAA, AAA and IMU as terrorist organisations—Report, dated June 2007.

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

Question put and passed.

31 DOCUMENTS

The following documents were tabled by the Clerk:

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Telecommunications Amendment (Integrated Public Number Database) Act 2006—Schedule 1—15 May 2007 [F2007L01311].*

* Explanatory statement tabled with legislative instrument.

32 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 July to 31 December 2006—Statement of compliance—Austrade.

**33 TAX LAWS AMENDMENT (2007 MEASURES NO. 3) BILL 2007
TAX LAWS AMENDMENT (SMALL BUSINESS) BILL 2007
INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT (2007 BUDGET MEASURES) BILL 2007
HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2007
NATIVE TITLE AMENDMENT (TECHNICAL AMENDMENTS) BILL 2007**

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

Message no. 564, dated 24 May 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 565, dated 28 May 2007—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 568, dated 29 May 2007—A Bill for an Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes.

Message no. 551, dated 10 May 2007—A Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes.

Message no. 555, dated 10 May 2007—A Bill for an Act to amend legislation in relation to native title, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That these bills be now read a second time.

Explanatory memorandum: Senator Scullion tabled a correction to the explanatory memorandum relating to the Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007.

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

Consideration of legislation: Senator Scullion moved—That the Tax Laws Amendment (2007 Measures No. 3) Bill 2007 and the Tax Laws Amendment (Small Business) Bill 2007 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

34 AGRICULTURAL AND VETERINARY CHEMICALS (ADMINISTRATION) AMENDMENT BILL 2007

AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (2007 MEASURES NO. 1) BILL 2007

AUSTRALIAN CENTRE FOR INTERNATIONAL AGRICULTURAL RESEARCH AMENDMENT BILL 2007

AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL (NO. 1) 2007

COMMUNICATIONS LEGISLATION AMENDMENT (CONTENT SERVICES) BILL 2007

CORPORATIONS (NZ CLOSER ECONOMIC RELATIONS) AND OTHER LEGISLATION AMENDMENT BILL 2007

DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2007

FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES BILL 2007

FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES

(TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2007

GOVERNANCE REVIEW IMPLEMENTATION (SCIENCE RESEARCH AGENCIES) BILL 2007

GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2007

LIQUID FUEL EMERGENCY AMENDMENT BILL 2007

SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT (2007 BUDGET MEASURES) BILL 2007

VETERANS' AFFAIRS LEGISLATION AMENDMENT (2007 MEASURES NO. 1)

BILL 2007

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

Message no. 558, dated 23 May 2007—A Bill for an Act to amend the *Agricultural and Veterinary Chemicals (Administration) Act 1992*, and for related purposes.

Message no. 570, dated 29 May 2007—A Bill for an Act to amend legislation relating to agriculture, fisheries and forestry, and for related purposes.

Message no. 560, dated 23 May 2007—A Bill for an Act to amend the *Australian Centre for International Agricultural Research Act 1982*, and for related purposes.

Message no. 552, dated 10 May 2007—A Bill for an Act to amend the *Australian Wine and Brandy Corporation Act 1980*, and for related purposes.

Message no. 563, dated 23 May 2007—A Bill for an Act to amend the law relating to communications, and for other purposes.

Message no. 554, dated 10 May 2007—A Bill for an Act to amend the law in relation to corporations and trade practices, and for other purposes.

Message no. 562, dated 23 May 2007—A Bill for an Act to amend the *Defence Force (Home Loans Assistance) Act 1990*.

Message no. 566, dated 28 May 2007—A Bill for an Act relating to service provision for the forestry industry, and for related purposes.

Message no. 567, dated 28 May 2007—A Bill for an Act to deal with transitional and consequential matters related to the enactment of the *Forestry Marketing and Research and Development Services Act 2007*, and for related purposes.

Message no. 550, dated 10 May 2007—A Bill for an Act to amend the law relating to statutory agencies in the field of science research, and for related purposes.

Message no. 549, dated 10 May 2007—A Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975*, and for related purposes.

Message no. 553, dated 10 May 2007—A Bill for an Act to amend the *Liquid Fuel Emergency Act 1984*, and for related purposes.

Message no. 569, dated 29 May 2007—A Bill for an Act to amend the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*, and for related purposes.

Message no. 561, dated 23 May 2007—A Bill for an Act to amend the law relating to veterans' entitlements and military rehabilitation and compensation, and for other purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Scullion moved—That 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 listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

**35 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME)
BILL 2007**

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

Message no. 572, dated 12 June 2007—A Bill for an Act to amend the *National Health Act 1953*, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That this bill be now read a second time.

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

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

36 GOVERNANCE REVIEW IMPLEMENTATION (TREASURY PORTFOLIO AGENCIES) BILL 2007

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

Message no. 559, dated 23 May 2007—Governance Review Implementation (Treasury Portfolio Agencies) Bill 2007.

37 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

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

11 May 2007—Message No. 74—*Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007* (Act No. 66, 2007).

15 May 2007—Message No. 75—*Superannuation Laws Amendment (2007 Budget Co-contribution Measure) Act 2007* (Act No. 67, 2007).

28 May 2007—Message No. 76—

Broadcasting Legislation Amendment (Digital Radio) Act 2007 (Act No. 68, 2007)

Radio Licence Fees Amendment Act 2007 (Act No. 69, 2007)

Education Services for Overseas Students Legislation Amendment Act 2007 (Act No. 70, 2007)

Primary Industries and Energy Research and Development Amendment Act 2007 (Act No. 71, 2007)

Higher Education Legislation Amendment (2007 Measures No. 1) Act 2007 (Act No. 72, 2007)

Migration Amendment (Maritime Crew) Act 2007 (Act No. 73, 2007).

5 June 2007—Message No. 77—*Governance Review Implementation (Treasury Portfolio Agencies) Act 2007* (Act No. 74, 2007).

38 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REPORT—CLUSTER MUNITIONS (PROHIBITION) BILL 2006—STATEMENT BY LEAVE

The Leader of the Australian Democrats (Senator Allison), by leave, made a statement relating to the report of the Foreign Affairs, Defence and Trade Committee on the Cluster Munitions (Prohibition) Bill 2006 tabled earlier today (*see entry no. 22*).

39 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORT—FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES BILL 2007 AND A RELATED BILL

Pursuant to order, Senator Joyce, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Heffernan), tabled the following report and documents:

Rural and Regional Affairs and Transport—Standing Committee—Forestry Marketing and Research and Development Services Bill 2007 [Provisions] and Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Bill 2007 [Provisions]—Report, dated June 2007, Hansard record of proceedings, document presented to the committee, additional information and submissions [12].

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

**40 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS—
STANDING COMMITTEE—REPORT—COMMUNICATIONS LEGISLATION
AMENDMENT (CONTENT SERVICES) BILL 2007**

Pursuant to order, Senator Joyce, at the request of the Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston), tabled the following report and documents:

Environment, Communications, Information Technology and the Arts—Standing Committee—Communications Legislation Amendment (Content Services) Bill 2007 [Provisions]—Report, dated June 2007, Hansard record of proceedings and submissions [11].

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

**41 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REPORT—
AUSTRALIAN CENTRE FOR INTERNATIONAL AGRICULTURAL RESEARCH
AMENDMENT BILL 2007**

Pursuant to order, Senator Joyce, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Payne), tabled the following report and documents:

Foreign Affairs, Defence and Trade—Standing Committee—Australian Centre for International Agricultural Research Amendment Bill 2007 [Provisions]—Report, dated June 2007 and submission.

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

**42 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION
AMENDMENT (CHILD SUPPORT REFORM CONSOLIDATION AND OTHER MEASURES)
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.

Before 5 pm: Debate was interrupted.

43 FIRST SPEECH

Pursuant to order (*see entry no. 14*), Senator Boyce made her first speech.

**44 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION
AMENDMENT (CHILD SUPPORT REFORM CONSOLIDATION AND OTHER MEASURES)
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.

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.

Senator Siewert moved the following amendments together by leave:

Schedule 6, page 134 (line 3), omit “**to those under 18**”, substitute “**by instalments**”.

Schedule 6, item 3, page 134 (line 16), omit “*for those under 18*”.

Schedule 6, item 3, page 134 (lines 17 to 27), omit subsection 47(3), substitute:

- (3) If the claimant is entitled to be paid baby bonus in respect of a child, the Secretary must, after each of the first 13 instalment periods that end after the determination granting the claim is made, pay to the claimant $\frac{1}{13}$ of the amount of baby bonus that the claimant is entitled to be paid. The Secretary must pay it at such time as the Secretary considers appropriate and to the credit of a bank account nominated and maintained by the claimant.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 9

Senators—

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

NOES, 43

Senators—

Adams	Ferguson	Lundy	Payne
Barnett	Fierravanti-Wells	Macdonald, Ian	Polley
Bernardi	Fifield	Marshall	Ronaldson
Birmingham	Fisher	Mason	Scullion
Brown, Carol	Forshaw	McEwen	Stephens
Campbell	Hogg	McGauran (Teller)	Troeth
Carr	Hurley	McLucas	Trood
Chapman	Joyce	Moore	Watson
Colbeck	Kemp	O'Brien	Webber
Crossin	Kirk	Parry	Wortley
Eggleston	Lightfoot	Patterson	

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 6, item 2.

Schedule 6, item 2 agreed to.

Senator Siewert moved the following amendment:

Schedule 6, item 3, page 135 (after line 3), at the end of the item, add:

- (3B) The Secretary may:
- (a) vary the timing or the amount paid for the purposes of subsection (3) on the recommendation of a qualified social worker; and
 - (b) if an amount is required for a major purchase, direct that the payment be made in a specified manner for a specified purpose.

Debate ensued.

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

Senator Siewert moved the following request for an amendment:

That the House of Representatives be requested to make the following amendment:
Schedule 11, page 165 (after line 5), before item 1, insert:

1A Subsection 5(18) (and the heading)

Repeat the heading and the subsection, substitute:

Principal carer—a child may have more than one principal carer

(18) If:

- (a) a court orders that more than one parent is to have a significant proportion of responsibility for the care of a child; and
- (b) the difference in percentage of responsibility for the care of a child between the two parents is 12% or less;

both parents must be treated for all purposes of this Act as a principal carer for the child.

1B After subsection 5(19)

Insert:

- (19A) Notwithstanding subsection (19), if a court orders that more than one parent has a significant proportion of responsibility for the care of a child and the difference in percentage of responsibility for the care of a child between the two parents is 12% or less, the Secretary must make a determination that each parent the subject of the court order is the principal carer of the child.

Debate ensued.

Question—That the request be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 42

Senators—

Adams	Fierravanti-Wells	Macdonald, Ian	Scullion
Birmingham	Fifield	Marshall	Sherry
Brandis	Fisher	McEwen	Stephens
Brown, Carol	Hogg	McGauran	Sterle
Campbell	Humphries	McLucas	Troeth
Carr	Hurley	Moore	Trood
Colbeck	Joyce (Teller)	Parry	Watson
Crossin	Kemp	Patterson	Webber
Eggleston	Kirk	Payne	Wortley
Ferguson	Ludwig	Polley	
Fielding	Lundy	Ronaldson	

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of Senator Joyce, at the request of the Minister for Community Services (Senator Scullion), the report from the committee was adopted and the bill read a third time.

45 TAX LAWS AMENDMENT (2007 MEASURES NO. 3) BILL 2007
TAX LAWS AMENDMENT (SMALL BUSINESS) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Community Services (Senator Scullion)—That these bills be now read a second time.

Debate resumed.

Senator Sherry moved the following amendment in respect of the Tax Laws Amendment (2007 Measures No. 3) Bill 2007:

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

- (a) condemns the Government for its lack of commitment to the Australian managed funds industry and its lack of commitment to ensure Australia becomes an Asian financial services hub; and
- (b) calls on the Government to reduce the withholding rate applied to non-dividend, royalty and interest distributions from managed investment funds to non-residents to a flat and final rate of 15 per cent”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

At 10 pm—

46 ADJOURNMENT

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

Debate ensued.

Documents: Senator Conroy, by leave, tabled the following documents:

Industrial relations—CEPU elections—Copies of letters from—

Divisional Secretary, Communications Electrical Plumbing Union (Mr Ed Husic) to Group Manager, Corporate Human Resources, Australia Post (Mr R McDonald), dated 8 June 2007 and attachments [3].

Office of the Minister for Health and Ageing (Mr Abbott) to Mr Peter Jones, dated 27 November 2003.

The Senate adjourned at 11.49 pm till Wednesday, 13 June 2007 at 9.30 am.

47 ATTENDANCE

Present, all senators except Senator Nash (on leave).

HARRY EVANS
Clerk of the Senate