

2002-03

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

The Senate met at 12.30 pm.

2 ABSENCE OF PRESIDENT

The Clerk informed the Senate of the temporary absence of the President (Senator the Honourable Paul Calvert). The Deputy President (Senator Hogg) took the chair and read prayers.

3 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Australia-Korea Foundation—Report for 2001-02.

Native Title Act 1993—Native title representative bodies—Carpentaria Land Council Aboriginal Corporation—Report for 2001-02.

Treaties—

List of multilateral treaty action under negotiation or consideration by the Australian Government, or expected to be within the next twelve months, June 2003.

Multilateral—Text, together with national interest analysis and annexures—Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000, done at London, 15 March 2000. [*Replacement for document tabled on 17 June 2003*]

Western Australian Fisheries Joint Authority—Report for 2000-01.

4 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell) moved—That government business notice of motion no. 1 standing in his name for today, relating to the hours of meeting and routine of business for today, be postponed till a later hour.

Question put and passed.

Senator Ian Campbell moved—That government business order of the day no. 1 (Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 [No. 2]) be postponed till a later hour.

Question put and passed.

5 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (DISABILITY REFORM) BILL (NO. 2) 2002 [NO. 2]

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Marshall was speaking.

6 QUESTIONS

Questions without notice were answered.

7 COMMUNICATIONS—FAMILY AND COMMUNITY SERVICES—FAMILY PAYMENT DEBTS—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Alston) and the Minister for Family and Community Services (Senator Vanstone) to questions without notice asked today relating to communications and to family payment debts.

Debate ensued.

Question put and passed.

8 DEFENCE—DEPLETED URANIUM WEAPONS—ANSWER TO QUESTION

Senator Allison moved—That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Allison today relating to depleted uranium weapons.

Question put and passed.

9 TEMPORARY CHAIR OF COMMITTEES

The Deputy President (Senator Hogg) tabled a warrant, dated 24 June 2003, revoking the warrant nominating Senator Collins as a Temporary Chair of Committees.

10 PETITION

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

From 34 petitioners, requesting that the Senate take action to review procedures relating to political asylum seekers and remove all practices which are manifestly inhumane or in contravention of national obligations.

11 NOTICES

Notices of motion:

Senator Murray: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Freedom of Information Act 1982* to give effect to recommendations made by the Australian Law Reform Commission and the Administrative Review Council, and for related purposes. ***Freedom of Information Amendment (Open Government) Bill 2003.*** (*general business notice of motion no. 499*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Aviation Transport Security Bill 2003 and a related bill be extended to 19 August 2003. (*general business notice of motion no. 500*)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport Legislation Committee be extended to the last day of sitting in 2003:

- (a) the administration of the Civil Aviation Safety Authority;
- (b) the import risk assessment on New Zealand apples; and
- (c) the administration of AusSAR in relation to the search for the *Margaret J.* (*general business notice of motion no. 501*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Cook): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia's relationship with Papua New Guinea and other Pacific island countries be extended to 12 August 2003. (*general business notice of motion no. 502*)

Senator Lundy: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 11 am to 12.30 pm, to take evidence for the committee's inquiry into the management and integrity of electronic information in the Commonwealth. (*general business notice of motion no. 503*)

The Leader of the Australian Democrats (Senator Bartlett): To move on 26 June 2003—That items [2] to [6] of Schedule 1 of the Migration Agents Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 92 and made under the *Migration Act 1958*, be disallowed.

The Leader of the Australian Democrats (Senator Bartlett): To move 5 sitting days after today—That the Migration Amendment Regulations 2003 (No. 1), as contained in Statutory Rules 2003 No. 57 and made under the *Migration Act 1958*, be disallowed.

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

(a) notes:

- (i) the Expression of Interest prepared by the Victorian community, facilitated by the National Trust of Australia (Victoria) and the Victorian National Parks Association for the Department of Defence land at Portsea,
- (ii) that this Expression of Interest has the support of the 'Partners in the Victorian Community', including Olivia Newton-John, Sir Rupert Hamer, Laurence Cox, Dame Elizabeth Murdoch and Ron Walker among others, and
- (iii) the Victorian State Government supports the Victorian Community Expression of Interest as being 'consistent with Victorian Government objectives' that the site be 'managed for public benefit consistent with the broad intent of the Community Masterplan'; and

(b) urges the Federal Government to transfer the land in question to the Victorian community to enable the establishment of the Point Nepean National Park and the Point Nepean Living Museum, as outlined in this Expression of Interest. (*general business notice of motion no. 504*)

Senator Conroy: To move on the next day of sitting—

(1) That the following matter be referred to the Economics References Committee for inquiry and report by 4 December 2003:

Whether the *Trade Practices Act 1974* adequately protects small businesses from anti-competitive or unfair conduct, with particular reference to:

- (a) whether section 46 of the Act deals effectively with abuses of market power by big businesses, and, if not, the implications of the inadequacy of section 46 for small businesses, consumers and the competitive process;
- (b) whether Part IVA of the Act deals effectively with unconscionable or unfair conduct in business transactions;

- (c) whether Part IVB of the Act operates effectively to promote better standards of business conduct, and, if not, what further use could be made of Part IVB of the Act in raising standards of business conduct through industry codes of conduct;
 - (d) whether there are any other measures that can be implemented to assist small businesses in more effectively dealing with anti-competitive or unfair conduct; and
 - (e) whether there are approaches adopted in Organisation for Economic Co-operation and Development economies for dealing with the protection of small business as a part of competition law which could usefully be incorporated into Australian law.
- (2) That the committee make recommendations for legislative amendments to rectify any weaknesses in the Trade Practices Act identified by the committee's inquiry.

Senator Carr: To move on the next day of sitting—That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 26 November 2003:

The Government's proposed budget changes to higher education, with particular reference to:

- (a) the principles of the Government's higher education package;
- (b) the effect of these proposals upon sustainability, quality, equity and diversity in teaching and research at universities, with particular reference to:
 - (i) the financial impact on students, including merit selection, income support and international comparisons,
 - (ii) the financial impact on universities, including the impact of the Commonwealth Grants Scheme, the differential impact of fee deregulation, the expansion of full fee places and comparable international levels of government investment, and
 - (iii) the provision of fully funded university places, including provision for labour market needs, skill shortages and regional equity, and the impact of the 'learning entitlement';
- (c) the implications of such proposals on the sustainability of research and research training in public research agencies;
- (d) the effect of this package on the relationship between the Commonwealth, the States and universities, including issues of institutional autonomy, governance, academic freedom and industrial relations; and
- (e) alternative policy and funding options for the higher education and public research sectors.

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell): To move on the next day of sitting—That the provisions of paragraphs (5), (6) and (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Governor-General Amendment Bill 2003
 HIH Royal Commission (Transfer of Records) Bill 2003.

Documents: Senator Ian Campbell tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of certain bills in the 2003 winter sittings.

Notices of motion withdrawn:

Senator Ray withdrew general business notice of motion no. 473 standing in his name for today, relating to the reference of a public work to the Parliamentary Standing Committee on Public Works.

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

Senator Ferris, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Tchen) and pursuant to notice of intention given on 23 June 2003, withdrew business of the Senate notice of motion no. 2 standing in the name of Senator Tchen for 9 sitting days after today for the disallowance of the Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 1), made under section 52A of the *Farm Household Support Act 1992*.

12 POSTPONEMENTS

Senator Nettle, by leave, moved—That general business notice of motion no. 486 standing in her name for today, relating to Australia's military ties with the United States of America, be postponed till the next day of sitting.

Question put and passed.

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Brown for 26 June 2003, relating to the disallowance of Amendment 41 of the National Capital Plan (Gungahlin Drive Extension), postponed till 19 August 2003.

General business notice of motion no. 497 standing in the name of Senator Brown for today, proposing an order for the production of documents by the Minister representing the Minister for Industry, Tourism and Resources (Senator Minchin), postponed till 25 June 2003.

13 FINANCE—GAMBLING AND GAMING REVENUE

Senator Allison, at the request of Senator Murray and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 498—That the Senate—

- (a) notes that the effect of the Commonwealth Grants Commission system is to encourage states and territories to increase revenue from gambling and gaming;
- (b) notes that on 23 June 2003 the Australian Capital Territory introduced legislation to increase its revenue from poker machines via taxation;
- (c) calls upon the Commonwealth to help break the nexus between state and territory revenue needs and gambling and gaming; and
- (d) asks the Government to ensure that the Commonwealth Grants Commission ensure that none of its determinations have the effect of encouraging increased state or territory reliance on gambling and gaming.

Question put and passed.

14 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Treasurer (Senator Ian Campbell), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, on Tuesday, 24 June 2003:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm to 11 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Question put and passed.

15 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—PROPOSED REFERENCE

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Environment, Communications, Information Technology and the Arts References Committee for inquiry and report by the last sitting day in March 2004:

- (a) the current and prospective levels of competition in broadband services, including interconnection and pricing in both the wholesale and retail markets;
- (b) any impediments to competition and to the uptake of broadband technology; and
- (c) the implications of communications technology convergence on competition in broadband and other emerging markets.

Question put.

The Senate divided—

AYES, 33

Senators—

Allison	Conroy	Kirk	O'Brien
Bartlett	Cook	Ludwig	Ray
Bishop	Crossin	Lundy	Sherry
Brown	Denman	Mackay (Teller)	Stephens
Buckland	Evans	Marshall	Webber
Campbell, George	Forshaw	McLucas	Wong
Carr	Greig	Moore	
Cherry	Hogg	Murray	
Collins	Hutchins	Nettle	

NOES, 36

Senators—

Abetz	Eggleston	Johnston	Minchin
Alston	Ellison	Kemp	Murphy
Barnett	Ferguson	Knowles	Patterson
Brandis	Ferris (Teller)	Lees	Santoro
Calvert	Harradine	Lightfoot	Scullion
Campbell, Ian	Harris	Macdonald, Ian	Tchen
Chapman	Heffernan	Macdonald, Sandy	Tierney
Colbeck	Hill	Mason	Vanstone
Coonan	Humphries	McGauran	Watson

Question negatived.

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

Senator Ferris, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 494—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 4.30 pm, to take evidence for the committee's inquiry into Australia's insolvency laws.

Question put and passed.

**17 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING
SITTING**

Senator Ferris, at the request of Senator Ferguson and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 487—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 June 2003, from 9.30 am to 10 am, to take evidence for the committee's inquiry into the refurbishment of the Australian Institute of Sport.

Question put and passed.

**18 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—LEAVE TO MEET
DURING SITTING**

Senator Mackay, at the request of the Chair of the Legal and Constitutional References Committee (Senator Bolkus) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 488—That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 24 June 2003, from 5.30 pm, to take evidence for the committee's inquiry into progress towards national reconciliation.

Question put and passed.

**19 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS
REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT**

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 489—That the time for the presentation of reports of the Environment, Communications, Information Technology and the Arts References Committee be extended as follows:

- (a) the role of libraries as providers of public information in the online environment—to 19 August 2003;
- (b) environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations—to 19 August 2003; and
- (c) Australian telecommunications network—to 2 December 2003.

Question put and passed.

20 ENVIRONMENT—CARBON DIOXIDE EMISSIONS

Senator Allison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 495—That the Senate—

- (a) notes that:
 - (i) the United Kingdom has changed its regime for taxation of company vehicles so that vehicles are taxed according to their price list value and level of carbon dioxide emissions rather than a combination of list price, age and annual business mileage, and
 - (ii) according to a PricewaterhouseCoopers survey published on 18 March 2003, 92 per cent of employees had selected to drive cars with lower carbon dioxide emissions as a result of the scheme;
- (b) recognises the harmful effects of carbon dioxide emissions on global warming and public health, and that a significant percentage of carbon dioxide emissions in urban areas is the result of automobile emissions;
- (c) calls upon the Government to investigate introducing a fringe benefits taxation system which encourages the acquisition of low emission vehicles as company cars, and which encourages the use of public transport; and
- (d) urges state and territory governments to adopt vehicle registration systems for new vehicles which encourage the acquisition of low emission vehicles.

Question put and passed.

21 DEPARTMENT OF THE SENATE—SENIOR EXECUTIVE OFFICERS' INTERESTS—DOCUMENT

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

Department of the Senate—Register of Senate senior executive officers' interests incorporating statements of interests and a notification of alteration of interests of senior executive officers lodged between 25 June 2002 and 19 June 2003, dated June 2003.

22 AUDITOR-GENERAL—AUDIT REPORT NO. 55 OF 2002-03—DOCUMENT

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

Auditor-General—Audit report no. 55 of 2002-03—Performance audit—Goods and services tax fraud prevention and control: Australian Taxation Office.

23 ENVIRONMENT—LUCAS HEIGHTS REACTOR—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The Special Minister of State (Senator Abetz), by leave, made a statement relating to the order of the Senate of 25 June 2002 for the production of a document relating to the preliminary evaluation of the construction site for the replacement research reactor at Lucas Heights and, pursuant to that order, tabled the following document:

Environment—Lucas Heights reactor—Australian Nuclear Science and Technology Organisation submission to ARPANSA on the site geological investigations for the replacement research reactor at Lucas Heights, dated 12 September 2002 [Document no. RRRP-7500-3BEAN-002-A].

24 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENT

The Chair of the Standing Committee of Senators' Interests (Senator Denman) tabled the following document:

Senators' Interests—Standing Committee—Register of Senators' interests incorporating statements of interests, and a notification of alterations of interests of senators lodged between 6 December 2002 and 19 June 2003, dated June 2003.

25 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—EXECUTIVE MINUTES ON REPORTS 374, 385, 388 AND 389

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—Executive minutes on reports 374, 385, 388 and 389 received since 2 December 2002, dated June 2003.

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

Question put and passed.

26 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03

Senator Ferris, on behalf of the Legal and Constitutional Legislation Committee, tabled additional information received by the committee (Additional estimates 2002-03—vols 2 and 4).

27 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CORPORATIONS AMENDMENT REGULATIONS 2003 (NO. 1), STATUTORY RULES 2003 NO. 31

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Chapman) tabled the following report and documents:

Corporations and Financial Services—Joint Statutory Committee—Corporations Amendment Regulations 2003 (No. 1), Statutory Rules 2003 No. 31—Report, dated June 2003, *Hansard* record of proceedings and submissions [11].

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

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

Question put and passed.

28 DOCUMENT

The following document was tabled by the Clerk:

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 5/03 [2 dispensations].

29 COMMITTEES—CHANGES IN MEMBERSHIP

The Deputy President (Senator Hogg) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Special Minister of State (Senator Abetz), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—

Appointed—Senator Stephens

Discharged—Senator Collins

Economics References Committee—

Appointed—Senator Stephens

Discharged—Senator Collins

Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator Humphries

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Appointed—Participating member: Senator Humphries

Legal and Constitutional Legislation and References Committees—

Appointed—Participating member: Senator Humphries

Ministerial Discretion in Migration Matters—Select Committee—

Appointed—Senators Humphries, Johnston and Santoro.

Question put and passed.

30 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 2003**EXCISE TARIFF AMENDMENT BILL (NO. 1) 2003****NEW BUSINESS TAX SYSTEM (TAXATION OF FINANCIAL ARRANGEMENTS) BILL (NO. 1) 2003****PRODUCT STEWARDSHIP (OIL) LEGISLATION AMENDMENT BILL (NO. 1) 2003**

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

Message no. 338, dated 23 June 2003—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 339, dated 23 June 2003—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 340, dated 23 June 2003—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 341, dated 23 June 2003—A Bill for an Act to amend the *Product Stewardship (Oil) Act 2000*, and for related purposes.

The Special Minister of State (Senator Abetz) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Consideration of legislation: Senator Abetz moved—That the New Business Tax System (Taxation of Financial Arrangements) Bill (No. 1) 2003 and the Product Stewardship (Oil) Legislation Amendment Bill (No. 1) 2003 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

31 HIIH ROYAL COMMISSION (TRANSFER OF RECORDS) BILL 2003

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

Message no. 337, dated 23 June 2003—A Bill for an Act to provide for the transfer of custody of certain records of the HIIH Royal Commission to the Australian Securities and Investments Commission, and for related purposes.

The Special Minister of State (Senator Abetz) 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.

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.

32 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2003

Pursuant to order, Senator McGauran, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Sandy Macdonald), tabled the following report and document:

Foreign Affairs, Defence and Trade Legislation Committee—Export Market Development Grants Amendment Bill 2003—Report, dated June 2003 and *Hansard* record of proceedings.

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

33 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—CIVIL AVIATION AMENDMENT BILL 2003

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

Rural and Regional Affairs and Transport Legislation Committee—Civil Aviation Amendment Bill 2003—Report, dated June 2003, *Hansard* record of proceedings and submissions [8].

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

34 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (DISABILITY REFORM) BILL (NO. 2) 2002 [NO. 2]

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 29

Senators—

Abetz	Eggleston	Lightfoot	Scullion
Barnett	Ellison	Macdonald, Ian	Tchen
Brandis	Ferguson	Macdonald, Sandy	Tierney
Calvert	Ferris	Mason	Vanstone
Campbell, Ian	Heffernan	McGauran (Teller)	Watson
Chapman	Humphries	Minchin	
Colbeck	Johnston	Patterson	
Coonan	Kemp	Santoro	

NOES, 35

Senators—

Allison	Conroy	Hutchins	Murray
Bartlett	Cook	Kirk	Nettle
Bishop	Crossin (Teller)	Lees	O'Brien
Bolkus	Denman	Lundy	Ridgeway
Brown	Evans	Mackay	Sherry
Buckland	Greig	Marshall	Stephens
Campbell, George	Harradine	McLucas	Webber
Carr	Harris	Moore	Wong
Cherry	Hogg	Murphy	

Question negatived.

35 ENERGY GRANTS (CREDITS) SCHEME BILL 2003

ENERGY GRANTS (CREDITS) SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2003

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

—————
In the committee

ENERGY GRANTS (CREDITS) SCHEME BILL 2003—

Bill taken as a whole by leave.

Senator Lees moved the following amendment:

Clause 2, page 1 (lines 9 and 10), omit the clause, substitute:

2 Commencement

- (1) Sections 1 and 2 are taken to have commenced on the day on which this Act received the Royal Assent.
- (2) Subject to subsection (3), this Act (other than sections 1 and 2) commences on 1 July 2003.
- (3) If, before the day on which this Act would (but for this subsection) commence under subsection (2), vehicle standards have not been determined under section 7 of the *Motor Vehicle Standards Act 1989* that:
 - (a) relate to motor vehicle emission standards; and
 - (b) adopt the technical requirements, relating to motor vehicle emission standards, of the following:
 - (i) Regulation 83 of the United Nations Economic Commission for Europe, relating to uniform provisions concerning the approval of vehicles with regard to the

emission of pollutants according to engine fuel requirements, incorporating all amendments up to and including the 04 Series of Amendments;

- (ii) subject to subsection (4), European Council Directive 98/69/EC, relating to measures to be taken against air pollution by emissions from motor vehicles and amending European Council Directive 70/220/EEC;
- (iii) a European Council Directive, made after 1 July 1999, amending European Council Directive 88/77/EEC and relating to measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles; and

(c) come into effect as specified in subsection (5);

this Act does not commence until the day on which those vehicle standards are determined.

- (4) Subparagraph (3)(b)(ii) does not apply to the extent that the technical requirements in European Council Directive 98/69/EC relate to the standard commonly known as Euro 4, for emissions from petrol vehicles.
- (5) The vehicle standards must come into effect as follows:
 - (a) in relation to the technical requirements referred to in subparagraph (3)(b)(i):
 - (i) from 1 January 2002 for light diesel vehicles that are models first produced on or after 1 January 2002; and
 - (ii) from 1 January 2003 for all light diesel vehicles produced on or after 1 January 2003; and
 - (iii) from 1 January 2003 for petrol vehicles that are models first produced on or after 1 January 2003; and
 - (iv) from 1 January 2004 for all petrol vehicles produced on or after 1 January 2004;
 - (b) in relation to the technical requirements referred to in subparagraph (3)(b)(ii):
 - (i) from 1 January 2005 for petrol vehicles that are models first produced on or after 1 January 2005; and
 - (ii) from 1 January 2006 for all petrol vehicles produced on or after 1 January 2006; and
 - (iii) from 1 January 2006 for light diesel vehicles that are models first produced on or after 1 January 2006; and
 - (iv) from 1 January 2007 for all light diesel vehicles produced on or after 1 January 2007;
 - (c) in relation to the technical requirements referred to in subparagraph (3)(b)(iii) to the extent that they relate to the standard commonly known as Euro 3:
 - (i) from 1 January 2002 for medium and heavy diesel vehicles that are models first produced on or after 1 January 2002; and
 - (ii) from 1 January 2003 for medium and heavy diesel vehicles produced on or after 1 January 2003;

- (d) in relation to the technical requirements referred to in subparagraph (3)(b)(iii) to the extent that they relate to the standard commonly known as Euro 4:
- (i) from 1 January 2006 for medium and heavy diesel vehicles that are models first produced on or after 1 January 2006; and
 - (ii) from 1 January 2007 for medium and heavy diesel vehicles produced on or after 1 January 2007.

Debate ensued.

Senator Brown moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Watson) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bills, made progress and asked leave to sit again.

Ordered, on the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell), that the committee have leave to sit again at a later hour.

36 SUPERANNUATION (SURCHARGE RATE REDUCTION) AMENDMENT BILL 2003

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Alston)—That this bill be now read a second time.

Debate resumed.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate is of the view that the bill:

- (a) should be withdrawn by the Government because the proposed surcharge tax reduction to high-income earners is an exclusive tax cut to those earning greater than \$90 500 surchargeable income (\$94 961 from 1 July 2003) with the greatest benefit going to those on an income greater than \$109 900 (\$114 981 from 1 July 2003) with the result that it assists only the highest 5 per cent of income earners; and
- (b) should be redrafted to cut the contributions tax for all Australians, a fairer approach, particularly at a time of negative returns, to boost the retirement income for all Australians and assist the nation in preparing for the ageing of the population”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 24

Senators—

Bishop	Cook	Kirk	O'Brien
Bolkus	Crossin	Ludwig	Ray
Buckland (Teller)	Denman	Mackay	Sherry
Campbell, George	Forshaw	Marshall	Stephens
Carr	Hogg	McLucas	Webber
Collins	Hutchins	Moore	Wong

NOES, 39

Senators—			
Abetz	Cherry	Humphries	Nettle
Allison	Colbeck	Johnston	Patterson
Alston	Coonan	Kemp	Ridgeway
Barnett	Eggleston (Teller)	Lees	Santoro
Bartlett	Ellison	Lightfoot	Scullion
Boswell	Ferguson	Macdonald, Sandy	Tchen
Brandis	Ferris	Mason	Tierney
Brown	Greig	McGauran	Vanstone
Calvert	Harris	Minchin	Watson
Campbell, Ian	Heffernan	Murray	

Question negatived.

Main question put.

The Senate divided—

AYES, 27

Senators—			
Abetz	Coonan	Johnston	Patterson
Barnett	Eggleston (Teller)	Kemp	Santoro
Boswell	Ellison	Lightfoot	Scullion
Brandis	Ferguson	Macdonald, Sandy	Tchen
Calvert	Ferris	Mason	Tierney
Campbell, Ian	Heffernan	McGauran	Watson
Colbeck	Humphries	Minchin	

NOES, 33

Senators—			
Allison	Cook	Lees	Ray
Bartlett	Crossin	Ludwig	Ridgeway
Bishop	Denman	Mackay	Sherry
Bolkus	Forshaw	Marshall	Stephens
Brown	Greig	McLucas	Webber
Buckland (Teller)	Harris	Moore	Wong
Campbell, George	Hogg	Murray	
Carr	Hutchins	Nettle	
Cherry	Kirk	O'Brien	

Question negatived.

37 ENERGY GRANTS (CREDITS) SCHEME BILL 2003

ENERGY GRANTS (CREDITS) SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2003

Order of the day read for the further consideration of the bills in committee of the whole.

In the committee

ENERGY GRANTS (CREDITS) SCHEME BILL 2003—

Consideration resumed of the bill—*and of the amendment moved by Senator Lees (see entry no. 35).*

Debate resumed.

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

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

Page 1 (after line 10), after clause 2, insert:

2A States and Territories are bound

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory.

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

Page 2 (after line 2), at the end of Part 1, add:

3A The Energy Grants (Credits) Scheme

- (1) The purpose of the Energy Grants (Credits) Scheme is to provide active encouragement for the move to the use of cleaner fuels.
- (2) In the case of diesel fuel, the Commonwealth intends to restrict entitlements available under the Energy Grants (Credits) Scheme to ultra low sulphur diesel for purchases from 1 January 2006 when a mandatory standard of 50 parts per million of sulphur will come into effect.

On the motion of Senator Lees the following amendments, taken together by leave, were debated and agreed to:

Clause 9, page 9 (after line 24), after paragraph (3)(c), insert:

- (ca) the Total Environment Centre Inc; and

Clause 9, page 9 (after line 26), at the end of the clause, add:

- (4) A determination under subsection (1) or (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (5) The Commissioner must, 30 days before making a determination, publish a draft of the determination on the Australian Taxation Office website together with an invitation seeking public comment on the draft determination.
- (6) The Commissioner must cause to be included in his or her annual report, in respect of each determination he or she has made:
 - (a) a summary of public comment received in accordance with subsection (5);
 - (b) a description of how public comment was taken into account in the final determination;
 - (c) where public comment is not taken into account in the final determination, a statement of reasons why the comment was not taken into account.
- (7) As soon as practicable after making a final determination, the Commissioner must for at least 45 days publish the determination on the Australian Taxation Office website.

Clause 34, page 28 (line 5), omit "turtles, dugong,".

Senator Brown moved the following amendment:

Clause 35, page 28 (line 20) to page 29 (line 11), omit the clause, substitute:

35 Wood production

wood production means:

(a) the planting or tending, in a place, of trees, intended for felling; or

(b) the thinning or felling, in a place, of standing timber;

and includes:

(c) the transporting, milling or processing, in a place, of timber felled in the place; or

(d) the milling of timber at a sawmill or chipmill that is not situated in the place in which the timber was felled; or

(e) where timber is milled at a sawmill or chipmill that is not situated in the place in which the timber was felled—the transporting of the timber from the place in which it was felled to the sawmill or chipmill; or

(f) the making and maintaining in a place referred to in paragraph (a) or (b) of a road that is integral to the activities referred to in paragraph (a), (b) or (c);

and it does not include:

(g) wood production or related operations, including making or maintaining a road, in a native forest or in a place where native forest existed in 1990; or

(h) clearing of native vegetation.

native forest means forest dominated by tree species that are indigenous to the place in which it is situated.

native vegetation means vegetation indigenous to the place in which it is situated.

forest means a vegetation community dominated by trees with a projective foliage cover greater than 30%.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 8

Senators—

Allison (Teller)	Cherry	Lees	Nettle
Brown	Greig	Murray	Ridgeway

NOES, 37

Senators—

Abetz	Cook	Kirk	Sherry
Barnett	Crossin (Teller)	Knowles	Stephens
Bishop	Denman	Ludwig	Tchen
Buckland	Eggleston	Lundy	Tierney
Campbell, George	Evans	Marshall	Watson
Campbell, Ian	Ferguson	Mason	Webber
Carr	Hogg	McGauran	Wong
Chapman	Humphries	McLucas	
Colbeck	Johnston	Moore	
Collins	Kemp	O'Brien	

Question negatived.

Senator O'Brien moved the following amendment:

Page 31 (after line 12), after clause 37, insert:

37A Non-entitlement

Despite the other provisions of this Part, *use in marine transport* does not include use for a purpose in a vessel in marine transport where a vessel is operating under a single or continuing voyage permit.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 29

Senators—

Allison	Cook	Lundy	Ridgeway
Bishop	Crossin	Mackay	Sherry
Brown	Denman	Marshall	Stephens
Buckland (Teller)	Evans	McLucas	Webber
Campbell, George	Greig	Moore	Wong
Carr	Hogg	Murphy	
Collins	Kirk	Nettle	
Conroy	Ludwig	O'Brien	

NOES, 30

Senators—

Abetz	Coonan	Kemp	Patterson
Alston	Eggleston	Knowles	Santoro
Barnett	Ellison	Lees	Scullion
Boswell	Ferguson	Lightfoot	Tchen
Brandis	Ferris	Macdonald, Ian	Tierney
Campbell, Ian	Heffernan	Macdonald, Sandy	Vanstone
Chapman	Humphries	Mason	
Colbeck	Johnston	McGauran (Teller)	

Question negatived.

On the motion of Senator Lees the following amendments, taken together by leave, were debated and agreed to:

Page 37 (after line 29), after clause 49, insert:

49A Proposed use for certain prohibited actions under *Environment Protection and Biodiversity Conservation Act 1999*

- (1) Despite the other provisions of this Part, you are not entitled to an on-road credit for the purchase, or importation into Australia, of on-road diesel fuel, or on-road alternative fuel, for a particular use that involves taking an action mentioned in subsection (2) of this section without the approval mentioned in that subsection being in operation.
- (2) For the purposes of subsection (1), the action is one to which a Subdivision of Division 1, Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* would apply unless an approval required under that Division were in operation.

Note 1: Division 1 of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* makes it an offence to take action that has, will have or is likely to have a significant impact

on a listed matter of national environmental significance unless an approval is obtained under that Act.

Note 2: This section does not apply if another exemption applies under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Page 42 (after line 9), at the end of Part 4, add:

55A Proposed use in certain prohibited actions under *Environment Protection and Biodiversity Conservation Act 1999*

- (1) Despite the other provisions of this Part, you are not entitled to an off-road credit for the purchase, or importation into Australia, of off-road diesel fuel or off-road alternative fuel, for a particular use that involves taking an action mentioned in subsection (2) of this section without the approval mentioned in that subsection being in operation.
- (2) For the purposes of subsection (1), the action is one to which a Subdivision of Division 1, Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* would apply unless an approval required under that Division were in operation.

Note 1: Division 1 of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* makes it an offence to take action that has, will have or is likely to have a significant impact on a listed matter of national environmental significance unless an approval is obtained under that Act.

Note 2: This section does not apply if another exemption applies under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Senator Brown moved the following amendment:

Clause 53, page 39 (lines 27 and 28), omit “mining operations (otherwise than for the purpose of propelling any vehicle on a public road), or in”.

Debate ensued.

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

Senator Brown moved the following amendments together by leave:

Clause 4, page 6 (after line 29), after the definition of *State or Territory authority*, insert:

Sun Fund is the fund created when an energy grant for an off-road credit is used to generate renewable energy and improve energy efficiency.

Page 45 (after line 12), after Part 5, insert:

Part 5A—Sun Fund

57A Sun Fund credits

Basic rule

If you are entitled to an off-road credit you may use all or part of the estimated credit to which you would otherwise be entitled for a period of up to ten years to generate renewable energy, including installing and maintaining renewable energy systems and installing and maintaining systems, equipment and appliances to improve energy efficiency.

57B Draft regulations

- (1) The Minister must cause draft regulations to implement the Sun Fund to be released for public consultation no later than 1 September 2003.
- (2) The Minister must cause regulations to implement the Sun Fund to come into effect no later than 1 March 2004.

Debate ensued.

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

Bill, as amended, agreed to.

**ENERGY GRANTS (CREDITS) SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2003—**

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

The Energy Grants (Credits) Scheme Bill 2003 to be reported with amendments and the Energy Grants (Credits) Scheme (Consequential Amendments) Bill 2003 to be reported without amendments.

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

On the motion of the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) the report from the committee was adopted and the bills read a third time.

**38 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION
OF TIME TO REPORT**

The Chair of the Finance and Public Administration References Committee (Senator Forshaw), by leave, moved general business notice of motion no. 496—That the time for the presentation of the report of the Finance and Public Administration References Committee on its inquiry into recruitment and training in the Australian Public Service be extended to 18 September 2003.

Question put and passed.

39 BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002

Order of the day read for the adjourned debate on the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 34

Senators—

Abetz	Coonan	Johnston	Murphy
Alston	Eggleston	Kemp	Patterson
Barnett	Ellison	Knowles	Santoro
Boswell	Ferguson	Lees	Scullion
Brandis	Ferris (Teller)	Lightfoot	Tchen
Calvert	Harradine	Macdonald, Ian	Tierney
Campbell, Ian	Harris	Macdonald, Sandy	Vanstone
Chapman	Heffernan	Mason	
Colbeck	Humphries	McGauran	

NOES, 31

Senators—

Allison	Conroy	Hutchins	Nettle
Bishop	Cook	Kirk	O'Brien
Bolkus	Crossin	Ludwig	Ridgeway
Brown	Denman	Lundy	Sherry
Buckland	Evans	Mackay (Teller)	Stephens
Campbell, George	Forshaw	McLucas	Webber
Cherry	Greig	Moore	Wong
Collins	Hogg	Murray	

Question agreed to.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Question—That the bill be agreed to—divided in respect of Schedule 1.

Schedule 1 debated.

Question—That Schedule 1 stand as printed—put.

The committee divided—

AYES, 45

Senators—

Alston	Collins	Hutchins	Moore
Barnett	Conroy	Johnston	Murphy
Bolkus	Cook	Kemp	O'Brien
Boswell	Crossin	Kirk	Santoro
Brandis	Denman	Knowles	Scullion
Buckland	Eggleston	Lees	Sherry
Calvert	Ferguson	Lightfoot	Stephens
Campbell, George	Forshaw	Lundy	Webber
Campbell, Ian	Harradine	Macdonald, Sandy	Wong
Carr	Harris	Mackay	
Chapman	Hogg	McGauran (Teller)	
Colbeck	Humphries	McLucas	

NOES, 8

Senators—

Allison (Teller)
BartlettBrown
CherryGreig
MurrayNettle
Ridgeway

Schedule agreed to.

The Minister for Communications, Information Technology and the Arts (Senator Alston) moved the following amendments together by leave:

Schedule 2, page 5 (after line 8), after item 1, insert:

1AA After section 43

Insert:

43A Material of local significance—regional aggregated commercial television broadcasting licences

- (1) For the purposes of this section:
- (a) a *regional aggregated commercial television broadcasting licence* is a commercial television broadcasting licence for a licence area set out in the table; and
 - (b) the *applicable date* for such a licence is the date set out in the table opposite the licence area of the licence:

Licence area and applicable date		
Item	Licence area	Applicable date
1	Northern New South Wales	1 August 2003
2	Southern New South Wales	1 August 2003
3	Regional Victoria	1 August 2003
4	Eastern Victoria	1 August 2003
5	Western Victoria	1 August 2003
6	Regional Queensland	1 August 2003
7	Tasmania	1 July 2004

- (2) The ABA must ensure that, at all times on and after the applicable date for a regional aggregated commercial television broadcasting licence, there is in force under section 43 a condition that has the effect of requiring the licensee to broadcast to each local area, during such periods as are specified in the condition, at least a minimum level of material of local significance.
- (3) The condition must define *local area* and *material of local significance* for the purposes of the condition. The definition of *material of local significance* must be broad enough to cover news that relates directly to the local area concerned.
- (4) To avoid doubt, this section does not:
- (a) prevent the condition from setting out different requirements for different types of material; or
 - (b) prevent the condition from specifying periods that recur (for example, the hours between 7 am and 10 am Monday to Friday); or

- (c) prevent the condition from setting out different requirements for different periods; or
 - (d) create any obligations under subsection 43(2) that would not exist apart from this section.
- (5) Subsection 43(5) does not apply to the condition.
- (6) This section does not, by implication, limit the powers conferred on the ABA by section 43 to impose, vary or revoke other conditions.

Schedule 2, item 4, page 9 (line 12), omit “has a regional licence area”, substitute “is a regional commercial radio broadcasting licence”.

Schedule 2, item 4, page 28 (line 14), at the end of the heading to Subdivision C, add “**for commercial radio broadcasting licensees**”.

Schedule 2, item 4, page 28 (lines 16 and 17), omit “commercial television broadcasting licence, or a commercial radio broadcasting licence,” substitute “commercial radio broadcasting licence”.

Schedule 2, item 4, page 28 (lines 21 and 22), omit “commercial television broadcasting licensee or a”.

Schedule 2, item 4, page 29 (lines 9 and 10), omit “commercial television broadcasting licensee or a”.

Schedule 2, item 4, page 29 (lines 16 and 17), omit “commercial television broadcasting licensee or a”.

Schedule 2, item 4, page 30 (line 11), omit “commercial television broadcasting licence or a”.

Schedule 2, item 4, page 30 (lines 25 and 26), omit “commercial television broadcasting licence or a”.

Schedule 2, item 4, page 32 (line 17), omit “commercial television broadcasting licence or a”.

Schedule 2, item 4, page 34 (line 5), omit “commercial television broadcasting licence or a”.

Schedule 2, item 4, page 35 (line 16), omit “commercial television broadcasting licence or a”.

Schedule 2, item 7, page 36 (line 19), omit “or (e)”.

Schedule 2, item 8, page 36 (line 28), omit “or (e)”.

Schedule 2, item 12, page 38 (line 4), omit “section 61PA;”, substitute “section 61PA.”.

Schedule 2, item 12, page 38 (lines 5 and 6), omit paragraph 7(1)(q).

Schedule 2, item 13, page 38 (line 10), omit “section 61P;”, substitute “section 61P.”.

Schedule 2, item 13, page 38 (lines 11 and 12), omit paragraph 7(2)(e).

Debate ensued.

Explanatory memorandum: Senator Alston tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Debate continued.

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

Senator Lees moved the following amendment:

Schedule 2, page 5 (before line 9), before item 1A, insert:

1AB Before section 44

Insert:

43B Material of local significance—metropolitan commercial television broadcasting licences

- (1) For the purposes of this section, a *metropolitan commercial television broadcasting licence* is a commercial television broadcasting licence that has a metropolitan licence area (as defined by section 61B).
- (2) The ABA must ensure that, at all times on and after 1 July 2004, there is in force under section 43, for each metropolitan commercial television broadcasting licence, a condition that has the effect of requiring the licensee to broadcast to each local area, during such periods as are specified in the condition, at least a minimum level of material of local significance.
- (3) The condition must define *local area* and *material of local significance* for the purposes of the condition. The definition of *material of local significance* must be broad enough to cover news that relates directly to the local area concerned.
- (4) To avoid doubt, this section does not:
 - (a) prevent the condition from setting out different requirements for different types of material; or
 - (b) prevent the condition from specifying periods that recur (for example, the hours between 7 am and 10 am Monday to Friday); or
 - (c) prevent the condition from setting out different requirements for different periods; or
 - (d) create any obligations under subsection 43(2) that would not exist apart from this section.
- (5) Subsection 43(5) does not apply to the condition.
- (6) This section does not, by implication, limit the powers conferred on the ABA by section 43 to impose, vary or revoke other conditions.

At 11 pm: The Deputy President (Senator Hogg) resumed the chair and the Temporary Chair of Committees (Senator Ferguson) reported progress.

40 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 11.40 pm till Wednesday, 25 June 2003 at 9.30 am.

41 ATTENDANCE

Present, all senators except Senators Payne*, Stott Despoja* and Troeth* (* on leave).

HARRY EVANS
Clerk of the Senate