

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 18

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**1 MEETING OF SENATE**

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

**2 HOURS OF MEETING—VARIATION—ORDER OF BUSINESS—REARRANGEMENT**

The Special Minister of State (Senator Faulkner) moved—That—

- (a) the sitting of the Senate be suspended from 6.30 pm to 7.30 pm today; and
- (b) the order of consideration of government business orders of the day for today be as follows:

- No. 1 Commonwealth Securities and Investment Legislation Amendment Bill 2008.
- No. 3 Social Security and Other Legislation Amendment (Employment Entry Payment) Bill 2008.
- No. 4 Reserve Bank Amendment (Enhanced Independence) Bill 2008.
- No. 2 Indigenous Affairs Legislation Amendment Bill 2008.
- No. 6 Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009 and two related bills.

Question put and passed.

**3 COMMONWEALTH SECURITIES AND INVESTMENT LEGISLATION AMENDMENT BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

**4 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (EMPLOYMENT ENTRY PAYMENT) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—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 for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

**5 RESERVE BANK AMENDMENT (ENHANCED INDEPENDENCE) BILL 2008**

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

Debate resumed.

*At 2 pm:* Debate was interrupted while Senator Bushby was speaking.

**6 QUESTIONS**

Questions without notice were answered.

**7 QUESTION TIME—RULES FOR QUESTIONS—STATEMENT BY PRESIDENT**

The President made a statement relating to the rules for questions contained in standing order 73, and a matter raised by the Leader of the Australian Greens (Senator Bob Brown) during question time on 19 June 2008.

**8 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Bernardi moved—That the Senate take note of the answer given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to a question without notice asked by Senator Johnston today relating to the cost of oil and the Jeddah Energy Meeting in Saudi Arabia.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Milne today relating to petrol usage.

Question put and passed.

**9 PETITION**

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

From 1 018 petitioners, requesting that the Senate take action to consider the possibility of introducing a goods and services tax exemption for aged pensioners.

**10 NOTICES**

*Notices of motion:*

The Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop): To move on the next day of sitting—That—

- (a) the following matter be referred to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 30 May 2009:

The major economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific, with particular reference to:

- (i) the implications for Australia, and
- (ii) how the Australian Government can, in practical and concrete ways, assist these countries to meet the challenges; and

- (b) the inquiry include an examination of the following:

- (i) employment opportunities, labour mobility, education and skilling,
- (ii) barriers to trade, foreign investment, economic infrastructure, land ownership and private sector development, and

- (iii) current regional organisations such as the Pacific Islands Forum and the Secretariat of the Pacific Community.

The Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on Australia's involvement in peacekeeping operations be extended to 31 July 2008. (*general business notice of motion no. 125*)

Senator Bartlett: To move on 25 June 2008—That the Senate—

- (a) notes that:
  - (i) the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong practitioners worldwide,
  - (ii) the practise of religion should not form the basis of the incarceration of any individual, and
  - (iii) petitions containing many thousands of signatures have been tabled in the Australian Parliament since 1999 regarding the persecution of Falun Gong practitioners in China; and
- (b) expresses its support for a cessation of the persecution of Falun Gong practitioners in China and the release of all practitioners from prisons and labour camps before the start of the 2008 Olympic Games in Beijing. (*general business notice of motion no. 126*)

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

- (a) notes that:
  - (i) the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong Practitioners worldwide, and
  - (ii) the practise of religion should not form the basis of the incarceration of any individual;
- (b) appreciates the commitment by the Prime Minister (Mr Rudd) to being a zhengyou, or a 'true friend', to the Chinese leadership and his willingness to raise challenging human rights issues; and
- (c) expresses its support for an end to the persecution of Falun Gong practitioners in China and their release from prisons and labour camps before the 2008 Olympic Games. (*general business notice of motion no. 127*)

Senator Fifield: To move on the next day of sitting—That the following matter be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 11 November 2008:

The current level of academic freedom in school and higher education, with particular reference to:

- (a) the level of intellectual diversity and the impact of ideological, political and cultural prejudice in the teaching of senior secondary education and of courses at Australian universities, including but not limited to:
  - (i) the content of curricula,
  - (ii) the content of course materials,
  - (iii) the conduct of teaching professionals, and
  - (iv) the conduct of student assessments;
- (b) the need for the teaching of senior secondary and university courses to reflect a plurality of views, be accurate, fair, balanced and in context; and

- (c) ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms.

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

- (a) notes:
  - (i) the growing tension between the United States of America (US), Israel and Iran, including recent military exercises by Israel,
  - (ii) the recent statement by Israel's Deputy Prime Minister Shaul Mofaz that Israel would attack Iran if it continued with its nuclear program, and
  - (iii) that US intelligence bases in Australia are likely to be used in any US military strike on Iran; and
- (b) calls on the Government to:
  - (i) support a diplomatic resolution to the crisis, and
  - (ii) rule out Australian support for a military strike on Iran. (*general business notice of motion no. 128*)

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

- (a) notes that:
  - (i) currently persons who reside in Australia on a temporary Retirement Visa (subclass 410) are unable to apply for permanent residency, and
  - (ii) this is a small group of people with a high commitment to Australia who are restricted in the contribution they can make to our nation as a result of being unable to apply for a permanent visa;
- (b) recognises that:
  - (i) many 410 visa holders are highly skilled, yet they are restricted to just 20 hours of work per week due to the restrictions on their temporary visa,
  - (ii) if 410 visa holders were able to apply for permanent residency, then as permanent residents there would be no restrictions on their workforce participation and this would be of benefit to the labour market, the Australian economy and the individuals concerned, and
  - (iii) a number of these visa holders have a strong involvement in community and volunteer activities and that, again, the nature of the visa restricts the number of hours that the individual can commit;
- (c) believes that these individuals should not be subject to the uncertainty and requirement to comply with visa renewal requirements;
- (d) recognises:
  - (i) the additional cost in taxation and health insurance that these visa holders are subject to as a result of being on a temporary visa, and
  - (ii) that these visa holders have a strong commitment to the community and should not be restricted in the contribution they can make;
- (e) believes that it is fitting that Australia acknowledge the commitment of many of these visa holders to our nation; and
- (f) calls on the Government to enable temporary retirement 410 visa holders to apply for permanent residency. (*general business notice of motion no. 129*)

Senators Barnett and McGauran: To move on the next day of sitting—That the Senate—

- (a) recognises the importance of the Kokoda Track campaign in World War II in stopping the overland Japanese advance to Port Moresby, which would have given the enemy a beachhead into Australia;
- (b) acknowledges the courage, endurance, mateship and sacrifice demonstrated by the Australian Defence Force personnel during the Kokoda battles;
- (c) pays tribute to the contribution of the Papua New Guinea (PNG) nationals, specifically the Koiari people, affectionately known as ‘Fuzzy Wuzzy Angels’, in carrying supplies and equipment for Australian soldiers in the Kokoda campaign as well as the carriage of wounded to safety;
- (d) notes that the Kokoda battles were fought in PNG from July 1942 on Australian soil; and
- (e) in recognition of this contribution, urges the Australian Government to:
  - (i) acknowledge the service of the PNG nationals affectionately known as Fuzzy Wuzzy Angels,
  - (ii) issue an appropriate medal of recognition to the remaining Fuzzy Wuzzy Angels or their surviving families,
  - (iii) consider any other appropriate initiatives including making a small ex-gratia payment to each Fuzzy Wuzzy Angel in recognition of their contribution over and above the call of duty, and
  - (iv) examine and, where appropriate, fund initiatives to upgrade the health and education status of the PNG people in the isolated villages along the Kokoda Track. (*general business notice of motion no. 130*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes the statement in Lhasa on 21 June 2008 by Tibet’s Communist Party Secretary General Zhang Qing Li, that ‘we will certainly be able to totally smash the splittist schemes of the Dalai Lama clique’;
- (b) calls on the Minister for Foreign Affairs (Mr Smith) to ascertain if Mr Li was reflecting the policy of the People’s Republic of China and, if so, how that policy is being carried into effect; and
- (c) asks the Minister to find out how many Tibetan citizens, arrested since violence erupted in Lhasa in March 2008, remain in custody and, as of 23 June 2008, how many have been brought to trial. (*general business notice of motion no. 131*)

Senator O’Brien, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the Torres Strait Regional Authority Section 142S Declaration 2008, made under subsection 142S(1) of the *Aboriginal and Torres Strait Islander Act 2005*, be disallowed.

Senator O’Brien, by leave, made a statement relating to the notice of motion.

*Intentions to withdraw:*

Senator Watson, pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of ASIC Class Order [CO 07/753], made under paragraphs 601QA(1)(a), 911A(2)(l), 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*.

Senator O'Brien, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley) and pursuant to standing order 78, gave notice of Senator Wortley's intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 2, 3, 8 and 9 standing in the name of Senator Wortley for 13 sitting days after today for the disallowance of the following instruments:

Agricultural and Veterinary Chemicals Code Amendment Order 2007 (No. 1), made under subsection 7(1) of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Agricultural and Veterinary Chemicals Code Amendment Instrument No. 1 (Trial Protocols) 2008, made under subsection 32(1) of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*.

Listable Chemicals Product (Home Swimming Pool and Spa Products) Standard 2007, made under section 56D of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Listable Chemicals Product (Joint Health Products for Dogs and Horses) Standard 2007, made under section 56D of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Senator O'Brien, by leave, made a statement relating to the notice of intention.

#### 11 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 be extended to 25 June 2008.

Question put and passed.

#### 12 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 94 standing in the name of the Leader of the Opposition in the Senate (Senator Minchin) for today, proposing an order for the production of documents relating to government appointments, postponed till 24 June 2008.

General business notice of motion no. 95 standing in the name of the Leader of the Opposition in the Senate (Senator Minchin) for today, proposing an order for the production of documents relating to grants approved in each portfolio or agency, postponed till 24 June 2008.

General business notice of motion no. 103 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Western Sahara, postponed till 24 June 2008.

General business notice of motion no. 105 standing in the name of Senator Johnston for today, proposing the introduction of the Save Our Solar (Solar Rebate Protection) Bill 2008, postponed till 24 June 2008.

General business notice of motion no. 122 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to carbon sequestration in Australia, postponed till 24 June 2008.

General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 24 June 2008.

### 13 UNITED NATIONS—HUMAN RIGHTS

Senator Stott Despoja, also on behalf of Senator Bartlett, amended general business notice of motion no. 110 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) welcomes the Government's engagement with the United Nations (UN) and commitment to human rights through its:
  - (i) proposed ratification of the Convention on the Rights of Persons with Disabilities, and
  - (ii) consultations on Australia's ascension to the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment;
- (b) notes that:
  - (i) Australian companies are increasingly active in developing countries, some of which have weak regulatory environments,
  - (ii) the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises has reported to the Human Rights Council on the responsibilities of host and home states and the corporate responsibility to respect human rights,
  - (iii) the Special Representative emphasises that it should be an 'urgent priority of governments' to 'foster a corporate culture respectful of human rights at home and abroad', and that states must provide access to remedies, and
  - (iv) the Special Representative advises that companies have a responsibility to respect human rights, undertake human rights impact due diligence, and institute rights-compliant grievance mechanisms; and
- (c) calls on the Government to:
  - (i) encourage Australian companies to respect the rights of members of the communities in which they operate and to develop rights-compliant grievance mechanisms, whether acting in Australia or overseas,
  - (ii) consider the development of measures to prevent the involvement or complicity of Australian companies in activities that may result in the abuse of human rights, including by fostering a corporate culture that is respectful of human rights in Australia and overseas, and
  - (iii) support development at the international level of standards and mechanisms aimed at ensuring that transnational corporations and other business enterprises respect human rights.

Question put and passed.

**14 INDEPENDENT REVIEWER OF TERRORISM LAWS BILL 2008 [NO. 2]**

Senator Troeth, also on behalf of Senator Humphries, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 120—That the following bill be introduced:

A Bill for an Act to appoint an Independent Reviewer of Terrorism Laws, and for related purposes.

Question put and passed.

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

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

**15 FOREIGN AFFAIRS—BURMA—DAW AUNG SAN SUU KYI**

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 121—That the Senate—

(a) notes that:

- (i) 19 June 2008 marks the 63rd birthday of Nobel laureate and leader of the democracy movement in Burma, Daw Aung San Suu Kyi,
- (ii) Daw Aung San Suu Kyi has been held under house arrest since May 2003, and periodically before then since 1989,
- (iii) the Burmese military dictatorship has refused to acknowledge the results of the 1990 election in which the National League for Democracy led by Daw Aung San Suu Kyi won an overwhelming majority, and
- (iv) Daw Aung San Suu Kyi has refused a number of opportunities to leave Burma, even to visit her dying husband, knowing that she would be denied the right to return to continue the struggle for democracy and human rights in Burma;

(b) welcomes the Australian Government's continued advocacy on behalf of democracy in Burma;

(c) calls on the Government to continue to pressure the Burmese regime to immediately and unconditionally release Daw Aung San Suu Kyi and all political prisoners in Burma, including 18 members of Parliament, and to commence an inclusive national reconciliation process to restore genuine democracy in Burma; and

(d) offers good wishes to Daw Aung San Suu Kyi for her birthday and for her continued efforts to campaign for human rights and democracy on behalf of the people of Burma.

Question put and passed.

**16 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORTING DATE**

Senator O'Brien, at the request of the Chair of the Community Affairs Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 124—That the final report of the Community Affairs Committee on its inquiry into mental health services in Australia be presented by 25 September 2008.

Question put and passed.

**17 FOREIGN AFFAIRS—OECD WORKING GROUP ON BRIBERY—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Foreign affairs—Australian participation in OECD Working Group on Bribery—Ministerial statement by the Minister for Home Affairs (Mr Debus).

**18 HEALTH—COMMONWEALTH CHIEF NURSING AND MIDWIFERY AND OTHER HEALTH REFORMS—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Health—Commonwealth chief nursing and midwifery and other health reforms—Ministerial statement by the Minister for Health and Ageing (Ms Roxon), dated 23 June 2008.

**19 DEFENCE—EAST TIMOR—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Defence—East Timor—Ministerial statement by the Minister for Defence (Mr Fitzgibbon), dated 23 June 2008.

**20 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—WORKPLACE AGREEMENTS**

The Deputy President (Senator Hogg) tabled the following document received on 20 June 2008:

Employment, Workplace Relations and Education References Committee—Report—Workplace agreements—Government response.

**21 AUDITOR-GENERAL—AUDIT REPORT NO. 42 OF 2007-08—DOCUMENT**

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

Auditor-General—Audit report no. 42 of 2007-08—Performance audit—Management of customer debt: Follow-up audit—Centrelink; Department of Education, Employment and Workplace Relations; Department of Families, Housing, Community Services and Indigenous Affairs.

**22 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS**

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

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to the construction of a childcare centre within Parliament House.

*Notice of motion:* The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, gave a notice of motion as follows: To move on 25 June 2008—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services, relating to the construction of a childcare centre.

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

Question put and passed.

**23 DOCUMENTS**

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposals Nos—  
3 of 2008—Energy Supply Survey 2007-08.

4 of 2008—National Aboriginal and Torres Strait Islander Social Survey.

5 of 2008—Annual Integrated Collections: Industry Surveys 2007-08.

Commissioner of Taxation—Public rulings—

Goods and Services Tax Ruling—Addendum—GSTR 2002/3.

Product Rulings—PR 2008/57 and PR 2008/58.

Parliamentary Service Act—Determination No. 1 of 2008—Secretary, Department of Parliamentary Services – Remuneration and Other Conditions of Employment.

**24 AUSTRALIAN ENERGY MARKET AMENDMENT (MINOR AMENDMENTS) BILL 2008**

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

Message no. 111, dated 19 June 2008—A Bill for an Act to amend the law relating to gas, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That this bill be now read a second time.

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

**25 ECONOMICS—STANDING COMMITTEE—INTERIM REPORT—AUSTRALIA'S SPACE SCIENCE AND INDUSTRY SECTOR**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report:

Economics—Standing Committee—Australia's space science and industry sector—Interim report, dated June 2008.

Report ordered to be printed on the motion of Senator O'Brien.

Senator O'Brien, by leave, moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

**26 RESERVE BANK AMENDMENT (ENHANCED INDEPENDENCE) BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of Senator Faulkner consideration of the bill in committee of the whole was made an order of the day for a later hour.

**27 SPORT—SPORTS AND RECREATION FACILITIES—GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Special Minister of State (Senator Faulkner), by leave, made a statement relating to the order of the Senate of 17 June 2008 for the production of a document concerning grants for sports and recreation facilities and, pursuant to that order, tabled the following document:

Sport—Sports and recreation facilities—Grants—Statement by the Leader of the Government in the Senate (Senator Evans) responding to the resolution of the Senate of 17 June 2008, dated 23 June 2008.

**28 RESERVE BANK AMENDMENT (ENHANCED INDEPENDENCE) BILL 2008**

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

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*In the committee*

Bill taken as a whole by leave.

On the motion of Senator Murray the following amendment was debated and agreed to:

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

**1A After section 14**

Insert:

**14A Procedures for merit selection of appointments**

- (1) The Minister must by writing determine a code of practice for selecting and appointing the Governor, the Deputy Governor and the 6 other members as required by section 14 that sets out general principles on which the selections are to be made, including but not limited to:
  - (a) merit; and
  - (b) independent scrutiny of appointments; and
  - (c) probity; and
  - (d) openness and transparency.
- (2) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
- (3) Not later than every fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (4) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (5) A code of practice determined under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Senator Coonan moved the following amendment:

Schedule 1, page 3 (after line 8), after item 2, insert:

**2A After section 24B**

Insert:

**24C Governor and House of Representatives**

The Governor must make himself or herself available to give evidence before the House of Representatives Standing Committee on Economics, or any successor committee designated for the purpose of this section by the Speaker of the House of Representatives, at times and places to be agreed with the Committee but in any case not less than four times per year if requested by the Committee.

The Leader of the Family First Party (Senator Fielding) moved the following amendment to Senator Coonan's proposed amendment:

Omit section 24C, substitute:

**24C Governor and Parliamentary Committees**

The Governor must make himself or herself available to give evidence before the Senate Standing Committee on Economics and the House of Representatives Standing Committee on Economics, or any successor committee designated for the purpose of this section by the President of the Senate or the Speaker of the House of Representatives, at times and places to be agreed with the Committees but in any case not less than four times per year if requested by the Committees.

Debate ensued.

Question—That Senator Fielding's amendment to Senator Coonan's proposed amendment be agreed to—put and negatived.

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

On the motion of Senator Coonan the following amendment was debated and agreed to:

Schedule 1, item 3, page 3 (line 9) to page 4 (line 28), omit the item, substitute:

**3 After section 25**

Insert:

**25AA Termination of appointment as Governor or Deputy Governor***Termination at request of Parliament*

- (1) The Governor-General may terminate the appointment of the Governor or the Deputy Governor if each House of the Parliament, in the same session of the Parliament, presents an address to the Governor-General praying for the termination of the appointment on the ground of misbehaviour.

*Suspension by Treasurer*

- (2) The Treasurer may suspend the Governor or the Deputy Governor from office on the ground of misbehaviour.
- (3) The Treasurer must cause to be laid before each House of the Parliament, within 7 sitting days of that House after the suspension, a statement identifying the office holder suspended.
- (4) A House of the Parliament may, within 15 sitting days of that House after the day on which the statement is laid before it, declare by resolution that the appointment of the office holder identified in the statement should be terminated.

- (5) If a resolution is passed by each House of the Parliament in accordance with subsection (4) in the same session of the Parliament, the Governor-General may terminate the appointment to which the resolution relates.
- (6) If a resolution is not passed by each House of the Parliament in accordance with subsection (4) in the same session of the Parliament, the suspension of the office holder identified in the statement terminates on the day after the last day that such a resolution could have been passed.

*Suspension does not affect entitlements*

- (7) The suspension of the Governor or the Deputy Governor from office under this section does not affect any entitlement of the Governor or the Deputy Governor to be paid remuneration and allowances.

*Ground for termination*

- (8) The appointment of the Governor or the Deputy Governor may not be terminated on the ground of misbehaviour except as provided by this section.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

#### **29 INDIGENOUS AFFAIRS LEGISLATION AMENDMENT BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

#### **30 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009**

**APPROPRIATION BILL (NO. 1) 2008-2009**

**APPROPRIATION BILL (NO. 2) 2008-2009**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That these bills be now read a second time.

Debate resumed.

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*Document:* The Leader of the Australian Democrats (Senator Allison), by leave, tabled the following document:

Environment—Energy [r]evolution: A sustainable Australia energy outlook—  
Report by Greenpeace International, European Renewable Energy Council, dated  
June 2008.

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Debate continued.

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the debate was adjourned till the next day of sitting.

**31 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.10 pm till Tuesday, 24 June 2008 at 12.30 pm.

**32 ATTENDANCE**

Present, all senators except Senators Campbell, Forshaw\*, Nash\*, Polley and Wong (\* on leave).

**HARRY EVANS**  
Clerk of the Senate