

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 152

THURSDAY, 21 JUNE 2007

**Contents**

1	Meeting of Senate .....	4016
2	Petition.....	4016
3	Notices.....	4016
4	Selection of Bills—Standing Committee—Report No. 10 of 2007 .....	4018
5	Postponements.....	4019
6	Parliament—Members and Senators—Remuneration and Entitlements .....	4020
7	Prime Minister—Official Residences—Code of Conduct.....	4020
8	Foreign Affairs—Afghanistan—Ms Malalai Joya.....	4021
9	Legal and Constitutional Affairs—Standing Committee—Indigenous Stolen Wages—Federal, State and Territory Governments—Responses .....	4022
10	Social Issues—Global Poverty .....	4023
11	Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2007 .....	4024
12	Migration (Climate Refugees) Amendment Bill 2007.....	4025
13	Consideration of Legislation.....	4025
14	Divisions on Thursdays—Temporary Order.....	4025
15	Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007.....	4025
16	Publications—Standing Committee—22nd Report.....	4026
17	Regulations and Ordinances—Standing Committee—Interim Report— 113th Report.....	4026
18	Committees—Additional Information—Budget Estimates 2006-07 and 2007-08 and Additional Estimates 2006-07 .....	4027
19	Chairs' Committee—Response—Finance and Public Administration— Standing Committee—Transparency and Accountability of Commonwealth Public Funding and Expenditure .....	4028
20	Financial Framework Legislation Amendment Bill (No. 1) 2007.....	4028
21	Food Standards Australia New Zealand Amendment Bill 2007 Gene Technology Amendment Bill 2007 Migration Amendment (Review Provisions) Bill 2006 [2007] .....	4028
22	Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.....	4028
23	Economics—Standing Committee—Proposed Reference.....	4029

24	Parliamentary Zone—Capital Works Proposal—Approval .....	4029
25	Wheat Marketing Amendment Bill 2007 .....	4030
26	Questions .....	4031
27	Answers to Questions.....	4031
28	Economics—Standing Committee—Government Response—Petrol Pricing in Australia .....	4031
29	Employment, Workplace Relations and Education—Standing Committee— Government Response—Pacific Region Seasonal Contract Labour.....	4031
30	Foreign Affairs, Defence and Trade—Joint Standing Committee— Government Response—Review of the Defence Annual Report 2004-05 ..	4032
31	Parliamentary Committee Reports—President's Report—Government Responses Outstanding .....	4032
32	Auditor-General—Audit Report No. 47 of 2006-07—Document.....	4032
33	Parliamentarians' Travel Costs—Document.....	4032
34	Former Parliamentarians' Travel Costs—Document.....	4032
35	Parliamentarians' Overseas Study Travel Reports—Document.....	4032
36	Former Governors-General Travel Costs—Document .....	4032
37	Department of Defence—Special Purpose Flights—Document .....	4033
38	Parliamentary Committee Reports—Government Response—President's Report on Government Responses.....	4033
39	Selection of Bills—Standing Committee—Report No. 11 of 2007 .....	4033
40	Treaties—Joint Standing Committee—Report—85th Report.....	4034
41	Documents.....	4034
42	Hours of Meeting—Variation .....	4037
43	Wheat Marketing Amendment Bill 2007 .....	4037
44	National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007.....	4041
45	Tax Laws Amendment (Simplified GST Accounting) Bill 2007 .....	4044
46	Fisheries Legislation Amendment Bill 2007 Fisheries Levy Amendment Bill 2007.....	4044
47	Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007 Corporations (Fees) Amendment Bill 2007 Corporations (Review Fees) Amendment Bill 2007 .....	4045
48	Australian Centre for International Agricultural Research Amendment Bill 2007 .....	4047
49	Aged Care Amendment (Residential Care) Bill 2007.....	4047
50	Social Security Amendment (Apprenticeship Wage Top-Up for Australian Apprentices) Bill 2007 .....	4049
51	Migration (Sponsorship Fees) Bill 2007 .....	4049
52	Families, Community Services and Indigenous Affairs Legislation Amendment (Child Care and Other 2007 Budget Measures) Bill 2007.....	4049
53	Great Barrier Reef Marine Park Amendment Bill 2007 .....	4050
54	Appropriation (Parliamentary Departments) Bill (No. 1) 2007-2008 Appropriation Bill (No. 1) 2007-2008 Appropriation Bill (No. 2) 2007-2008 Appropriation Bill (No. 5) 2006-2007 Appropriation Bill (No. 6) 2006-2007.....	4053
55	Parliament House Dining Room—Mrs Kate Robertson—Statement by President .....	4056

56	Finance and Public Administration—Standing Committee—Changes in Membership.....	4057
57	Leave of Absence.....	4057
58	Adjournment .....	4057
59	Attendance.....	4057

**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 PETITION**

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

From 54 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.

**3 NOTICES**

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

(a) notes:

- (i) the announcement by the Victorian State Government that a desalination plant costing \$3.1 billion will be built near Wonthaggi to provide a third of Melbourne's demand for water, approximately 150 billion litres, by 2012,
- (ii) that the desalination plant and associated pumping of more than 200 km will likely emit more than a million tonnes of greenhouse gas emissions a year and increase electricity use in Victoria by 2 per cent,
- (iii) that the Victorian Government intends to 'offset' greenhouse emissions through the purchase of renewable energy,
- (iv) that the ongoing drought in Victoria is highly likely to be related to climate change,
- (v) that 95 per cent of Victoria's electricity is from ageing, low efficiency, brown coal-fired generators,
- (vi) that \$3.1 billion could fund rebates for approximately 2 million household water tanks that could provide 80 billion litres of water for cistern, laundry and garden use, and
- (vii) that coal-fired power generation in Victoria uses approximately 400 billion litres of water a year;

(b) urges the Victorian State Government to develop desalination only if necessary after:

- (i) stringent standards are implemented for water appliances,
- (ii) substantial quantities of potable water have been displaced by stormwater or other harvested water,
- (iii) water reticulation infrastructure leaks have been fixed,
- (iv) water intensive industry and commercial operations are water efficient,
- (v) all Victorians have low flow shower heads, dual flush cisterns and grey water systems, and
- (vi) there is widespread application of water sensitive urban design; and

(c) encourages the Victorian State Government to ensure that any desalination still required uses only renewable-powered technology. (*general business notice of motion no. 832*)

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

- (a) the Senate notes that:
  - (i) the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) concluded that:
    - (A) the sea level would rise by between 0.18 metres to 0.59 metres by the end of the century and that these projections do not include the full effects of changes in ice sheet flow because a basis in published literature was lacking,
    - (B) there is medium confidence (that is a 50 per cent chance) that at least partial deglaciation of the Greenland ice sheet, and possibly the West Antarctic ice sheet, would occur over a period of time, ranging from centuries to millennia for a global average temperature increase of 1° to 4°C (relative to 1990-2000), causing a contribution to a rise in sea level of 4 to 6 metres or more, and
    - (C) many millions more people are projected to be flooded every year due to a sea level rise by 2080 and the numbers affected will be largest in the mega-deltas of Asia and Africa, while small islands are especially vulnerable,
  - (ii) recent scientific research, published too late for inclusion in the IPCC reports, suggests that the sea level is rising more quickly than previously thought and many eminent climate scientists, including Dr James Hansen, Head of Atmospheric Research for the National Aeronautics and Space Administration, warn that a warming of 2° to 3°C could melt the ice sheets of West Antarctica and parts of Greenland, resulting in a sea level rise of 5 metres within a century,
  - (iii) assessing the impact of even a moderate rise in sea level in Australia remains inadequate for adaptation planning,
  - (iv) assessing the vulnerability of low coastal and estuarine regions requires not only mapping height above sea level but must take into account factors such as coastal morphology, susceptibility to long-shore erosion, near shore bathymetry and storm surge frequency,
  - (v) delaying analysis of the risk of the rise in sea level exacerbates the likelihood that such information may affect property values and investment through disclosure of increased hazards and possible reduced or more expensive insurance cover, and
  - (vi) an early response to the threat of rising sea levels may include avoiding investment in long-lived infrastructure in high risk areas; and
- (b) the following matter be referred to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 3 December 2007:

An assessment of the risks associated with the rise in sea level in Australia, including an appraisal of:

- (i) recent science relating to projections on the rise in sea level,
- (ii) ecological, social and economic impacts for the full range of projections,
- (iii) adaptation and mitigation strategies,
- (iv) knowledge gaps and research needs, and
- (v) options to communicate risks and vulnerabilities to the Australian community.

The Leader of the Australian Greens (Senator Bob Brown): To move on 7 August 2007—That the Senate—

- (a) notes the terrible story of Mr Mulrunji Doomadgee, which extends beyond his death in custody in 2004, to encompass the following:
  - (i) Mr Doomadgee's son Eric has since committed suicide,
  - (ii) Mr Patrick Bramwell, a 24-year old Aboriginal man, who was in the Palm Island police lock-up as Mr Doomadgee died, has since hanged himself, and
  - (iii) Mr Doomadgee's mother, too ill to attend his funeral, has since died; and
- (b) expresses its condolences to the Doomadgee family and the Palm Island community for the suffering and despair which these tragic events have entailed. (*general business notice of motion no. 833*)

#### 4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2007

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

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 10 OF 2007

1. The committee met in private session on Wednesday, 20 June 2007 at 4.20 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Telecommunications (Interception and Access) Amendment Bill 2007 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 1 August 2007;
  - (b) the *provisions* of the International Trade Integrity Bill 2007 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 1 August 2007;
  - (c) the Trade Practices Amendment (Predatory Pricing) Bill 2007 be *referred immediately* to the Economics Committee for inquiry and report by 1 August 2007;
  - (d) the *provisions* of the Trade Practices Legislation Amendment Bill (No. 1) 2007 be *referred immediately* to the Economics Committee for inquiry and report by 1 August 2007;
  - (e) the *provisions* of the Social Security Amendment (2007 Measures No. 1) Bill 2007 be *referred immediately* to the Employment, Workplace Relations and Education Committee for inquiry and report by 30 July 2007; and
  - (f) the *provisions* of the Communications Legislation Amendment (Information Sharing and Datacasting) Bill 2007 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 30 July 2007.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Australian Postal Corporation Amendment (Quarantine Inspection and Other Measures) Bill 2007

Families, Community Services and Indigenous Affairs Legislation  
Amendment (Further 2007 Budget Measures) Bill 2007  
Industrial Chemicals (Notification and Assessment) Amendment  
(Cosmetics) Bill 2007  
Judges' Pensions Amendment Bill 2007  
National Health Amendment (National HPV Vaccination Program Register)  
Bill 2007  
Repatriation of Citizens Bill 2007  
Tax Laws Amendment (Simplified GST Accounting) Bill 2007  
Therapeutic Goods Amendment Bill 2007  
Wheat Marketing Amendment Bill 2007.

***The committee recommends accordingly.***

4. The committee deferred consideration of the following bills to its next meeting:
- Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2007
  - Lobbying and Ministerial Accountability Bill 2007
  - Peace and Non-Violence Commission Bill 2007
  - Public Interest Disclosures Bill 2007.

Stephen Parry  
Chair  
21 June 2007.

Senator Parry moved—That the report be adopted.

Question put and passed.

**5 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 8 August 2007.

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the disapproval of Determination 2007/04: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, postponed till 10 September 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 7 August 2007.

Senator Faulkner, by leave, moved—That business of the Senate notice of motion no. 4 standing in his name for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, be postponed till 7 August 2007.

Question put and passed.

# 6 PARLIAMENT—MEMBERS AND SENATORS—REMUNERATION AND ENTITLEMENTS

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 830—That the Senate requests that the Government ask that an appropriate examination or review be undertaken of the remuneration and entitlements of members and senators by the Remuneration Tribunal, on the basis that it take a holistic view with respect to members' and senators' salary packages and allowances, what they need to do their jobs, and their superannuation entitlements; and that the tribunal report to the Government in 2008.

Question put and negatived.

# 7 PRIME MINISTER—OFFICIAL RESIDENCES—CODE OF CONDUCT

Senator Bartlett, at the request of the Leader of the Australian Democrats (Senator Allison) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 823—That the Senate—

- (a) considers the use of Kirribilli House, the Prime Minister's Lodge and Parliament House for political party fundraising to be at odds with the ethical conduct expected of senators, members, ministers and presiding officers; and
- (b) calls on the Government to develop a model code of ethical conduct for ratification and implementation by the Federal Parliament as a matter of urgency.

Question put.

The Senate divided—

## AYES, 32

Senators—

Allison	Forshaw	McEwen	Sherry
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Bob	Hutchins	Moore	Sterle
Brown, Carol	Kirk	Murray	Stott Despoja
Campbell (Teller)	Ludwig	Nettle	Webber
Carr	Lundy	O'Brien	Wong
Fielding	Marshall	Ray	Wortley

## NOES, 34

Senators—

Abetz	Chapman	Humphries	Patterson
Adams	Colbeck	Joyce	Payne
Barnett	Cormann	Kemp	Ronaldson
Bernardi	Eggleston	Lightfoot	Scullion
Birmingham	Ferguson	Macdonald, Sandy	Troeth
Boswell	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Watson
Brandis	Fisher	Nash	
Calvert	Heffernan	Parry (Teller)	

Question negatived.



**8 FOREIGN AFFAIRS—AFGHANISTAN—MS MALALAI JOYA**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 827—That the Senate—

(a) notes that:

- (i) 21 June 2007 marks one month since Afghan Member of Parliament and democracy advocate Ms Malalai Joya was suspended from the Afghan Parliament as a result of criticising some of its members,
- (ii) Ms Joya's electoral term runs for another 3½ years and she received the second highest number of votes in the district that she represents,
- (iii) a core criticism of the Taliban regime was that its treatment of women was deeply oppressive,
- (iv) Ms Joya has been a strident critic of the continued oppression of women in Afghanistan and has said that life for women in Afghanistan today is no better than life under Taliban rule, and
- (v) supporters of Ms Joya are organising, around the world in the week beginning 18 June 2007, to mobilise international support for her case and call for her reinstatement to the Afghan Parliament; and

(b) calls on the Government to:

- (i) communicate to the Afghan Government its concern at the suspension of Ms Joya from the Parliament and request that she be reinstated to the Afghan Parliament, and
- (ii) urge the Afghan Government to take steps to protect and promote the rights of women in Afghanistan.

Question put.

The Senate divided—

**AYES, 31**

Senators—

Allison	Forshaw	McEwen	Sherry
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Bob	Hutchins	Moore	Sterle
Brown, Carol	Kirk	Murray	Stott Despoja
Campbell (Teller)	Ludwig	Nettle	Webber
Carr	Lundy	O'Brien	Wortley
Fielding	Marshall	Ray	

**NOES, 33**

Senators—

Abetz	Colbeck	Joyce	Payne
Adams	Cormann	Kemp	Ronaldson
Barnett	Eggleston	Lightfoot	Scullion
Bernardi	Ferguson	Macdonald, Sandy	Troeth
Birmingham	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Watson
Brandis	Fisher	Nash	
Calvert	Heffernan	Parry (Teller)	
Chapman	Humphries	Patterson	

Question negatived.

**9 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—INDIGENOUS STOLEN WAGES—FEDERAL, STATE AND TERRITORY GOVERNMENTS—RESPONSES**

Senator Bartlett amended general business notice of motion no. 799 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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) requests:
- (i) the Federal Government to table a response to the report in the Senate by 7 August 2007; and
  - (ii) state governments to provide a response to the Senate regarding those recommendations which are relevant to them.

Question put and passed.

#### 10 SOCIAL ISSUES—GLOBAL POVERTY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 829—That the Senate—

- (a) acknowledges that 2007 is the half-time progress mark in the global effort to meet the Millennium Development Goals which aim to halve extreme global poverty by 2015;
- (b) notes that, since the Millennium Declaration was signed by the Prime Minister (Mr Howard) and other world leaders, there has been progress, with:
  - (i) an additional 34 million children worldwide afforded the opportunity to enter and complete primary school,
  - (ii) more people than ever receiving treatment for HIV, and
  - (iii) 30 of the world's poorest countries receiving debt cancellation or some reduction;
- (c) affirms the positive contribution that Australia has already made, by:
  - (i) providing up-front, Australia's 10-year contribution to multilateral debt relief for poor nations,
  - (ii) increasing Australia's aid budget to approximately \$4 billion by 2010,
  - (iii) strengthening Australia's commitment to coordinate aid with other donors and better aligning Australia's aid with partner countries' own priorities and processes, and
  - (iv) renewing the focus of Australia's aid on education and health;
- (d) notes that on current progress, the promise of the declaration will not be fulfilled and that many of the Millennium Development Goals will not be achieved unless new action is taken and new resources are mobilised;
- (e) affirms the work of the 'Make Poverty History' and 'Micah Challenge' campaigns in raising public awareness and generating new support for international poverty reduction efforts; and

- (f) calls on Australia to continue to play its part in supporting the achievement of the Millennium Development Goals by maintaining and increasing its efforts through:
- (i) a generous, effective and poverty-focused aid program,
  - (ii) a commitment to reducing the unsustainable debt burden of poor countries,
  - (iii) the promotion of good governance in developing country institutions and communities,
  - (iv) advocacy for fairer international trade rules, and
  - (v) addressing the development challenges posed by climate change.

Question put.

The Senate divided—

AYES, 31

Senators—

Allison	Forshaw	McEwen	Sherry
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Bob	Hutchins	Moore	Sterle
Brown, Carol	Kirk	Murray	Stott Despoja
Campbell (Teller)	Ludwig	Nettle	Webber
Carr	Lundy	O'Brien	Wortley
Fielding	Marshall	Ray	

NOES, 33

Senators—

Abetz	Colbeck	Joyce	Payne
Adams	Cormann	Kemp	Ronaldson
Barnett	Eggleston	Lightfoot	Scullion
Bernardi	Ferguson	Macdonald, Sandy	Troeth
Birmingham	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Watson
Brandis	Fisher	Nash	
Calvert	Heffernan	Parry (Teller)	
Chapman	Humphries	Patterson	

Question negatived.

# 11 **AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION (FAIR BANK AND CREDIT CARD FEES) AMENDMENT BILL 2007**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 831—That the following bill be introduced:

A Bill for an Act to amend the *Australian Securities and Investments Commission Act 2001* to limit unfair banking and credit card penalty fees, and for related purposes.

Question put and passed.

Senator Fielding presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

**12 MIGRATION (CLIMATE REFUGEES) AMENDMENT BILL 2007**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 814—That the following bill be introduced:

A Bill for an Act to recognise refugees of climate change induced environmental disasters, and for related purposes.

Question put and passed.

Senator Nettle presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

**13 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. 3—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Aged Care Amendment (Residential Care) Bill 2007, allowing it to be considered during this period of sittings.

Question put and passed.

**14 DIVISIONS ON THURSDAYS—TEMPORARY ORDER**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Minister for Finance and Administration (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following operate as a temporary order until the conclusion of the 2007 sittings:

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

Question put and passed.

**15 AVIATION LEGISLATION AMENDMENT (2007 MEASURES NO. 1) BILL 2007**

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Minister for Justice and Customs (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend legislation relating to aviation, and for related purposes.

Question put and passed.

Senator Abetz presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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*Explanatory memorandum:* Senator Abetz tabled an explanatory memorandum relating to the bill.

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*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

**16 PUBLICATIONS—STANDING COMMITTEE—22ND REPORT**

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

PUBLICATIONS COMMITTEE  
22ND 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 31 May 2007, recommends that the following be printed:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports—  
Native title report for 2006.

Social Justice report for 2006.

AusLink—Report for 2005-06.

Australian Competition and Consumer Commission—Telecommunications reports for 2005-06—Report 1: Telecommunications competitive safeguards for 2005-06; Report 2: Changes in the prices paid for telecommunications services in Australia 2005-06.

Australian Land Transport Development Programme—Report for 2003-04.

Australian National University—Report for 2006.

Senator McGauran

Chair

21 June 2007.

Senator Parry moved—That the report be adopted.

Question put and passed.

**17 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—INTERIM REPORT—  
113TH REPORT**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Watson) tabled the following report:

Regulations and Ordinances—Standing Committee—113th report—Consultation under the *Legislative Instruments Act 2003*—Interim report, dated June 2007.

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

Senator Watson moved—That the Senate take note of the report.

Debate ensued.

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

**18 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2006-07 AND 2007-08 AND ADDITIONAL ESTIMATES 2006-07**

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

Budget estimates 2006-07—Employment, Workplace Relations and Education—Standing Committee—Additional information received on 28 May 2007—Education, Science and Training portfolio.

Budget estimates 2006-07 (Supplementary)—

Employment, Workplace Relations and Education—Standing Committee—Additional information received between 23 January and 25 May 2007—Employment and Workplace Relations portfolio.

Environment, Communications, Information Technology and the Arts—Standing Committee—Additional information received between 9 May and 21 May 2007—Communications, Information Technology and the Arts portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 8 May and 19 June 2007—Transport and Regional Services portfolio.

Additional estimates 2006-07—

Employment, Workplace Relations and Education—Standing Committee—Additional information received between—

14 March and 30 May 2007—Education, Science and Training portfolio.

30 March and 28 May 2007—Employment and Workplace Relations portfolio.

Environment, Communications, Information Technology and the Arts—Standing Committee—Additional information received between 9 May and 21 May 2007—

Communications, Information Technology and the Arts portfolio.

Environment and Water Resources portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 10 May and 20 June 2007—

Finance and Administration portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade—Standing Committee—Additional information received between 29 March and 21 June 2007—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 8 May and 19 June 2007—

Agriculture, Fisheries and Forestry portfolio.

Transport and Regional Services portfolio.

Budget estimates 2007-08—Finance and Public Administration—Standing Committee—Additional information received between 10 May and 20 June 2007—

Finance and Administration portfolio.  
Human Services portfolio.  
Parliamentary departments.  
Prime Minister and Cabinet portfolio.

**19 CHAIRS' COMMITTEE—RESPONSE—FINANCE AND PUBLIC ADMINISTRATION—  
STANDING COMMITTEE—TRANSPARENCY AND ACCOUNTABILITY OF  
COMMONWEALTH PUBLIC FUNDING AND EXPENDITURE**

Senator Watson, at the request of the Chairman of the Chairs' Committee (Senator Hogg), tabled the following document pursuant to standing order 25(10):

Chairs' Committee—Response to Finance and Public Administration Committee's report on transparency and accountability of Commonwealth public funding and expenditure, dated June 2007.

**20 FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 1) 2007**

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

Message no. 596, dated 20 June 2007—A Bill for an Act to amend the *Financial Management and Accountability Act 1997*, 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.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

**21 FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007  
GENE TECHNOLOGY AMENDMENT BILL 2007  
MIGRATION AMENDMENT (REVIEW PROVISIONS) BILL 2006 [2007]**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 597, dated 20 June 2007—Food Standards Australia New Zealand Amendment Bill 2007.

Message no. 598, dated 20 June 2007—Gene Technology Amendment Bill 2007.

Message no. 595, dated 20 June 2007—Migration Amendment (Review Provisions) Bill 2006 [2007].

**22 WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007**

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

Message no. 599, dated 20 June 2007—Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.



**23 ECONOMICS—STANDING COMMITTEE—PROPOSED REFERENCE**

Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Economics Committee for inquiry and report by 6 October 2007:

An assessment of the benefits and costs of introducing renewable energy feed-in tariffs in Australia, including an evaluation of:

- (a) barriers to the expansion of the renewable energy industry in general and within the electricity market in Australia in particular;
- (b) the likelihood that carbon prices generated by an emissions trading system will be insufficient to overcome these barriers in the near term; and
- (c) options to link the Mandatory Renewable Energy Target scheme (with an increased target) with feed-in tariffs to guarantee a viable return on investment for investors in a range of prospective renewable energy technologies.

Debate ensued.

Question put.

The Senate divided—

**AYES, 30**

Senators—

Allison	Forshaw	McLucas	Siewert
Bartlett	Hogg	Milne	Sterle
Bishop	Hurley	Moore	Stott Despoja
Brown, Bob	Hutchins	Murray	Webber
Campbell	Kirk (Teller)	Nettle	Wong
Conroy	Ludwig	O'Brien	Wortley
Faulkner	Marshall	Ray	
Fielding	McEwen	Sherry	

**NOES, 33**

Senators—

Abetz	Cormann	Joyce	Payne
Adams	Eggleston	Kemp	Ronaldson
Barnett	Ferguson	Lightfoot	Scullion
Bernardi	Fierravanti-Wells	Macdonald, Sandy	Troeth
Birmingham	Fifield	Mason	Trood
Boswell	Fisher	McGauran	Watson
Boyce	Heffernan	Nash (Teller)	
Chapman	Humphries	Parry	
Colbeck	Johnston	Patterson	

Question negatived.

**24 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL**

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason), at the request of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) and pursuant to notice, moved government business notice of motion no. 4—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of an extension to the National Gallery of Australia.

Question put and passed.

## 25 WHEAT MARKETING 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.

Question put and passed.

Bill read a second time.

*Proposed instruction to committee of the whole:* Senator O'Brien, pursuant to contingent notice, moved—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.

Debate ensued.

Question put.

The Senate divided—

### AYES, 31

Senators—

Allison	Faulkner	Marshall	Ray
Bartlett	Forshaw	McEwen	Siewert
Bishop	Hogg	McLucas	Stephens
Brown, Bob	Hurley	Milne	Sterle
Brown, Carol	Hutchins	Moore	Stott Despoja
Campbell (Teller)	Kirk	Murray	Webber
Carr	Ludwig	Nettle	Wortley
Evans	Lundy	O'Brien	

### NOES, 34

Senators—

Adams	Colbeck	Humphries	Nash
Barnett	Cormann	Johnston	Parry
Bernardi	Eggleston	Joyce	Payne
Birmingham	Ferguson	Kemp	Ronaldson
Boswell	Fielding	Lightfoot	Troeth
Boyce	Fierravanti-Wells	Macdonald, Sandy	Trood
Brandis	Fifield	Mason	Watson
Calvert	Fisher	McGauran (Teller)	
Chapman	Heffernan	Minchin	

Question negatived.

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

### *In the committee*

Bill, taken as a whole by leave, debated.

Question—That the bill be agreed to—divided in respect of Schedules 1 and 3 to 6.  
Schedules 1 and 3 to 6 debated and agreed to.

Senator O'Brien moved the following amendment:

Clause 2, page 2 (cell at table item 4, column 2), omit the cell, substitute:

The day on which this Act receives the Royal Assent.

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

Bill further debated.

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

## 26 QUESTIONS

Questions without notice were answered.

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

Elections—Workplace relations—Copy of poster, 'Rudd's "new" Labor'.

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Further questions without notice were answered.

## 27 ANSWERS TO QUESTIONS

Senator Ludwig 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.

## 28 ECONOMICS—STANDING COMMITTEE—GOVERNMENT RESPONSE—PETROL PRICING IN AUSTRALIA

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

Economics—Standing Committee—Report—Petrol prices in Australia—Government response.

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

Debate ensued.

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

## 29 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—GOVERNMENT RESPONSE—PACIFIC REGION SEASONAL CONTRACT LABOUR

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

Employment, Workplace Relations and Education—Standing Committee—Report—Perspectives on the future of the harvest labour force—Government response.

**30 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—REVIEW OF THE DEFENCE ANNUAL REPORT 2004-05**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—  
Review of the Defence annual report 2004-05—Government response, dated June 2007.

**31 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT  
RESPONSES OUTSTANDING**

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

President’s report to the Senate on government responses outstanding to  
parliamentary committee reports as at 21 June 2007.

**32 AUDITOR-GENERAL—AUDIT REPORT NO. 47 OF 2006-07—DOCUMENT**

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

Auditor-General—Audit report no. 47 of 2006-07—Performance audit—  
Coordination of Australian government assistance to Solomon Islands: Department  
of Foreign Affairs and Trade; Australian Agency for International Development.

**33 PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

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

Parliamentarians’ travel paid by the Department of Finance and Administration—  
1 July to 31 December 2006, dated June 2007.

**34 FORMER PARLIAMENTARIANS’ TRAVEL COSTS—DOCUMENT**

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

Former parliamentarians’ travel paid by the Department of Finance and  
Administration—1 July to 31 December 2006, dated June 2007.

**35 PARLIAMENTARIANS’ OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT**

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

Parliamentarians’ overseas study travel reports—1 July to 31 December 2006,  
dated June 2007.

**36 FORMER GOVERNORS-GENERAL TRAVEL COSTS—DOCUMENT**

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

Expenditure on travel by former Governors-General paid by the Department of  
Prime Minister and Cabinet—1 July to 31 December 2006.

37 **DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT**

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

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2006.

38 **PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—  
PRESIDENT'S REPORT ON GOVERNMENT RESPONSES**

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

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 7 December 2006, dated June 2007.

39 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 11 OF 2007**

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

## SELECTION OF BILLS COMMITTEE

## REPORT NO. 11 OF 2007

1. The committee met in private session on Thursday, 21 June 2007 at 11.20 am.
2. The committee resolved to recommend—That—
  - (a) the Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 July 2007;
  - (b) the *provisions* of the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 30 July 2007;
  - (c) the *provisions* of the Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007 and the Corporations (National Guarantee Fund Levies) Amendment Bill 2007 be *referred immediately* to the Economics Committee for inquiry and report by 31 July 2007;
  - (d) the *provisions* of the Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007 be *referred immediately* to the Economics Committee for inquiry and report by 31 July 2007;
  - (e) the *provisions* of the Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007 be *referred immediately* to the Employment, Workplace Relations and Education Committee for inquiry and report by 30 July 2007;
  - (f) the *provisions* of the Migration Amendment (Sponsorship Obligations) Bill 2007 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 30 July 2007;
  - (g) the *provisions* of the Social Security Legislation Amendment (2007 Budget Measures for Students) Bill 2007 be *referred immediately* to the Employment, Workplace Relations and Education Committee for inquiry and report by 30 July 2007;

- (h) the *provisions* of the Superannuation Legislation Amendment Bill 2007 be *referred immediately* to the Finance and Public Administration Committee for inquiry and report by 27 July 2007;
- (i) the *provisions* of the Tax Laws Amendment (2007 Measures No. 4) Bill 2007, Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007 and the Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007 be *referred immediately* to the Economics Committee for inquiry and report by 31 July 2007;
- (j) the *provisions* of the Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007 be *referred immediately* to the Environment, Communications, Information Technology and the Arts Committee for inquiry and report by 30 July 2007; and
- (k) the *provisions* of the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2007 be *referred immediately* to the Employment, Workplace Relations and Education Committee for inquiry and report by 7 August 2007.

*The committee recommends accordingly.*

3. The committee deferred consideration of the following bills to its next meeting:
  - Lobbying and Ministerial Accountability Bill 2007
  - Peace and Non-Violence Commission Bill 2007
  - Public Interest Disclosures Bill 2007.

Stephen Parry  
Chair  
21 June 2007.

Senator Parry moved—That the report be adopted.

Question put and passed.

#### 40 TREATIES—JOINT STANDING COMMITTEE—REPORT—85TH REPORT

Senator Wortley, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—85th report—Treaties tabled on 6, 7 and 27 February 2007, dated June 2007.

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

Question put and passed.

#### 41 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Participants in British Nuclear Tests (Treatment) Act—Instrument No. R9/2007—Repatriation Private Patient Principles ((Australian Participants in British Nuclear Tests) 2006 – Removal of Arrangements for Local Medical Officers) Instrument 2007 [F2007L01230]\*.

Banking Act—Banking (Foreign Exchange) Regulations 1959—Direction relating to foreign currency transactions and to Zimbabwe; and variation of exemptions—Amendment to annexes, dated 15 June 2007 [F2007L01784]\*.

Class Rulings CR 2007/50-CR 2007/53.

Corporations Act—

ASIC Class Order [CO 07/410] [F2007L01759]\*.

Corporations Regulations—Guidelines for the use of the word ‘university’ in company names, dated 24 May 2007 [F2007L01747]\*.

Customs Act—

Tariff Concession Orders—

0701687 [F2007L01670]\*.  
 0702644 [F2007L01638]\*.  
 0702648 [F2007L01703]\*.  
 0703293 [F2007L01644]\*.  
 0703295 [F2007L01704]\*.  
 0703307 [F2007L01624]\*.  
 0703429 [F2007L01705]\*.  
 0703434 [F2007L01625]\*.  
 0703435 [F2007L01646]\*.  
 0703685 [F2007L01668]\*.  
 0703750 [F2007L01667]\*.  
 0703866 [F2007L01665]\*.  
 0703929 [F2007L01664]\*.  
 0704150 [F2007L01738]\*.  
 0704152 [F2007L01739]\*.

Tariff Concession Revocation Instruments—

90/2007 [F2007L01630]\*.  
 91/2007 [F2007L01631]\*.  
 92/2007 [F2007L01632]\*.  
 93/2007 [F2007L01633]\*.  
 95/2007 [F2007L01710]\*.  
 96/2007 [F2007L01711]\*.  
 97/2007 [F2007L01712]\*.  
 98/2007 [F2007L01713]\*.  
 100/2007 [F2007L01715]\*.

Financial Management and Accountability Act—

Financial Management and Accountability Determination 2007/08 – Services for Other Entities and Trust Moneys – Australian Pesticides and Veterinary Medicines Authority Special Account Establishment 2007 [F2007L01848]\*.

Financial Management and Accountability Determination 2007/09 – Services for Other Entities and Trust Moneys – Australian Prudential Regulation Authority Special Account Establishment 2007 [F2007L01834]\*.

Financial Management and Accountability Determination 2007/10 – Services for Other Entities and Trust Moneys – Corporations and Markets Advisory Committee Special Account Establishment 2007 [F2007L01836]\*.

Financial Management and Accountability Determination 2007/11 – Services for Other Entities and Trust Moneys – Export Wheat Commission Special Account Establishment 2007 [F2007L01839]\*.

Financial Management and Accountability Determination 2007/12 – Services for Other Entities and Trust Moneys – Great Barrier Reef Marine Park Authority Special Account Establishment 2007 [F2007L01843]\*.

Financial Management and Accountability Determination 2007/13 – Services for Other Entities and Trust Moneys – Private Health Insurance Ombudsman Special Account Establishment 2007 [F2007L01851]\*.

Fisheries Management Act—

Determinations Nos—

EFT01B—Commonwealth Eastern Finfish Trawl Daily Fishing Log [F2007L01731]\*.

LN01A—Commonwealth Line Daily Fishing Log [F2007L01733]\*.

NT01A—Commonwealth Gillnet Fishing Daily Fishing Log [F2007L01732]\*.

Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—SESSF Direction No. 07—Freezer/Processing Sector of the Commonwealth South East Trawl Sector [F2007L01782]\*.

Higher Education Support Act—

Higher Education Provider Approval (No. 9 of 2007)—Australian Academy of Design Incorporated [F2007L01800]\*.

List of Grants under Division 41, dated 13 June 2007 [F2007L01801]\*.

*Income Tax Assessment Act 1997*—Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2007 (No. 1) [F2007L01812]\*.

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2007 (No. 2) [F2007L01762]\*.

Product Rulings—

Addenda—

PR 2006/101.

PR 2007/4.

PR 2007/58-PR 2007/61.

Remuneration Tribunal Act—Determinations—

2007/08: Principal Executive Office (PEO) Classification Structure and Terms and Conditions [F2007L01754]\*.

2007/11: Judicial and Related Offices – Remuneration and Allowances [F2007L01755]\*.

2007/12: Specified Statutory Officers – Remuneration and Allowances [F2007L01761]\*.

Sales Tax Bulletins—Notices of Withdrawal—STB 4-STB 6.

Sales Tax Rulings—Notices of Withdrawal—ST 2442-ST 2444, ST 2446-ST 2456 and ST 2459-ST 2461.

Social Security (International Agreements) Act—Select Legislative Instrument 2007 No. 144—Social Security (International Agreements) Act 1999 Amendment Regulations 2007 (No. 1) [F2007L01655]\*.

*Superannuation Act 1976*—Superannuation (CSS) Productivity Contribution (2007-2008) Declaration 2007 [F2007L01769]\*.

*Superannuation Act 1990*—

Superannuation (PSS) Maximum Benefits (2007-2008) Determination 2007 [F2007L01767]\*.

Superannuation (PSS) Productivity Contributions (2007-2008) Determination 2007 [F2007L01768]\*.



Telecommunications (Interception and Access) Act—Telecommunications (Interception and Access) (Emergency Service Facilities – Queensland) Instrument 2007 (No. 2) [F2007L01783]\*.

Veterans' Entitlements Act—Instrument No. R5/2007—Veterans' Entitlements (Repatriation Private Patient Principles 2004 – Removal of Arrangements for Local Medical Officers) Instrument 2007 [F2007L01223]\*.

\* Explanatory statement tabled with legislative instrument.

#### 42 HOURS OF MEETING—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), by leave, moved—That the Senate continue to sit between 6.30 pm and 7.30 pm.

Question put and passed.

#### 43 WHEAT MARKETING AMENDMENT BILL 2007

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

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#### *In the committee*

Consideration resumed of the bill.

Senator O'Brien moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 12), omit “**request**”, substitute “**require**”.

Schedule 1, item 2, page 3 (line 17), omit “*Request*”, substitute “*Requirement to produce information and documents*”.

Schedule 1, item 2, page 3 (line 18), omit “request”, substitute “require”.

Schedule 1, item 2, page 4 (line 10), omit “*Request*”, substitute “*Requirement to produce report*”.

Schedule 1, item 2, page 4 (line 11), omit “request”, substitute “require”.

Schedule 1, item 2, page 4 (after line 17), after section 5DB, insert:

#### **5DBA Failure to produce information, documents or a report**

If a person fails to produce information, documents or a report in accordance with section 5DA or 5DB, as the case may be, the person is guilty of an offence.

Penalty: (a) in the case of a natural person—600 penalty units; or  
(b) in the case of a body corporate—5,000 penalty units.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

# AYES, 32

Senators—

Allison	Forshaw	McEwen	Sherry
Bartlett	Hogg	McLucas	Siewert
Bishop	Hurley	Milne	Stephens
Brown, Bob	Hutchins	Moore	Sterle
Brown, Carol	Kirk	Murray	Stott Despoja
Carr	Ludwig	Nettle	Webber (Teller)
Conroy	Lundy	O'Brien	Wong
Evans	Marshall	Ray	Wortley

# NOES, 36

Senators—

Abetz	Chapman	Fifield	Nash
Adams	Colbeck	Fisher	Parry (Teller)
Barnett	Coonan	Humphries	Patterson
Bernardi	Cormann	Johnston	Payne
Birmingham	Eggleston	Joyce	Ronaldson
Boswell	Ellison	Lightfoot	Scullion
Boyce	Ferguson	Macdonald, Sandy	Troeth
Brandis	Fielding	Mason	Trood
Calvert	Fierravanti-Wells	McGauran	Watson

Question negatived.

Senator O'Brien moved the following amendment:

Schedule 1, item 2, page 6 (after line 5), after subsection 5DC(9), insert:

## *Presentation of report to Parliament*

- (9A) The Minister must cause the whole of a report presented to him or her in accordance with this section to be tabled in each House of the Parliament within 5 sitting days of that House after receiving the report.

Debate ensued.

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

Senator O'Brien moved the following amendment:

Schedule 3, item 2, page 8 (after line 21), after subsection 3AA(5), insert:

## *Limitation on declaration*

- (5A) The Minister must not make a declaration in accordance with this section unless:
- (a) the Minister has caused a poll to be conducted of all growers who have paid a wheat export charge as defined in the *Wheat Marketing Act 1989* since July 2002; and
  - (b) the poll finds that 51 per cent or more of growers are in support of declaring the specified company; and
  - (c) such further conditions as the Minister considers appropriate.
- (5B) The poll required to be conducted by subsection (5A) is to be conducted by the Australian Electoral Commission in accordance with that Commission's recommendations for the fair conduct of such a poll.

Question—That the amendment be agreed to—put.

The committee divided—

# AYES, 28

Senators—

Allison	Hogg	McEwen	Sherry
Bishop	Hurley	McLucas	Siewert
Brown, Bob	Hutchins	Milne	Stephens
Brown, Carol	Kirk	Moore	Sterle
Campbell (Teller)	Ludwig	Murray	Webber
Conroy	Lundy	Nettle	Wong
Forshaw	Marshall	O'Brien	Wortley

# NOES, 32

Senators—

Abetz	Cormann	Humphries	Parry
Adams	Eggleston	Johnston	Patterson
Bernardi	Ellison	Joyce	Payne
Birmingham	Ferguson	Lightfoot	Ronaldson
Boyce	Fielding	Macdonald, Sandy	Scullion
Brandis	Fierravanti-Wells	Mason	Troeth
Chapman	Fifield	McGauran	Trood
Colbeck	Fisher	Nash (Teller)	Watson

Question negatived.

Question—That the bill be agreed to—divided in respect of Schedule 4, items 1, 2 and 9 to 13.

Schedule 4, items 1, 2 and 9 to 13 debated and agreed to.

Senator O'Brien moved the following amendment:

Schedule 5, page 29 (after line 1), after item 54, insert:

## 54A After subsection 60(1)

Insert:

- (1A) If the Minister does not agree in writing in accordance with subsection (1), the Minister must provide a written statement of particulars and reasons specifying the ground or grounds on which agreement was not given.
- (1B) A copy of the Minister's decision in relation to consent, and the written statement of particulars and reasons, if applicable, must be supplied to:
  - (a) the Chairperson of the Commission; and
  - (b) the person who made the application to export wheat under section 57.
- (1C) The Minister must cause a copy of his decision in relation to consent given in accordance with subsection (1), and a statement of particulars and reasons in accordance with subsection (1A), if applicable, to be tabled in each House of the Parliament within 5 sitting days of that House after the Minister makes a decision in relation to consent.

Debate ensued.

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

Senator O'Brien moved the following amendment:

Schedule 5, page 29 (after line 9), after item 57, insert:

**57A After subsection 62(2)**

Insert:

- (2A) If the Minister gives a notice in accordance with subsection (1), the Minister must provide a written statement of particulars and reasons specifying the ground or grounds on which the notice was given.
- (2B) A copy of the notice in accordance with subsection (1) and the written statement of particulars and reasons in accordance with subsection (2A) must be supplied to:
  - (a) the Chairperson of the Commission; and
  - (b) the person who made the application to export wheat under section 57.
- (2C) The Minister must cause a copy of a notice given in accordance with subsection (1) and a written statement of particulars and reasons in accordance with subsection (2A) to be tabled in each House of the Parliament within 5 sitting days of that House after the notice is given.

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

Senator O'Brien moved the following amendment:

Schedule 3, item 2, page 9 (lines 12 to 14), omit subsection 3AA(12), substitute:

- (12) Until the first declaration under subsection (1) takes effect, nominated company B continues to be the *designated company* for the purposes of this Act until 1 July 2008, after which time nominated company B ceases to be the designated company for the purposes of this Act.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 29**

Senators—

Bartlett	Hogg	McLucas	Stephens
Bishop	Hurley	Milne	Sterle
Brown, Bob	Hutchins	Moore	Webber
Brown, Carol	Kirk	Murray	Wong
Campbell (Teller)	Ludwig	Nettle	Wortley
Carr	Lundy	O'Brien	
Conroy	Marshall	Sherry	
Forshaw	McEwen	Siewert	

**NOES, 34**

Senators—

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

Question negatived.

Senator O'Brien moved the following amendment:

Schedule 5, item 43, page 26 (line 16) to page 27 (line 3), omit the item, substitute:

**43 Section 14**

Repeal the section, substitute:

**14 Staff**

- (1) The staff of the Commission are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Chairperson and the staff together constitute a Statutory Agency; and
  - (b) the Chairperson is the Head of that Statutory Agency.

**43A Before section 16**

Insert:

**Division 6—Planning and reporting obligations**

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Kirk) 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 this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

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

A message from the House of Representatives was reported as follows:

Message no. 602, dated 21 June 2007—National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007, agreeing to amendments made by the Senate, disagreeing to amendment no. 3 and making an identical amendment in place of that amendment.

Ordered, on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason), that the message be considered in committee of the whole immediately.

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*In the committee*SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH THE  
HOUSE OF REPRESENTATIVES HAS DISAGREED

- (1) Schedule 1, item 81, page 29 (lines 4 to 12), omit subsection 99ACC(4), substitute:
- (4) If the Pharmaceutical Benefits Advisory Committee gives advice to the Minister under subsection 101(4AC) in relation to the combination item, then, in working out the new price of the single brand of the combination item, the Minister may have regard to that advice in considering the extent (if any) to which to reduce the existing agreed price.
- (4A) If:
- (a) subsection (4) applies; and
  - (b) the Minister decides to reduce the existing agreed price;
- then, in agreeing the new price of the single brand of the combination item, the Minister:
- (c) may have regard to the advice referred to in subsection (4) in relation to the combination item; and
  - (d) must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
    - (i) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
    - (ii) the quantity of the listed component drug contained in the combination item.
- (4B) If subsection (4) does not apply, then, in agreeing the new price of the single brand of the combination item, the Minister must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
- (a) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
  - (b) the quantity of the listed component drug contained in the combination item.

SCHEDULE OF THE AMENDMENT  
MADE BY THE HOUSE OF REPRESENTATIVES

- (1) Schedule 1, item 81, page 29 (lines 4 to 12), omit subsection 99ACC(4), substitute:
- (4) If the Pharmaceutical Benefits Advisory Committee gives advice to the Minister under subsection 101(4AC) in relation to the combination item, then, in working out the new price of the single brand of the combination item, the Minister may have regard to that advice in considering the extent (if any) to which to reduce the existing agreed price.

- (4A) If:
- (a) subsection (4) applies; and
  - (b) the Minister decides to reduce the existing agreed price;
- then, in agreeing the new price of the single brand of the combination item, the Minister:
- (c) may have regard to the advice referred to in subsection (4) in relation to the combination item; and
  - (d) must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
    - (i) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
    - (ii) the quantity of the listed component drug contained in the combination item.
- (4B) If subsection (4) does not apply, then, in agreeing the new price of the single brand of the combination item, the Minister must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:
- (a) the approved price to pharmacists, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and
  - (b) the quantity of the listed component drug contained in the combination item.

***[combination items]***

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*Statement by Chair of Committees:* The Chair of Committees (Senator Hogg) made the following statement:

Although the relevant Senate amendment was moved by the government in the Senate, without any suggestion that it should be a request, the amendment has been disagreed to in the House of Representatives on the basis that it should have been a request.

The statement under the order of the Senate of 26 June 2000 which would have been issued if the Government had raised the question in the Senate would have indicated that it would not be in accordance with the precedents of the Senate to treat this amendment as a request. A resolution of the Senate in 1981 established the principle that an amendment which would empower a minister to make determinations which would increase expenditure otherwise to be made under the bill should not be requests on a proper interpretation of section 53 of the Constitution. This principle has consistently been applied by the Senate since that time.

As the substitute amendment made in the House is the same as the amendment made by the Senate, it is suggested that the Senate can now simply agree to the amendment which it originally made.

---

Senator Mason moved—That the committee agrees to the amendment made by the House of Representatives to the bill, which is identical to Senate amendment no. 3.

Debate ensued.

Question put and passed.

Resolution to be reported.

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The Acting Deputy President (Senator Kirk) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 602 from the House of Representatives relating to the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007 and agreed to the amendment made by the House to the bill, which is identical to Senate amendment no. 3.

On the motion of Senator Mason the report from the committee was adopted.

**45 TAX LAWS AMENDMENT (SIMPLIFIED GST ACCOUNTING) 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.

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.

**46 FISHERIES LEGISLATION AMENDMENT BILL 2007  
FISHERIES LEVY AMENDMENT 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 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.

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*In the committee*

Bills, taken together and as a whole by leave, debated and agreed to.

The Fisheries Legislation Amendment Bill 2007 to be reported without amendments and the Fisheries Levy Amendment Bill 2007 to be reported without requests for amendments.

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The Acting Deputy President (Senator Ferguson) 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 and the bills read a third time.

**47 CORPORATIONS LEGISLATION AMENDMENT (SIMPLER REGULATORY SYSTEM)  
BILL 2007**

**CORPORATIONS (FEES) AMENDMENT BILL 2007**

**CORPORATIONS (REVIEW FEES) AMENDMENT BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Brandis)—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*

Bills taken together and as a whole by leave.

Senator Murray moved the following amendment in respect of the Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007:

Schedule 1, page 13 (after line 28), after item 43, insert:

**43A After Part 2M.3, Division 8**

Insert:

**Division 8A—Disclosure by companies of political donations**

**323DB Object of Division**

The object of this Division is to authorise gifts and other political donations as defined in the *Commonwealth Electoral Act 1918* and in this Division, made by companies to political organisations.

**323DC Prohibition of gifts and political donations by companies**

- (1) It is unlawful for a gift or other political donation as defined in this section to be made by a company to a political organisation or a candidate except as authorised by this Division.
- (2) In this Division:

*candidate* means a candidate for election to the Commonwealth Parliament, a State Parliament or for a position in a registered organisation as defined in the *Workplace Relations Act 1996*.

*political donation* means:

- (a) a *gift* as defined by the *Commonwealth Electoral Act 1918*; or
- (b) a *disposition of property* as defined by the *Commonwealth Electoral Act 1918*.

*political organisation* means a *registered political party* or an associated entity as defined by the *Commonwealth Electoral Act 1918*.

*relevant time*, in relation to any political donation made by a company, means:

- (a) the time when the donation is made; or

- (b) the time, if earlier, when any contract or undertaking is entered into by a company in pursuance of which the political donation is made.

### 323DD Approval of gifts and political donations by companies

- (1) It is unlawful for a company or an officer of a company to make any political donation to a political organisation or candidate unless:
  - (a) the political donation is authorised by a resolution passed at a general meeting by a majority of shareholders of the company before the relevant time; or
  - (b) the political donation is made on the authority of the company, board or management body in accordance with a donation policy which has been approved by a general meeting of the company before the relevant time.

Penalty:

- (a) in the case of an individual—by a fine not exceeding 2,000 penalty units; or
  - (b) in the case of a body corporate—by a fine not exceeding 10,000 penalty units.
- (2) For the purposes of this section, an approval resolution is a qualifying resolution which specifically authorises the company to make donations to nominated political organisations not exceeding in total a sum specified in the resolution, during the requisite period beginning with the date of the resolution and concluding at the expiration of three years after the date of the resolution, after which a further resolution is required in accordance with paragraph (1)(a).
- (3) In this section:
 

**qualifying resolution** means an ordinary resolution or, if the directors so determine or the articles so require:

  - (a) a special resolution; or
  - (b) a resolution passed by any percentage of the members greater than that required for an ordinary resolution.

**requisite period** means three years or such shorter period as the directors may determine or the articles may require.
- (4) The directors may make a determination in relation to a qualifying resolution or the requisite period unless any provision of the articles of the company operates to prevent them from doing so.
- (5) An approval resolution must be expressed in specific terms which conform with subsection (2).
- (6) If a company or an officer of a company makes any donation in contravention of subsection (1), no ratification or other approval made or given by the company or its members after the relevant time is capable of operating to nullify that contravention.
- (7) For the purposes of this section, **company** includes a subsidiary of a company.

Debate ensued.

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

Bills agreed to.

The Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007 and the Corporations (Review Fees) Amendment Bill 2007 to be reported without amendments and the Corporations (Fees) Amendment Bill 2007 to be reported without requests for amendments.

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

**48 AUSTRALIAN CENTRE FOR INTERNATIONAL AGRICULTURAL RESEARCH  
AMENDMENT BILL 2007**

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

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*Explanatory memorandum:* The Minister for Justice and Customs (Senator Johnston) tabled an additional explanatory memorandum relating to the bill.

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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 Senator Johnston the bill was read a third time.

**49 AGED CARE AMENDMENT (RESIDENTIAL CARE) BILL 2007**

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

Message no. 600, dated 21 June 2007—A Bill for an Act to amend the *Aged Care Act 1997*, and for related purposes.

The Minister for Justice and Customs (Senator Johnston) 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 Johnston moved—That this bill be now read a second time.

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

---

Debate ensued.

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.

Senator McLucas moved the following amendment:

Page 2 (after line 11), after clause 3, insert:

**4 Review**

- (1) The Minister must cause to be carried out an independent review of the operation of this Act within 2 years of the day on which this Act receives the Royal Assent.
- (2) The review is to be conducted by a person or persons (the *reviewing officers*) who, in the Minister's opinion, possess appropriate qualifications to undertake the review, and must include one or more persons who are not employed by the Commonwealth or a Commonwealth authority.
- (3) The reviewing officers must consider:
  - (a) the extent to which the purposes of this Act have been attained; and
  - (b) the administration of this Act; and
  - (c) such other matters as appear to the reviewing officers to be relevant.
- (4) The reviewing officers must prepare a report of the review and present it to the Minister within 6 months of commencing the review, and the Minister must cause the report to be presented to both Houses of the Parliament within 15 sitting days of receiving it.

Debate ensued.

Senator McLucas, by leave, amended the amendment to read as follows:

Page 2 (after line 11), after clause 3, insert:

**4 Review**

- (1) The Minister shall cause to be carried out an independent review of the operation of this Act, 18 months after its date of commencement.
- (2) The review shall be conducted by a person or persons (the *reviewing officers*) who, in the Minister's opinion, possess appropriate qualifications to undertake the review, and shall include one or more persons who are not employed by the Commonwealth or a Commonwealth authority.
- (3) The reviewing officers shall consider:
  - (a) the extent to which the purposes of this Act have been attained; and
  - (b) the administration of this Act; and
  - (c) such other matters as appear to the reviewing officers to be relevant.

- (4) The reviewing officers shall prepare a report based on the review and, as soon as practicable after its preparation, shall cause the report to be presented to both Houses of the Parliament.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

**50 SOCIAL SECURITY AMENDMENT (APPRENTICESHIP WAGE TOP-UP FOR AUSTRALIAN APPRENTICES) 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 Health and Ageing (Senator Mason) the bill was read a third time.

**51 MIGRATION (SPONSORSHIP FEES) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Brandis)—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.

**52 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS LEGISLATION AMENDMENT (CHILD CARE AND OTHER 2007 BUDGET MEASURES) BILL 2007**

Order of the day read for the adjourned debate on the motion of the Minister for the Arts and Sport (Senator Brandis)—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.

### 53 GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2007

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

#### *In the committee*

Bill taken as whole by leave.

Senator Bartlett moved the following amendment:

Schedule 1, item 14, page 5 (line 8), omit paragraph 10(1)(b), substitute:

(b) a member appointed to represent the interests of the Aboriginal and Torres Strait Islander communities adjacent to the Marine Park;

(c) at least 1 but not more than 3 other members.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

#### AYES, 29

Senators—

Allison	Hurley	Milne	Sterle
Bartlett	Hutchins	Moore	Stott Despoja
Bishop	Kirk	Murray	Webber
Brown, Carol	Ludwig	Nettle	Wong
Campbell (Teller)	Lundy	O'Brien	Wortley
Carr	Marshall	Ray	
Forshaw	McEwen	Sherry	
Hogg	McLucas	Siewert	

#### NOES, 34

Senators—

Abetz	Colbeck	Humphries	Patterson
Adams	Cormann	Johnston	Payne
Barnett	Eggleston	Joyce	Ronaldson
Bernardi	Ellison	Lightfoot	Scullion
Birmingham	Ferguson	Macdonald, Sandy	Troeth
Boyce	Fielding	Mason	Trood
Brandis	Fierravanti-Wells	McGauran	Watson
Calvert	Fifield	Nash	
Chapman	Fisher	Parry (Teller)	

Question negatived.

Senator Bartlett moved the following amendment:

Schedule 1, item 14, page 5 (line 8), at the end of paragraph 10(1)(b), add “, at least one of whom must be appointed for his or her knowledge of the land and sea management and other cultural practices of Indigenous people in areas in and adjacent to the Marine Park”.

Debate ensued.

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

Senator Bartlett moved the following amendments together by leave:

Schedule 1, item 27, page 7 (line 22), after “plan”, insert “and must specifically address any relevant interests and matters relating to Indigenous peoples from the area covered by the proposed plan”.

Schedule 1, item 27, page 8 (after line 30), after subsection 35(2), insert:

- (2A) The Authority must consult with Indigenous peoples with an interest in an area for which a zoning plan is being prepared as part of preparing any statement under this section.

Debate ensued.

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

Senator McLucas moved the following amendment:

Schedule 1, page 15 (after line 27), at the end of the Schedule, add:

### **35 Schedule 1**

Repeal paragraphs (a) to (j), substitute:

- (a) commences at the point that, at low water, is the northernmost extremity of Cape York Peninsula Queensland;
- (b) runs thence easterly along the geodesic to the intersection of parallel of Latitude 10° 41' South with meridian of Longitude 145°19'33" East;
- (c) runs thence south-easterly along the geodesic to a point of Latitude 12°20'00" South Longitude 146°30'00";
- (d) runs thence south-easterly along the geodesic to a point of Latitude 12°38'30" South Longitude 147°08'30" East;
- (e) runs thence south-easterly along the geodesic to a point of Latitude 13°10'30" South Longitude 148°05'00" East;
- (f) runs thence south-easterly along the geodesic to a point of Latitude 14°38'00" South Longitude 152°07'00" East;
- (g) runs thence south-easterly along the geodesic to a point of Latitude 14°45'00" South Longitude 154°15'00" East;
- (h) runs thence north-easterly along the geodesic to a point of Latitude 14°05'00" South Longitude 156°37'00" East;
- (i) runs thence north-easterly along the geodesic to a point of Latitude 14°04'00" South Longitude 157°00'00" East;
- (j) runs thence south-easterly along the geodesic to a point of Latitude 14°41'00" South Longitude 157°43'00" East;
- (k) runs thence south-easterly along the geodesic to a point of Latitude 15°44'07" South Longitude 158°45'39" East;
- (l) runs thence south-westerly along the geodesic to a point of Latitude 16°25'28" South Longitude 158°22'49" East;
- (m) runs thence south-westerly along the geodesic to a point of Latitude 16°34'51" South Longitude 158°16'26" East;
- (n) runs thence south-westerly along the geodesic to a point of Latitude 17°30'28" South Longitude 157°38'31" East;
- (o) runs thence south-westerly along the geodesic to a point of Latitude 17°54'40" South Longitude 157°21'59" East;

- (p) runs thence south-westerly along the geodesic to a point of Latitude 18°32'25" South Longitude 156°56'44" East;
- (q) runs thence south-westerly along the geodesic to a point of Latitude 18°55'54" South Longitude 156°37'29" East;
- (r) runs thence south-westerly along the geodesic to a point of Latitude 19°17'12" South Longitude 156°15'20" East;
- (s) runs thence south-easterly along the geodesic to a point of Latitude 20°08'28" South Longitude 156°49'34" East;
- (t) runs thence south-easterly along the geodesic to a point of Latitude 20°32'28" South Longitude 157°03'09" East;
- (u) runs thence south-easterly along the geodesic to a point of Latitude 20°42'52" South Longitude 157°04'34" East;
- (v) runs thence south-easterly along the geodesic to a point of Latitude 20°53'33" South Longitude 157°06'25" East;
- (w) runs thence south-easterly along the geodesic to a point of Latitude 21°12'57" South Longitude 157°10'17" East;
- (x) runs thence south-easterly along the geodesic to a point of Latitude 21°47'21" South Longitude 157°14'36" East;
- (y) runs thence south-easterly along the geodesic to a point of Latitude 22°10'31" South Longitude 157°13'04" East;
- (z) runs thence south-easterly along the geodesic to a point of Latitude 22°31'38" South Longitude 157°18'43" East;
- (za) runs thence south-easterly along the geodesic to a point of Latitude 23°14'54" South Longitude 157°48'04" East;
- (zb) runs thence south-easterly along the geodesic to a point of Latitude 24°30'00" South Longitude 158°19'54" East;
- (zc) runs thence westerly along the parallel of Latitude 24° 30'00" South to its intersection by the coastline of Queensland at low water; and
- (zd) runs thence generally northerly along that coastline at low water to the point of commencement.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

Allison	Forshaw	McEwen	Siewert
Bartlett	Hogg	McLucas	Sterle
Bishop	Hurley	Milne	Stott Despoja
Brown, Bob	Hutchins	Moore	Webber
Brown, Carol	Kirk (Teller)	Murray	Wong
Campbell	Ludwig	Nettle	Wortley
Carr	Lundy	O'Brien	
Evans	Marshall	Sherry	



## NOES, 34

Senators—

Abetz	Colbeck	Humphries	Parry (Teller)
Adams	Cormann	Johnston	Patterson
Barnett	Eggleston	Joyce	Payne
Bernardi	Ellison	Lightfoot	Ronaldson
Birmingham	Ferguson	Macdonald, Sandy	Scullion
Boyce	Fielding	Mason	Trood
Brandis	Fierravanti-Wells	McGauran	Watson
Calvert	Fifield	Minchin	
Chapman	Fisher	Nash	

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

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

**54 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2007-2008****APPROPRIATION BILL (NO. 1) 2007-2008****APPROPRIATION BILL (NO. 2) 2007-2008****APPROPRIATION BILL (NO. 5) 2006-2007****APPROPRIATION BILL (NO. 6) 2006-2007**

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—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 Appropriation Bill (No. 1) 2007-2008 and Appropriation Bill (No. 2) 2007-2008, to which requests for amendments and an amendment were circulated in the Senate.

*In the committee***APPROPRIATION BILL (NO. 1) 2007-2008****APPROPRIATION BILL (NO. 2) 2007-2008—**

Bills taken together and as a whole by leave.

Senator Wong, also on behalf of Senator Murray, moved the following requests for amendments and amendment together by leave:

*Request in respect of Appropriation Bill (No. 1) 2007-2008—*

No. 1—That the House of Representatives be requested to make the following amendment:

Page 10 (after line 11), after clause 14, insert:

**15 Advertising and public information projects**

- (1) No amount appropriated by this Act is to be expended for any advertising or public information project if the cost of the project is estimated to be \$250,000 or more, unless:
  - (a) a statement in accordance with subsection (2) has been provided to the Auditor-General; and
  - (b) the Auditor-General has issued a certificate certifying that the project conforms with the guidelines for government advertising.
- (2) A statement under paragraph (1)(a) must indicate:
  - (a) the purpose and nature of the project;
  - (b) the intended recipients of the information to be communicated by the project;
  - (c) the name of the person who is to authorise the project;
  - (d) the manner in which the project is to be carried out;
  - (e) the name of the person or the entity that is to carry out the project;
  - (f) whether the project is to be carried out under a contract;
  - (g) whether such contract is to be let by tender;
  - (h) the estimated cost of the project.
- (3) A statement and certificate under subsection (1) must be:
  - (a) published in the *Gazette*; and
  - (b) laid before each House of the Parliament within 6 sitting days of that House after the certificate is issued.
- (4) In this section, the ***guidelines for government advertising*** means the guidelines set out in the Senate Standing Committee on Finance and Public Administration Committee report entitled *Government advertising and accountability*, December 2005.

*Amendment in respect of Appropriation Bill (No. 2) 2007-2008—*

No. 2—Page 10 (after line 8), after clause 13, insert:

**13A Advertising and public information projects**

- (1) No amount appropriated by this Act is to be expended for any advertising or public information project if the cost of the project is estimated to be \$250,000 or more, unless:
  - (a) a statement in accordance with subsection (2) has been provided to the Auditor-General; and
  - (b) the Auditor-General has issued a certificate certifying that the project conforms with the guidelines for government advertising.
- (2) A statement under paragraph (1)(a) must indicate:
  - (a) the purpose and nature of the project;
  - (b) the intended recipients of the information to be communicated by the project;
  - (c) the name of the person who is to authorise the project;
  - (d) the manner in which the project is to be carried out;
  - (e) the name of the person or the entity that is to carry out the project;
  - (f) whether the project is to be carried out under a contract;

- (g) whether such contract is to be let by tender;
- (h) the estimated cost of the project.
- (3) A statement and certificate under subsection (1) must be:
  - (a) published in the *Gazette*; and
  - (b) laid before each House of the Parliament within 6 sitting days of that House after the certificate is issued.
- (4) In this section, the ***guidelines for government advertising*** means the guidelines set out in the Senate Standing Committee on Finance and Public Administration Committee report entitled *Government advertising and accountability*, December 2005.

*Request in respect of Appropriation Bill (No. 1) 2007-2008—*

No. 3—That the House of Representatives be requested to make the following amendment:

Page 10 (after line 11), after clause 14, insert:

**15 Prohibition on appropriations being used for political fundraising activities**

No money appropriated by this or any other Act may be used for the purpose of an electoral fundraising activity at the property known as *Kirribilli House*, Kirribilli Avenue, Kirribilli, NSW or *The Lodge*, Adelaide Avenue, Deakin, ACT.

The question was divided—

Question—That request no. 1 and amendment no. 2 be agreed to—put.

The committee divided—

**AYES, 29**

Senators—

Allison	Fielding	McEwen	Sterle
Bartlett	Forshaw	McLucas	Stott Despoja
Bishop	Hogg	Milne	Webber (Teller)
Brown, Bob	Hurley	Moore	Wong
Brown, Carol	Hutchins	Murray	Wortley
Campbell	Kirk	Nettle	
Carr	Ludwig	Sherry	
Evans	Lundy	Siewert	

**NOES, 31**

Senators—

Abetz	Colbeck	Joyce	Patterson
Adams	Cormann	Lightfoot	Payne
Barnett	Ellison	Macdonald, Sandy	Ronaldson
Bernardi	Fierravanti-Wells	Mason	Scullion
Birmingham	Fifield	McGauran (Teller)	Troeth
Brandis	Fisher	Minchin	Trood
Calvert	Humphries	Nash	Watson
Chapman	Johnston	Parry	

Question negatived.

Question—That request no. 3 be agreed to—put.

The committee divided—

AYES, 29

Senators—

Allison	Fielding	McEwen	Sterle
Bartlett	Forshaw	McLucas	Stott Despoja
Bishop	Hogg	Milne	Webber (Teller)
Brown, Bob	Hurley	Moore	Wong
Brown, Carol	Hutchins	Murray	Wortley
Campbell	Kirk	Nettle	
Carr	Ludwig	Sherry	
Evans	Lundy	Siewert	

NOES, 31

Senators—

Abetz	Colbeck	Joyce	Patterson
Adams	Cormann	Lightfoot	Payne
Barnett	Ellison	Macdonald, Sandy	Ronaldson
Bernardi	Fierravanti-Wells	Mason	Scullion
Birmingham	Fifield	McGauran (Teller)	Troeth
Brandis	Fisher	Minchin	Trood
Calvert	Humphries	Nash	Watson
Chapman	Johnston	Parry	

Question negatived.

Bills agreed to.

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Appropriation Bill (No. 1) 2007-2008 to be reported without requests for amendments and Appropriation Bill (No. 2) 2007-2008 to be reported without amendments.

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The President 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 Appropriation (Parliamentary Departments) Bill (No. 1) 2007-2008, Appropriation Bill (No. 1) 2007-2008, Appropriation Bill (No. 2) 2007-2008, Appropriation Bill (No. 5) 2006-2007 and Appropriation Bill (No. 6) 2006-2007 read a third time.

**55 PARLIAMENT HOUSE DINING ROOM—MRS KATE ROBERTSON—STATEMENT BY PRESIDENT**

The President made a statement relating to the retirement, on 22 June 2007, of Mrs Kate Robertson, supervisor of the members' and guests' dining room.

**56 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—CHANGES IN MEMBERSHIP**

The President informed the Senate that he had received a letter requesting changes in the membership of a committee.

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to the Finance and Public Administration Committee as follows:

Appointed—

Substitute member: Senator Sherry to replace Senator Carol Brown for the committee's inquiry into the provisions of the Superannuation Legislation Amendment Bill 2007

Participating member: Senator Carol Brown.

Question put and passed.

**57 LEAVE OF ABSENCE**

The Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

**58 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.10 pm till Tuesday, 7 August 2007 at 12.30 pm.

**59 ATTENDANCE**

Present, all senators except Senators Crossin, Ian Macdonald and Polley.

**HARRY EVANS**  
Clerk of the Senate