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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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**1 MEETING OF SENATE**

The Senate met at noon. The President (Senator the Honourable John Hogg) took the chair and read prayers.

**2 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—EXCISE TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009, CUSTOMS TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009 AND A RELATED MATTER**

The President tabled the following report and documents received on 16 March 2009:

Community Affairs—Standing Committee—Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [Provisions], Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [Provisions] and the impact of the tax on ready-to-drink alcoholic beverages—Report, dated March 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**3 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Human Services (Senator Ludwig) moved—That intervening business be postponed till after consideration of government business order of the day no. 2 (Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 and a related bill).

Debate ensued.

Question put and passed.

**4 CUSTOMS TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009  
EXCISE TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That these bills be now read a second time.

Debate resumed.

Senator Cormann moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to appropriate all revenue collected as a result of the increased tax on ready-to-drink alcoholic beverages between 27 April 2008 and the date of commencement of these bills towards genuine measures to address binge drinking, including an alcohol abuse prevention, research, education, treatment and other measures package”.

Debate ensued.

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

**5 QUESTIONS**

Questions without notice were answered.

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*Distinguished visitors:* The President welcomed members of a parliamentary delegation from the Russian Federation led by Mr Sergey Mironov, Chairman of the Council of Federation of the Federal Assembly, and, with the concurrence of honourable senators, invited the Chairman to take a seat on the floor of the chamber.

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Further questions without notice were answered.

**6 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATIONS**

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Immigration and Citizenship (Senator Evans) for an explanation of answers not being provided to questions on notice nos 876, 906, 920, 924, 942, 943, 947, 952, 966, 970, 1003, 1004, 1009, 1015, 1029, 1037, 1041 and 1166.

Senator Evans provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Human Services (Senator Ludwig) for an explanation of answers not being provided to questions on notice nos 880, 881, 888, 897, 899, 905, 914, 922, 928, 945, 951, 960, 964, 980, 1001, 1006, 1007, 1014, 1021, 1034 and 1035.

Senator Ludwig provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Special Minister of State (Senator Faulkner) for an explanation of answers not being provided to questions on notice nos 751, 885, 887, 903, 926, 949, 950, 978, 1012, 1013 and 1032.

Senator Faulkner provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Climate Change and Water (Senator Wong) for an explanation of answers not being provided to questions on notice nos 892, 911, 912, 913, 934, 935, 936, 957, 958, 959, 986, 991, 1018, 1019 and 1030.

Senator Wong provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Innovation, Industry, Science and Research (Senator Carr) for an explanation of answers not being provided to questions on notice nos 898, 910, 916, 919, 921, 933, 939, 944, 956, 962, 965, 977, 1005, 1011, 1023, 1031, 1033 and 1036.

Senator Ludwig, on behalf of Senator Carr, provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) for an explanation of answers not being provided to questions on notice nos 884, 908, 909, 931, 932, 946, 954, 955, 974, 992, 993, 1000, 1008, 1017 and 1026.

Senator Ludwig, on behalf of Senator Conroy, provided an explanation.

Senator Ronaldson, pursuant to standing order 74, asked the Minister for Superannuation and Corporate Law (Senator Sherry) for an explanation of answers not being provided to questions on notice nos 747, 915, 917, 938, 940, 953, 961, 963, 1022, 1024 and 1027.

Senator Ludwig, on behalf of Senator Sherry, provided an explanation.

*Statement by leave:* Senator Ludwig, by leave, made a statement relating to the matter.

Senator Ronaldson moved—That the Senate take note of the explanations.

Debate ensued.

Question put and passed.

**7 HEALTH—PRIVATE HEALTH INSURANCE—REFORMS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 11 March 2009, the Minister for Human Services (Senator Ludwig) tabled the following document:

Health—Private health insurance—Reforms—Interim response, dated 16 March 2009.

**8 MOTION TO TAKE NOTE OF ANSWER**

Senator Fierravanti-Wells moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Fierravanti-Wells today relating to immigration and jobs.

Debate ensued.

Question put and passed.

**9 NOTICES**

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw): To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 March 2009, from 10 am, to take evidence for the committee's inquiry into human rights mechanisms and the Asia-Pacific. (*general business notice of motion no. 390*)

The Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 19 March 2009, from 5 pm, to take evidence for the committee's inquiry into the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific. (*general business notice of motion no. 391*)

The Deputy Chair of the Joint Standing Committee on Treaties (Senator McGauran): To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 17 March 2009, from 8 pm. (*general business notice of motion no. 392*)

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008 be extended to 7 May 2009. (*general business notice of motion no. 393*)

The Chair of the Community Affairs Committee (Senator Moore): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Committee on the implementation of recommendations of committee reports on child migration and Australians who experienced institutional or out-of-home care as children be extended to 25 June 2009. (*general business notice of motion no. 394*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the order of the Senate of 11 March 2009 establishing the Select Committee on Climate Policy be varied as follows:

Omit paragraph (2), substitute:

- (2) That the committee consist of 10 senators, 4 nominated by the Leader of the Opposition in the Senate, 3 nominated by the Leader of the Government in the Senate, 1 nominated by the Leader of the Australian Greens, 1 nominated by the Leader of the Family First Party and 1 nominated by the independent senator.

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That consideration of the business before the Senate on Tuesday, 17 March 2009 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Back to make his first speech without any question before the chair.

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

- (a) notes that:
  - (i) the Government's second prop-up of \$34 million to keep ABC Learning operating until 31 March 2009, is due to expire in 2 weeks time, and
  - (ii) of the 241 failed centres due to be sold or closed, to date only 65 have been sold;
- (b) recognises that this crisis represents an opportunity for child care in Australia to be transformed from a market-driven industry to a vital community service and a government-supported first step in lifelong learning; and
- (c) calls on the Government to immediately make available capital grants funds and operational costs to assist not-for-profit child care providers in taking over the remaining centres. (*general business notice of motion no. 395*)

Senators Hanson-Young and Humphries: To move on the next day of sitting—That the Senate—

- (a) expresses its deep regret at the two stonings in Mashhad, Iran, in December 2008;
- (b) notes:
  - (i) reports received by Amnesty International highlighting that as many as eight woman are at imminent risk of being stoned to death for adultery in Iran, and
  - (ii) that Iran has one of the highest execution rates in the world, exceeded only by a more populous China; and
- (c) calls on the Australian Government to immediately urge the Iranian authorities to cease the punishment of death by stoning and halt all remaining executions of those sentenced to death. (*general business notice of motion no. 396*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—

No. 1—That Instrument number CASA 627/08, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 2—That the Other Grants Guidelines (Research) 2008, made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

Senator Wortley, by leave, made a statement relating to the notices of motion.

Special Minister of State (Senator Faulkner): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Appropriation Bill (No. 5) 2008-2009
- Appropriation Bill (No. 6) 2008-2009
- Australian Business Investment Partnership Bill 2009
- Australian Business Investment Partnership (Consequential Amendment) Bill 2009
- Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009
- Social Security Amendment (Liquid Assets Waiting Period) Bill 2009

Social Security and Veterans' Entitlements Amendment (Commonwealth Seniors Health Card) Bill 2009  
Tax Laws Amendment (2009 Measures No. 1) Bill 2009.

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*Documents:* Senator Faulkner tabled the following documents:

Consideration of legislation—Statements of reasons [6] for introduction and passage of the bills in the 2009 autumn sittings.

**10 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Farrell, by leave and on behalf of the Joint Standing Committee on Electoral Matters, moved—That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 March 2009, to take evidence for the committee's inquiry into the 2007 Federal Election, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008.

Question put and passed.

**11 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing a reference to the Economics Committee, postponed till 17 March 2009.

**12 FOOD SAFETY (TRANS FATS) BILL 2009**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 156—That the following bill be introduced:

A Bill for an Act to prohibit the addition of synthetic trans fatty acids to food, and for related purposes.

Question put and passed.

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

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

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

**13 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 388—That the Senate—

- (a) notes the vital role played by the Australian Broadcasting Corporation (ABC) in promoting high quality, innovative local content in broadcast media to the broad spectrum of Australians throughout the nation;
- (b) recognises the achievements of the ABC in developing new digital media services to better meet the needs of the Australian audience; and
- (c) calls on the Government to increase funding to the ABC in the next funding arrangement to ensure that the ABC continues to develop new and innovative products in a range of areas including local drama and innovative arts and youth content.

Question put and passed.

**14 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—VARIATION OF REFERENCE**

Senator Macdonald, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 389—That the following additional matter be referred to the Parliamentary Joint Committee on Corporations and Financial Services as part of that committee's inquiry into financial products and services in Australia, adopted by the committee on 25 February 2009 for inquiry and report by 23 November 2009:

The committee will investigate the involvement of the banking and finance industry in providing finance for investors in and through Storm Financial, Opes Prime and other similar businesses, and the practices of banks and other financial institutions in relation to margin lending associated with those businesses.

Question put and passed.

**15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—QUEENSLAND—OIL SPILL**

The Acting Deputy President (Senator Forshaw) informed the Senate that the Leader of the Australian Greens (Senator Bob Brown) had proposed that the following matter of public importance be submitted to the Senate for discussion:

The recent oil and chemical spill from the *Pacific Adventurer* on the south-east Queensland coast.

The proposal was supported by four senators and the matter was discussed.

**16 TRADE—ASEAN-AUSTRALIA-NEW ZEALAND FREE TRADE AREA—MINISTERIAL STATEMENT—DOCUMENTS**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following documents:

Trade—Agreement establishing the ASEAN-Australia-New Zealand free trade area—

Ministerial statement by the Minister for Trade (Mr Crean).

Treaty—*Multilateral*—Agreement establishing the ASEAN-Australia-New Zealand free trade area—Text, together with national interest analysis, regulation impact statement and annexures.

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

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

**17 GOVERNMENT DOCUMENT**

The Acting Deputy President (Senator Troeth) tabled the following document received on 13 March 2009:

Commonwealth Grants Commission—Report on state revenue sharing relativities—2009 update.

**18 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—INTERIM REPORT—CORRECTION**

Senator Bushby, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Fisher), tabled the following document:

National Broadband Network—Select Committee—Interim report, dated December 2008—Correction.

Document ordered to be printed on the motion of Senator Bushby.

**19 TREATIES—JOINT STANDING COMMITTEE—98TH AND 99TH REPORTS**

Senator Bushby, on behalf of the Joint Standing Committee on Treaties, tabled the following reports:

Treaties—Joint Standing Committee—

98th report—Treaties tabled on 26 November 2008 and 4 December 2008, dated March 2009.

99th report—Treaties tabled on 3 December 2008 and 3 February 2009, dated March 2009.

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

Question put and passed.

**20 AUSTRALIAN PARLIAMENTARY DELEGATION TO EGYPT AND ISRAEL—DOCUMENT**

Senator Sterle, by leave, tabled the following document:

Egypt and Israel—Report of the Australian parliamentary delegation, 24 October to 6 November 2008, dated March 2009.

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

Debate ensued.

Question put and passed.

**21 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/PA-42/17—Main Landing Gear Actuator Attachment Bolt [F2009L00872]\*.

AD/PA-42/19—Main Landing Gear Upper Strut and Oleo Tube Plug [F2009L00870]\*.

AD/PA-42/20—Main Landing Gear Forward Side Brace [F2009L00868]\*.

AD/PA-42/21—Main Landing Gear Upper Strut Housing [F2009L00867]\*.

AD/PA-42/22—Upper Main Landing Gear Housing Lower Side Brace Link Lug [F2009L00866]\*.

107—AD/PADS/1—Precision Aerial Delivery System (PADS) Static Line [F2009L00865]\*.

Commissioner of Taxation—Public rulings—

Class Rulings—

CR 2009/8-CR 2009/13.

Notice of Withdrawal—CR 2006/27.

Miscellaneous Taxation Ruling—Notice of Withdrawal—MT 2049.

Product Rulings—PR 2009/5-PR 2009/8.

Taxation Ruling (old series)—IT 2592.

Customs Act—Tariff Concession Order 0837559 [F2009L00574]\*—[*in substitution for instrument tabled on 10 March 2009*].

Excise Act—Excise By-laws Nos—

155 [F2008L04515]—Explanatory Statement [*in substitution for explanatory statement tabled with instrument on 1 December 2008*].

156 [F2008L04516]—Explanatory Statement [*in substitution for explanatory statement tabled with instrument on 1 December 2008*].

*Income Tax Assessment Act 1997*—Employment Termination Payments Redundancy Trusts (12 month rule) Determination 2009 [F2009L00716]\*.

Migration Act—Migration (United Nations Security Council Resolutions) Regulations—Instrument IMMI 09/012—Specification of United Nations Security Council Resolutions [F2009L00987]\*.

Therapeutic Goods Act—Therapeutic Goods Order No. 69C—Amendment to Therapeutic Goods Order No. 69—General requirements for labels for medicines [F2009L00985]\*.

\* Explanatory statement tabled with legislative instrument.

## 22 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2008—Statements of compliance—

Broadband, Communications and the Digital Economy portfolio agencies.

Department of Education, Employment and Workplace Relations.

Department of Foreign Affairs and Trade.

Environment, Heritage and the Arts portfolio agencies.

## 23 COMMITTEE MEMBERSHIPS

The Acting Deputy President (Senator Troeth) informed the Senate that the President had received a letter nominating senators to be members of committees.

The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, moved—That senators be appointed to committees as follows:

**Corporations and Financial Services—Joint Statutory Committee—**

Appointed—Senator Farrell

**Education, Employment and Workplace Relations—Standing Committee—**

Appointed—Senator Bilyk

**Foreign Affairs, Defence and Trade—Joint Standing Committee—**

Appointed—Senator Furner.

Question put and passed.

Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 281, dated 12 March 2009—Foreign Affairs, Defence and Trade—Joint Standing Committee—Ms J Bishop in place of Mrs Mirabella.

Message no. 282, dated 12 March 2009—Treaties—Joint Standing Committee—Mr Murphy in place of Mrs Irwin.

**24 CUSTOMS TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009****EXCISE TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That these bills be now read a second time—and on the amendment moved by Senator Cormann (see entry no. 4).

Debate resumed.

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*Declaration of interest:* Senator Xenophon declared an interest in relation to the bills.

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Debate continued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 41**

Senators—

Abetz	Colbeck	Johnston	Ronaldson
Back	Coonan	Kroger	Ryan
Barnett	Cormann	Ludlam	Scullion
Bernardi	Eggleston	Macdonald	Siewert
Birmingham	Fielding	Mason	Troeth
Boswell	Fierravanti-Wells	McGauran	Trood
Boyce	Fifield	Milne	Williams
Brandis	Fisher	Minchin	Xenophon
Brown, Bob	Hanson-Young	Nash	
Bushby	Heffernan	Parry (Teller)	
Cash	Humphries	Payne	

**NOES, 28**

Senators—

Arbib	Crossin	Hogg	Moore
Bilyk	Evans	Hurley	O'Brien (Teller)
Bishop	Farrell	Hutchins	Polley
Brown, Carol	Faulkner	Lundy	Pratt
Cameron	Feeney	Marshall	Sherry
Collins	Forshaw	McEwen	Stephens
Conroy	Furner	McLucas	Wortley

Question agreed to.

Main question, as amended, 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.

Senator Cormann moved the following requests for amendments together by leave:

*In respect of the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009—*

That the House of Representatives be requested to make the following amendments:

Clause 2, page 2 (after table item 2), insert:

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- 2A. Schedule 1A      The latest of:
- (a) the day after this Act receives the Royal Assent; and
  - (b) the day after the *Excise Tariff Amendment (2009 Measures No. 1) Act 2009* receives the Royal Assent.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.

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Page 8 (after line 20), after Schedule 1, insert:

**Schedule 1A—Ready-to-drink beverages**

***Customs Tariff Act 1995***

**1 Schedule 3 (subheading 2203.00.31, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**2 Schedule 3 (subheading 2204.10.23, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol  
DCS:4%, and

\$40.82/L of  
alcohol  
DCT:5%, and  
\$40.82/L of  
alcohol

**3 Schedule 3 (subheading 2204.10.83, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**4 Schedule 3 (subheading 2204.21.30, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**5 Schedule 3 (subheading 2204.29.30, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**6 Schedule 3 (subheading 2205.10.30, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**7 Schedule 3 (subheading 2205.90.30, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**8 Schedule 3 (subheading 2206.00.52, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol  
DCS:4%, and  
\$40.82/L of  
alcohol  
DCT:5%, and  
\$40.82/L of  
alcohol

**9 Schedule 3 (subheading 2206.00.62, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol  
DCS:3%, and  
\$40.82/L of  
alcohol

**10 Schedule 3 (subheading 2206.00.92, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol

**11 Schedule 3 (subheading 2208.90.20, the rates of duty in column 3)**

Repeal the rates of duty, substitute:

5%, and  
\$40.82/L of  
alcohol  
NZ/PG/FI/DC/  
LDC/SG:  
\$40.82/L of  
alcohol  
DCS:3%, and  
\$40.82/L of  
alcohol

**12 Schedule 5 (cell at table item 1, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**13 Schedule 5 (cell at table item 9, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**14 Schedule 5 (cell at table item 11, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**15 Schedule 5 (cell at table item 13, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**16 Schedule 5 (cell at table item 15, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**17 Schedule 5 (cell at table item 17, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**18 Schedule 5 (cell at table item 19, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**19 Schedule 5 (cell at table item 21, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

**20 Schedule 5 (cell at table item 23, column 3)**

Repeal the cell, substitute:

\$40.82/L of alcohol

- 21 Schedule 5 (cell at table item 31, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 22 Schedule 5 (cell at table item 42, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 23 Schedule 6 (cell at table item 4, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 24 Schedule 6 (cell at table item 12, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 25 Schedule 6 (cell at table item 14, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 26 Schedule 6 (cell at table item 16, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 27 Schedule 6 (cell at table item 18, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 28 Schedule 6 (cell at table item 20, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 29 Schedule 6 (cell at table item 22, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 30 Schedule 6 (cell at table item 24, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 31 Schedule 6 (cell at table item 26, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 32 Schedule 6 (cell at table item 34, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol
- 33 Schedule 6 (cell at table item 45, column 3)**  
Repeal the cell, substitute:  
\$40.82/L of alcohol

### 34 Application

The amendments made by this Schedule apply in relation to:

- (a) goods imported into Australia on or after the commencement of this Schedule; or
- (b) goods imported into Australia before the commencement of this Schedule, where the time for working out the rate of import duty on the goods had not occurred before that commencement.

Schedule 2, item 7, page 10 (subheading 2203.00.91, the rates of duty in column 3), omit “\$69.16” (twice occurring), substitute “\$40.82”.

Schedule 2, item 11, page 11 (table item 8A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 2, item 13, page 11 (table item 11A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 2, item 15, page 11 (table item 10A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 3, page 14 (subheading 2206.00.13, the rates of duty in column 3), omit “\$69.16” (twice occurring), substitute “\$40.82”.

Schedule 3, item 3, page 15 (subheading 2206.00.21, the rates of duty in column 3), omit “\$69.16” (four times occurring), substitute “\$40.82”.

Schedule 3, item 3, pages 15 and 16 (subheading 2206.00.23, the rates of duty in column 3), omit “\$69.16” (three times occurring), substitute “\$40.82”.

Schedule 3, item 4, page 16 (table item 20A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 4, page 16 (table item 20C, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 4, page 16 (table item 20E, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 5, page 16 (table item 23A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 5, page 16 (table item 23C, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 5, page 16 (table item 23E, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 6, page 16 (table item 22A, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 6, page 17 (table item 22C, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

Schedule 3, item 6, page 17 (table item 22E, the rate of duty in column 3), omit “\$69.16”, substitute “\$40.82”.

*In respect of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009—*

That the House of Representatives be requested to make the following amendments:

Clause 2, page 2 (after table item 2), insert:

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2A. Schedule 1A At the same time as Schedule 1A to the  
*Customs Tariff Amendment (2009*  
*Measures No. 1) Act 2009 commences.*

---

Page 3 (after line 9), after Schedule 1, insert:

**Schedule 1A—Ready-to-drink beverages**

***Excise Tariff Act 1921***

**1 Schedule (cell at table item 2, column headed “Rate of Duty”)**

Repeal the cell, substitute:

\$40.82 per litre of  
alcohol

Debate ensued.

Question—That the requests be agreed to—put.

The committee divided—

AYES, 40

Senators—

Abetz	Colbeck	Humphries	Parry
Back	Coonan	Johnston	Payne
Barnett	Cormann	Kroger	Ronaldson
Bernardi	Eggleston	Ludlam	Ryan
Birmingham	Fielding	Macdonald	Scullion
Boyce	Fierravanti-Wells	Mason	Siewert
Brandis	Fifield	McGauran	Troeth
Brown, Bob	Fisher	Milne	Trood
Bushby (Teller)	Hanson-Young	Minchin	Williams
Cash	Heffernan	Nash	Xenophon

NOES, 28

Senators—

Arbib	Crossin	Hurley	Moore
Bilyk	Evans	Hutchins	O’Brien (Teller)
Bishop	Farrell	Ludwig	Polley
Brown, Carol	Faulkner	Lundy	Pratt
Cameron	Forshaw	Marshall	Sherry
Collins	Furner	McEwen	Stephens
Conroy	Hogg	McLucas	Wortley

Question agreed to.

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*After 10.50 pm:* The President resumed the chair and the Temporary Chair of Committees (Senator Moore) reported progress.

**25 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 11.28 pm till Tuesday, 17 March 2009 at 12.30 pm.

**26 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate