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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

Notices of motion:

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 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 plans for damming the Clarence, Tweed, Richmond and Mann Rivers, and
 - (ii) work with local communities, local water authorities and state governments in developing non-runoff dependent alternative sources to meet increasing demand, such as rainwater tanks, stormwater capture and storage, and recycling. (*general business notice of motion no. 815*)

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

- (a) notes the Victorian Law Reform Commission's publication, *Assisted reproductive technology & adoption: final report*, which acknowledges the research that shows that having single, lesbian or gay parents does not pose a risk to the wellbeing of children; and
- (b) calls on the Federal Government to work with all states and territories to provide IVF treatment and adoption rights to all people, regardless of their sexuality. (*general business notice of motion no. 816*)

Contingent notice of motion: Senator O'Brien: To move (contingent on the Wheat Marketing Amendment Bill 2007 being read a second time)—That it be an instruction to the committee of the whole that:

- (a) the committee divide the Wheat Marketing Amendment Bill 2007 to incorporate Schedules 1, 3, 4, 5 and 6 in a separate bill; and
- (b) the committee add to that separate bill enacting words and provisions for titles and commencement.

Notice of motion withdrawn: Senator Siewert, pursuant to notice of intention given on 14 June 2007, withdrew business of the Senate notice of motion no. 1 standing in her name for today for the disallowance of the Southern and Eastern Scalefish and Shark Fishery (non-quota species) Total Allowable Catch (2007 Fishing Year) Determination (cited as 2007 SESSF D2), made under section 15 of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003.

3 **FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007**

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, as amended—and of the amendment moved by Senator Siewert:

Page 92 (after line 6), at the end of the bill, add:

Schedule 4—Amendment of the Children’s Television Standards

Children’s Television Standards 2005

1 At the end of CTS 10

Add:

- ; (e) advertise food or beverages unless the Minister for Health, having determined that such an advertisement is beneficial to the health of children, allows such an advertisement.

Debate resumed.

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

Senator Siewert moved the following amendment:

Page 92 (after line 6), at the end of the bill, add:

Schedule 4—Genetically modified food and animal feed

Food Standards Australia New Zealand Act 1991

1 After Division 4

Insert:

Division 4A—Genetically modified food and animal feed

23AA Interpretation

In this Division, unless the context otherwise requires:

operator means a person who places a product on the market and also a person who receives a product that has been placed on the market at any stage of the production and distribution chain, but does not include the ultimate consumer.

traceability means the ability to trace food, animal feed, and ingredients of food and animal feed, that are produced using genetic modification technology throughout the production and distribution chains.

23B Packaged foods

- (1) All packaged food derived from genetic modification, or containing an ingredient derived from genetic modification, must be labelled as such regardless of whether or not it contains DNA or protein resulting from that genetic modification.

- (2) The label required by subsection (1) must contain the words “derived from genetic modification (GM product)” in conjunction with the name of the food or in association with any specific ingredients derived from genetic modification, or “genetically modified (name of food) (GM product)” or “contains genetically modified (name of ingredient) (GM product)”.

23C Unpackaged foods

All unpackaged food, including bulk foods, derived from genetic modification, or containing an ingredient derived from genetic modification, regardless of whether or not it contains DNA or protein resulting from that genetic modification, must have displayed in association with the food the words “derived from genetic modification (GM product)” in conjunction with the name of the food or in association with any specific ingredients derived from genetic modification, or “genetically modified (name of food) (GM product)” or “contains genetically modified (name of ingredient) (GM product)”.

23D Exemptions

The following foods are exempt from the provisions of sections 23B and 23C:

- (a) all meat, milk, eggs obtained from animals treated with GM veterinary products, or fed GM food;
- (b) food produced with the help of GM enzymes;
- (c) takeaway foods and restaurant meals.

23E Animal feed

- (1) All genetically modified animal feed, or animal feed containing an ingredient derived from genetic modification, must be labelled as such regardless of whether or not it contains DNA or protein resulting from that genetic modification.
- (2) The label required by subsection (1) must contain the words “derived from genetic modification (GM product)” in conjunction with the name of the food, or in association with any specific ingredients derived from genetic modification, or “genetically modified (name of feed) (GM product)” or contains “genetically modified (name of ingredient) (GM product)”.

23F Accidental contamination

- (1) Food or animal feed which is contaminated by less than 0.5 % of the product by adventitious GM DNA or protein, that is approved by Food Safety Australia New Zealand, is exempt from labelling, so long as operators can demonstrate that they have used all appropriate steps to avoid the presence of accidental contamination.
- (2) Food or animal feed which is contaminated by detectable levels of GM DNA or protein that is not approved by Food Safety Australia New Zealand must be labelled as containing GM material.

23G Traceability

- (1) The Governor-General must make regulations prescribing a comprehensive traceability system for all foods and animal feeds containing GM product or derived from GM processes that ensures the ability to trace the food or animal feed throughout the production and distribution chains.
- (2) The regulations made under subsection (1) must include, but are not limited to, requirements that:
 - (a) operators must ensure that information identifying GM product or GM-derived material in food and animal feed is transmitted with that product;
 - (b) operators must have in place systems and procedures to allow the identification of the person or persons from whom and to whom the products referred to in subsection 23F(2) have been made available;
 - (c) operators must retain the information specified in paragraph (b) for a period of 5 years from each transaction, and make it available to competent authorities on demand.
- (3) Operators delivering food to the ultimate consumer are exempted from paragraphs (2)(b) and (c).
- (4) For the purposes of paragraph (2)(c), *competent authorities* means a department or other public organisation appointed by the Minister responsible for food safety for the purposes of this Act.
- (5) The Minister responsible for food safety must implement a monitoring plan in order to trace and identify any direct or indirect, immediate, delayed or unforeseen effects on human health or the environment of GM product or animal feed or both after it has been placed on the market.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

4 FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE MANAGEMENT SYSTEM AND OTHER MEASURES) BILL 2007

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

Senator Stephens moved the following amendment:

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

- (a) child care out-of-pocket costs are increasing five times faster than average prices for all goods and services;
- (b) for the past 4 years, child care out-of-pocket costs have increased by more than 12 per cent each year;
- (c) as a result of these increases, child care is becoming less affordable for Australian families;
- (d) despite the international consensus on the benefits of early childhood education, Australia ranks last in the Organisation for Economic Co-operation and Development countries on the percentage of gross domestic product spent on pre-primary education;
- (e) there are currently 100 000 4 year olds in Australia who do not attend preschool; and
- (f) the current Government has no policy agenda to provide preschool education to all Australian 4 year olds”.

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 Minister for Community Services (Senator Scullion) the bill was read a third time.

5 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT (TOWNSHIP LEASING) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—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 Minister for Community Services (Senator Scullion) the bill was read a third time.

6 HIGHER EDUCATION LEGISLATION AMENDMENT (2007 BUDGET MEASURES) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—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:

- (a) notes that the Budget announcements in higher education come after more than 11 years of neglect and complacency towards, and underinvestment in, Australia’s higher education sector, and that under this Government:
 - (i) as a proportion of total revenue, Commonwealth grants to universities have decreased from 60 per cent of their revenue in 1996 to 40 per cent, while university revenue derived from private sources of income has increased from 35 per cent to 52 per cent and revenue from fees and charges has increased from 13 per cent in 1996 to 24 per cent,
 - (ii) Commonwealth investment in education as a proportion of total Government expenditure is actually forecast in the Budget to fall from 7.7 per cent in 2005-06 to 7.4 per cent in 2010-11, and
 - (iii) there has been a significant and serious run-down of research infrastructure, including a failure to provide a real increase for Australian Research Council project funding; and
- (b) further notes that the Budget:
 - (i) abolishes the current cap of 35 per cent on full-fee domestic undergraduate degree places, and
 - (ii) increases contributions of the Higher Education Contribution Scheme for commerce, economics and accounting courses to the maximum amount while at the same time reducing the Commonwealth contribution for those courses”.

Debate ensued.

Question—That the amendment be agreed to—put and negatived. Senator Stott Despoja, by leave, recorded her vote for the ayes.

Main question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided in respect of Schedule 5.

Schedule 5 debated.

Question—That Schedule 5 stand as printed—put.

The committee divided—

AYES, 31

Senators—

Abetz	Calvert	Heffernan	Minchin
Adams	Chapman	Johnston	Parry (Teller)
Barnett	Colbeck	Joyce	Ronaldson
Bernardi	Eggleston	Kemp	Scullion
Birmingham	Ferguson	Macdonald, Ian	Troeth
Boswell	Fierravanti-Wells	Macdonald, Sandy	Trood
Boyce	Fifield	Mason	Watson
Brandis	Fisher	McGauran	

NOES, 28

Senators—

Allison	Fielding	Milne	Siewert
Bishop	Forshaw	Moore	Stephens
Brown, Carol	Hogg	Murray	Sterle
Campbell (Teller)	Kirk	O'Brien	Stott Despoja
Carr	Ludwig	Polley	Webber
Crossin	Lundy	Ray	Wong
Faulkner	McEwen	Sherry	Wortley

Schedule agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for the Arts and Sport (Senator Brandis) the report from the committee was adopted and the bill read a third time.

7 **FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES BILL 2007**
FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES
(TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) 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.

Question put and passed.

Bills read a second time.

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

In the committee

FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES
BILL 2007—

Bill, taken as a whole by leave, debated.

Senator O'Brien moved the following amendment:

Page 15 (after line 12), at the end of Part 4, add:

17 Tabling of financial reports

- (1) The industry services body must, within 14 days of lodging a financial report (the *annual report*) mentioned in section 292 of the *Corporations Act 2001*, give the Minister a copy of the report.
- (2) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 14 sitting days of that House after the day on which the Minister receives the report.

- (3) In addition to the matters mentioned in section 295 of the *Corporations Act 2001*, the annual report must include the following details in relation to the financial year to which the report relates:
- (a) the amount of forestry service payments and matching payments made to the industry services body;
 - (b) the amount of those payments that was expended;
 - (c) outcomes as measured against objectives that apply in relation to the industry services body.

18 Other reports

- (1) The Minister must, as soon as practicable after the holding of each annual general meeting of the industry services body, cause to be prepared and tabled in each House of the Parliament a report in relation to the year ending on 30 June before the holding of that meeting.
- (2) The report must include the following in relation to that year:
- (a) a statement as to the amounts of charge imposed under clause 2 of Schedule 7, or clause 2 of Schedule 8, to the *Primary Industries (Customs) Charges Act 1999* and received by the Commonwealth on or after the transfer time; and
 - (b) a statement as to the amounts of levy imposed under clause 2 of Schedule 10 to the *Primary Industries (Excise) Levies Act 1999* and received by the Commonwealth on or after the transfer time; and
 - (c) a statement as to the amounts of levy:
 - (i) imposed under regulations made for the purposes of Schedule 27 to the *Primary Industries (Excise) Levies Act 1999*; and
 - (ii) identified by regulations made for the purposes of this paragraph; and
 - (iii) received by the Commonwealth on or after the transfer time; and
 - (d) a statement as to whether the Minister is satisfied, on the basis of information provided by the industry services body, that its expenditure of forestry service payments and matching payments complies with the funding contract; and
 - (e) if the Minister is not so satisfied—details of why the Minister is not satisfied that the spending does comply with the funding contract.

Debate ensued.

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

Bill agreed to.

FORESTRY MARKETING AND RESEARCH AND DEVELOPMENT SERVICES (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2007—

Bill, taken as a whole by leave, agreed to.

Bills to be reported without amendments.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) the report from the committee was adopted.

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

Debate ensued.

Question put and passed.

Bills read a third time.

8 FINANCIAL SECTOR LEGISLATION AMENDMENT (RESTRUCTURES) BILL 2007

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—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 Finance and Administration (Senator Colbeck) the bill was read a third time.

9 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 3.40 pm till Monday, 18 June 2007 at 12.30 pm.

10 ATTENDANCE

Present, all senators except Senators Bartlett, Bob Brown, Conroy, Coonan, Lightfoot, Nash and Patterson.

HARRY EVANS
Clerk of the Senate