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**1 MEETING OF SENATE**

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

**2 GOVERNMENT DEPUTY WHIP—APPOINTMENT**

The Leader of the Government in the Senate (Senator Minchin), by leave, informed the Senate of the appointment of Senator Parry as Government Deputy Whip.

**3 FOREIGN AFFAIRS—AFGHANISTAN—OPIUM TRADE—ANSWER TO QUESTION—STATEMENT BY LEAVE**

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Ray on 7 September 2006 relating to the opium trade in Afghanistan.

**4 PETROLEUM RETAIL LEGISLATION REPEAL BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Senator O'Brien moved the following amendment:

At the end of the motion, add "but the Senate:

- (a) calls on the Government to require the Department of Industry, Tourism and Resources to report to the Parliament annually, commencing in August 2007, on the measures taken and the progress made to:
  - (i) increase market penetration of ethanol and biodiesel, LPG and CNG, including the number and location of service stations and the names of the companies offering these products on their retail sites,
  - (ii) secure new investment in biofuel, LPG and CNG production and supply infrastructure in Australia, and
  - (iii) secure investment in new alternative transport fuel industries in Australia, including gas and coal to liquids;
- (b) calls on the Government to review, in 2009, the proposal to introduce excise on ethanol and biodiesel, LPG and CNG in 2011, and consider whether or not there is a case for delaying the introduction of excise, depending on the progress made:
  - (i) in increasing market penetration of biofuels, LPG and CNG,
  - (ii) in securing new investment in biofuel, LPG and CNG production and supply infrastructure in Australia, and
  - (iii) towards achieving the 350 million litre biofuels target in 2010;
- (c) criticises the Government for:
  - (i) its tardiness in moving on petrol retail reform,
  - (ii) bypassing due parliamentary process in introducing a regulation to 'undeclare' companies under the *Petroleum Retail Marketing Sites Act 1980*,
  - (iii) failing to introduce amendments to the *Trade Practices Act 1974* to implement the 2003 Dawson and 2004 Senate recommendations for reform, and

- (iv) failing to act to reduce Australia's dependency on foreign oil and improve its transport fuel security;
- (d) calls on the Government to immediately conduct a feasibility study into a gas to liquids fuels plant in Australia, including:
  - (i) consideration of petroleum resources rent tax incentives for developers of gas fields which provide resources for gas to liquid fuels projects,
  - (ii) examining a new infrastructure investment allowance for investment in Australian gas to liquids infrastructure, and
  - (iii) developing a targeted funding scheme for research and development in this area;
- (e) calls on the Government to immediately embrace Labor's Fuels Blueprint proposal to:
  - (i) make alternative fuel vehicles tariff free, cutting up to \$2 000 off the price of current hybrid cars, and
  - (ii) grant tax rebates for converting petrol cars to LPG; and
- (f) calls on the Government to immediately embrace Labor's Fuels Blueprint to find more oil and use more gas by:
  - (i) re-examining the depreciation regime for gas production infrastructure, and
  - (iii) allowing the selective use of flow-through share schemes for smaller operators".

Debate ensued.

*At 2 pm:* Debate was interrupted.

## 5 QUESTIONS

Questions without notice were answered.

## 6 ANSWERS TO QUESTIONS

Senator McLucas moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

## 7 ENVIRONMENT—MACQUARIE MARSHES—ANSWER TO QUESTION

The Leader of the Australian Greens (Senator Bob Brown) moved—That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Bob Brown today relating to the Macquarie Marshes, New South Wales.

Question put and passed.

## 8 DEATH OF HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA

The President informed the Senate of the death on 10 September 2006 of His Majesty King Taufa'ahau Tupou IV of Tonga.

All senators present stood in silence as a mark of respect.

## 9 PETITIONS

The following 2 petitions, lodged with the Clerk by Senator Webber, were received:

From 60 petitioners, requesting that the Senate take action to ensure that Western Australia remains free of nuclear waste.

From 212 petitioners, requesting that the Senate urge the Government to table environmental evidence supporting the proposal to build a nuclear reactor in Western Australia, advise on what consultation has occurred and with whom and identify all sites under consideration for the proposed nuclear reactor.

## 10 NOTICES

*Notices of motion:*

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

- (a) notes that:
  - (i) 9 September to 15 September 2006 is Australian Foster Care Week,
  - (ii) foster carers need specialised training, more support and better pay in order to help the growing number of highly troubled children being placed in their care,
  - (iii) approximately 80 per cent of the children coming into care have serious problems or disabilities, in some cases due to a reluctance to place children in foster care combined with lack of support to birth families, and
  - (iv) many foster care agencies in Australia are struggling to meet the demands of foster carers and children in their care, due to the serious lack of funding;
- (b) urges governments to:
  - (i) provide better funding and support to ensure that foster carers are given the specialised needs training they urgently require to cope with children with special needs, and to ensure that they are able to help the growing number of highly troubled children being placed in their care, and
  - (ii) increase the levels of remuneration for foster carers; and
- (c) acknowledges the exceptional services that foster carers and their agencies provide every day to children in need. (*general business notice of motion no. 535*)

Senators Stephens and Mason: To move on the next day of sitting—That the Senate—

- (a) notes, with deep concern, the rise of anti-Semitism in Australia and the growing threat which this poses to the cohesion of Australian society;
- (b) condemns all manifestations of anti-Semitism wherever they occur; and
- (c) expresses its unequivocal condemnation of all forms of racial and ethnic hatred, persecution and discrimination. (*general business notice of motion no. 536*)

Senator Parry: To move on the next day of sitting—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 September 2006, from 3.30 pm, to take evidence for the committee's inquiry into the provision of facilities for Project Single LEAP. (*general business notice of motion no. 537*)

Senator Ludwig: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 7 February 2007:

Australia's national and international policing requirements over the medium- and long-term, with particular reference to:

- (a) personnel and staffing needs of relevant Commonwealth agencies, particularly the Australian Federal Police;
- (b) the adequacy of existing workforce planning arrangements in meeting those needs;
- (c) the effectiveness of existing recruitment practices and training programs;
- (d) the impact of Commonwealth police personnel strategies on state and territory police forces; and
- (e) any other related matter.

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

No. 1—That the Environment Protection and Biodiversity Conservation Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 131 and made under the *Environment Protection and Biodiversity Conservation Act 1999*, be disallowed.

No. 2—That the Great Barrier Reef Marine Park Amendment Regulations 2006 (No. 1), as contained in Select Legislative Instrument 2006 No. 132 and made under the *Great Barrier Reef Marine Park Act 1975*, be disallowed.

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

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

- (a) notes that:
  - (i) a report of the United States of America Republican-led Senate Select Committee on Intelligence found that there is no evidence of any relationship between the Iraqi regime of Saddam Hussein and al-Qaeda, and
  - (ii) the Government is yet to state whether it now believes that any such link ever existed; and
- (b) calls on the Government to outline when it first became aware of concerns that there was no link between the regime of Saddam Hussein and al-Qaeda. (*general business notice of motion no. 538*)

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

- (a) notes that:
  - (i) various global oil depletion protocols have recently been proposed, and that the basic principle underpinning each is that oil importing nations agree to reduce their imports by an agreed yearly percentage (the world oil depletion rate), while producing countries would agree to reduce their rate of exports by their national depletion rate,
  - (ii) such protocols seek to prevent profiteering from shortage, avoid destabilising financial flows arising from excessive oil prices, encourage the avoidance of waste and stimulate investment in alternative energies, and

- (iii) the next meeting of the Group of Twenty (G-20) Finance Ministers and Central Bank Governors will take place in Melbourne in November 2006 and that the issues listed for discussion include energy security; and
- (b) calls on the Government to include consideration of an oil depletion protocol on the agenda of the 2006 G-20 meeting. (*general business notice of motion no. 539*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 13 September 2006—That the Senate calls on the Government to review the threats to the Macquarie Marshes, New South Wales, as a matter of urgency and to take due action to rescue the marshes as a national environmental priority. (*general business notice of motion no. 540*)

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (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 notices of motion standing in his name as follows:

Business of the Senate notice of motion no. 1 for 3 sitting days after today for the disallowance of the Broadcasting Services (Anti-Terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2006, made under subsection 125(2) of the *Broadcasting Services Act 1992*.

Business of the Senate notice of motion no. 1 for 6 sitting days after today for the disallowance of the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2006, made under subsection 125(2) of the *Broadcasting Services Act 1992*.

Senator Watson, by leave, made a statement relating to the notice of intention.

#### 11 LEAVE OF ABSENCE

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator Sherry from 7 September to 15 September 2006, on account of parliamentary business overseas.

Question put and passed.

#### 12 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 508 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Afghanistan, postponed till 13 September 2006.

#### 13 EDUCATION—VOLUNTARY STUDENT UNIONISM

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 534—That the Senate—

- (a) notes that:
  - (i) the introduction of voluntary student unionism on 1 July 2006 has resulted in the loss of numerous jobs and the closure of vital student services,
  - (ii) many other student services are in jeopardy,

- (iii) the Government's 'Voluntary Student Unionism Transition Fund' has done little to protect essential university services such as child care, welfare, counselling, advocacy and accommodation,
  - (iv) the closure of these services is having a devastating effect on poorer students and those in regional and isolated areas, and
  - (v) the introduction of voluntary student unionism has undermined student autonomy and representation at universities; and
- (b) calls on the Government to reverse voluntary student unionism.

Question put.

The Senate divided—

#### AYES, 33

Senators—

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

#### NOES, 36

Senators—

Abetz	Colbeck	Heffernan	Parry
Adams	Coonan	Johnston	Patterson
Barnett	Eggleston	Kemp	Payne
Bernardi	Ellison	Lightfoot	Ronaldson
Boswell	Ferguson	Macdonald, Ian	Santoro
Brandis	Ferris (Teller)	Macdonald, Sandy	Scullion
Calvert	Fielding	Mason	Trood
Campbell, Ian	Fierravanti-Wells	Minchin	Vanstone
Chapman	Fifield	Nash	Watson

Question negatived.

#### 14 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2005-06

Senator Ferguson, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Annual report of committee activities 2005-06, dated September 2006.

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

Debate ensued.

Question put and passed.

**15 MIGRATION—JOINT STANDING COMMITTEE—REPORT—OVERSEAS SKILLS  
RECOGNITION, UPGRADING AND LICENSING**

Senator Kirk, on behalf of the Joint Standing Committee on Migration, tabled the following report:

Migration—Joint Standing Committee—Negotiating the maze: Review of arrangements for overseas skills recognition, upgrading and licensing—Report, dated September 2006.

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

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

**16 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 55—Block 16 Section 28 City (Australian National University) [F2006L03008]\*.

Class Rulings CR 2006/86 and CR 2006/87.

Product Rulings—

Notices of Withdrawal—

PR 2005/114.

PR 2006/32.

PR 2006/125-PR 2006/128.

Taxation Determinations—

Notices of Withdrawal—TD 93/74.

TD 2006/51, TD 2006/52 and TD 2006/55.

Taxation Rulings—Notices of Withdrawal—

TR 98/20.

Old Series—IT 2056, IT 2058, IT 2125, IT 2136, IT 2139, IT 2171, IT 2209, IT 2212, IT 2241, IT 2322 and IT 2570.

\* Explanatory statement tabled with legislative instrument.

**17 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 January to 30 June 2006—Statements of compliance—

Human Services portfolio agencies.

Immigration and Multicultural Affairs portfolio agencies.



**18 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2005-06—Letter of advice—Defence portfolio.

**19 COMMITTEES—APPOINTMENT OF MEMBER**

The Acting Deputy President (Senator Barnett) informed the Senate that the President had received a letter nominating a senator to be a member of committees.

The Minister for Ageing (Senator Santoro), by leave, moved—That Senator Fielding be appointed as a participating member of all legislative and general purpose standing committees.

Question put and passed.

**20 AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION AMENDMENT BILL 2006**

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

Message no. 384, dated 7 September 2006—A Bill for an Act to amend the *Australian Nuclear Science and Technology Organisation Act 1987*, and for related purposes.

The Minister for Ageing (Senator Santoro) 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 Santoro moved—That this bill be now read a second time.

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

**21 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—MIGRATION AMENDMENT (VISA INTEGRITY) BILL 2006**

Pursuant to order, Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Payne), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Provisions of the Migration Amendment (Visa Integrity) Bill 2006—Report, dated September 2006 and submissions [4].

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

**22 PETROLEUM RETAIL LEGISLATION REPEAL BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time—and on the amendment moved by Senator O'Brien (see entry no. 4).

Debate resumed.

Senator Milne moved the following amendment to Senator O'Brien's proposed amendment:

Paragraph (a)(iii), omit "and coal".

Debate ensued.

Question—That Senator Milne's amendment to Senator O'Brien's proposed amendment be agreed to—put and negatived.

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

Main question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Murray moved the following amendment:

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

**Schedule 1A—Amendments to deal with abuse of market power, unconscionable conduct and price monitoring in relation to petroleum marketing and to amend the Oilcode to provide for review**

***Trade Practices Act 1974***

**1 Subsection 46(1)**

After "power" (second occurring), insert " , in that or any other market,".

**2 After subsection 46(1A)**

Insert:

- (1B) In determining for the purposes of this section whether a corporation has a substantial degree of power in a market, the Court will at least take into account the following principles:
- (a) the threshold of 'a substantial degree of power in a market' is lower than the former threshold of substantial control; and
  - (b) the substantial degree of power in a market threshold does not require a corporation to have an *absolute* freedom from constraint, it is sufficient if the corporation is not constrained to a *significant* extent by competitors or suppliers; and
  - (c) more than one corporation can have a substantial degree of power in a market; and
  - (d) evidence of a corporation's behaviour in the market is relevant to a determination of a substantial degree of power in a market.

**3 After subsection 46(2)**

Insert:

- (2A) In determining for the purpose of this section whether a corporation has a substantial degree of power in a market, the Court may consider the corporation's degree of power in a market to include any market power arising from any contracts, arrangements, understandings or covenants, whether formal or informal, which the corporation has entered into with other entities.

**4 After subsection 46(3)**

Insert:

- (3A) In determining for the purposes of this section whether a corporation:
- (a) has a substantial degree of power in a market; or
  - (b) has taken advantage of that power for the purpose described in paragraph (1)(a), (b) or (c);
- the Court may have regard to the capacity of the corporation, relative to other corporations in that or any other market, to sell in that or any other market a good or service at a price below the cost to the corporation of producing or acquiring the good or supplying the service.

**5 Before paragraph 51AC(3)(a)**

Insert:

- (aa) whether the supplier imposed or utilised contract terms allowing the unilateral variation of any contracts between the supplier and the business consumer; and

**6 Before paragraph 51AC(4)(a)**

Insert:

- (aa) whether the acquirer imposed or utilised contract terms allowing the unilateral variation of any contract between the acquirer and the small business supplier; and

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

Adams	Eggleston	Kemp	Ronaldson
Barnett	Ellison	Lightfoot	Santoro
Bernardi	Ferguson	Macdonald, Ian	Scullion
Boswell	Ferris	Macdonald, Sandy	Troeth
Brandis	Fierravanti-Wells	Mason	Trood
Calvert	Fifield	McGauran	Watson
Campbell, Ian	Heffernan	Minchin	
Chapman	Humphries	Nash	
Colbeck	Johnston	Parry (Teller)	

The ayes and noes were equal and so the question was negatived.

Senator O'Brien moved the following amendment:

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

**Schedule 1A—Amendments to deal with abuse of market  
power, unconscionable conduct and price  
monitoring in relation to petroleum marketing**

***Trade Practices Act 1974***

**1 Subsection 46(1)**

After “power” (second occurring), insert “, in that or any other market,”.

**2 After subsection 46(1A)**

Insert:

- (1B) In determining whether a corporation has a substantial degree of market power in a market, the Court must take into account the following principles:
- (a) the threshold of ‘a substantial degree of power in a market’ is lower than the former threshold of substantial control; and
  - (b) the substantial degree of power in a market threshold does not require a corporation to have an *absolute* freedom from constraint – it is sufficient if the corporation is not constrained to a *significant* extent by competitors or suppliers; and
  - (c) more than one corporation can have a substantial degree of power in a market; and
  - (d) evidence of a corporation’s behaviour in the market is relevant to a determination of a substantial degree of power in a market.

**3 After subsection 46(2)**

Insert:

- (2A) In determining for the purpose of this section whether a corporation has a substantial degree of power in a market, the Court may consider the corporation’s degree of power in a market to include any market power arising from any contracts, arrangements, understandings or covenants, whether formal or informal, which the corporation has entered into with other entities.

**4 After subsection 46(3)**

Insert:

- (3A) In determining for the purposes of this section whether a corporation:
- (a) has a substantial degree of power in a market; or
  - (b) has taken advantage of that power for a purpose described in paragraph (1)(a), (b) or (c);

the Court may have regard to the capacity of the corporation, relative to other corporations in that or any other market, to sell in that or any other market a good or service at a price below the cost to the corporation of producing or acquiring the good or supplying the service.

**5 Before paragraph 51AC(3)(a)**

Insert:

- (aa) whether the supplier imposed or utilised a contract term allowing the unilateral variation of any contract between the supplier and the business consumer; and

**6 Before paragraph 51AC(4)(a)**

Insert:

- (aa) whether the acquirer imposed or utilised contract terms allowing the unilateral variation of any contract between the acquirer and the small business supplier; and

**7 After section 95ZE**

Insert:

**95ZEA Directions by Parliament to monitor prices, costs and profits of an industry**

- (1) A House of the Parliament, a committee of a House, or a committee of both Houses of the Parliament may give the Commission a written direction:
- (a) to monitor prices, costs and profits relating to the supply of goods or services by persons in a specified industry; and
  - (b) to provide to the Parliament a report on the monitoring at a specified time or at specified intervals within a specified period.

*Commercial confidentiality*

- (2) The Commission must, in preparing such a report, have regard to the need for commercial confidentiality.

*Public inspection*

- (3) The Commission must make copies of the report available for public inspection as soon as practicable after it provides Parliament with the report.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

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

## NOES, 34

## Senators—

Adams	Eggleston	Kemp	Patterson
Barnett	Ellison	Lightfoot	Ronaldson
Bernardi	Ferguson	Macdonald, Ian	Santoro
Boswell	Ferris	Macdonald, Sandy	Scullion
Brandis	Fierravanti-Wells	Mason	Troeth
Calvert	Fifield	McGauran	Trood
Campbell, Ian	Heffernan	Minchin	Watson
Chapman	Humphries	Nash	
Colbeck	Johnston	Parry (Teller)	

Question negatived.

The Leader of the Family First Party (Senator Fielding) moved the following amendments together by leave:

Schedule 2, page 4 (line 2), omit “**amendment**”, substitute “**amendments**”.

Schedule 2, page 4 (after line 13), at the end of the Schedule, add:

***Trade Practices Act 1974***

**3 At the end of subsection 51(1)**

Add:

- ; (f) any collective bargaining arrangement including a collective boycott arrangement entered into by independent fuel retailers for the purpose of negotiating for the supply or possible supply of fuel products with a prescribed oil company;
- (g) for the purposes of paragraph (f), the Oilcode and subsection 95Z(1A), an independent fuel retailer means any supplier of fuel products to a consumer, but excludes a prescribed oil company or a prescribed company involved in either wholesaling or retailing of fuel products;
- (h) for the purposes of paragraph (f) and (g), the Oilcode and subsection 95Z(1A), a prescribed oil company includes Australian Petroleum Pty Ltd (Caltex), BP Australia Holdings Limited, Mobil Oil Australia Limited and Shell Australia Limited however described;
- (i) for the purposes of paragraph (g) and the Oilcode, a prescribed company involved in either wholesaling or retailing of fuel products includes Coles Myer Limited and Woolworths Limited however described.

Debate ensued.

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*At 9.50 pm:* The Acting Deputy President (Senator Kirk) resumed the chair and the Temporary Chair of Committees reported progress.

**23 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.25 pm till Tuesday, 12 September 2006 at 12.30 pm.

**24 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate