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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 PETITION

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

From 30 petitioners, requesting that the Senate take action to undertake an assessment of the impact of proposed dams at Traveston crossing on the Mary River and Wyaralong in the Logan River catchment.

3 NOTICES

Notices of motion:

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to protect competitive markets by prohibiting predatory pricing. ***Trade Practices Amendment (Predatory Pricing) Bill 2007.*** (*general business notice of motion no. 811*)

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

(a) notes:

- (i) the use of a nuclear by-product, polonium-210, sourced from the Russian Federation (Russia) in the murder of Alexander Litvinenko,
- (ii) that Russia supplies nuclear materials to Iran,
- (iii) that Russia is in talks with the military regime in Myanmar with a view to supplying nuclear materials to that regime, and
- (iv) that, following attacks on freedom of the press and the murders of several journalists in Russia, the Committee to Protect Journalists rates Russia as the third most dangerous country in the world for journalists, after Iraq and Afghanistan; and

(b) calls on the Government not to sell uranium to Russia. (*general business notice of motion no. 812*)

Senator O'Brien: To move on the next day of sitting—That the Wheat Marketing Amendment Bill 2007 be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 7 August 2007.

The Leader of the Australian Greens (Senator Bob Brown): To move on 19 June 2007—That the Senate congratulates the Dalai Lama for his dignity, compassion and forbearance during his popular visit to Australia. (*general business notice of motion no. 813*)

Senator Nettle: To move on 18 June 2007—That the following bill be introduced: A Bill for an Act to recognise refugees of climate change induced environmental disasters, and for related purposes. ***Migration (Climate Refugees) Amendment Bill 2007.*** (*general business notice of motion no. 814*)

Intention to withdraw: Senator Siewert, pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in her name for today for the disallowance of the Southern and Eastern Scalefish and Shark Fishery (non-quota species) Total Allowable Catch (2007 Fishing Year) Determination (cited as 2007 SESSF D2), made under section 15 of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Fisheries, Forestry and Conservation (Senator Abetz) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 5 Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2007.
- No. 6 Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Bill 2007.
- No. 7 Governance Review Implementation (Science Research Agencies) Bill 2007.
- No. 8 Corporations (NZ Closer Economic Relations) and Other Legislation Amendment Bill 2007.
- No. 9 Migration Amendment (Statutory Agency) Bill 2007.
- No. 10 Veterans' Affairs Legislation Amendment (2007 Measures No. 1) Bill 2007.
- No. 11 Australian Wine and Brandy Corporation Amendment Bill (No. 1) 2007.
- No. 12 Liquid Fuel Emergency Amendment Bill 2007.
- No. 13 Defence Force (Home Loans Assistance) Amendment Bill 2007.
- No. 14 Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Bill 2007.

Question put and passed.

Senator Abetz moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 80 (Pregnancy Counselling (Truth in Advertising) Bill 2006); and
- (b) orders of the day relating to government documents.

Question put and passed.

5 COMMITTEES—LEAVE TO MEET DURING SITTING

Senator Parry, by leave, moved—That—

- (a) the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 15 June 2007, from 9.30 am, to take evidence for the committee's inquiry into the provisions of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007;
- (b) the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 15 June 2007, from 10 am, to take evidence for the committee's inquiry into the provisions of the Fisheries Legislation Amendment Bill 2007 and the Fisheries Levy Amendment Bill 2007; and
- (c) the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Friday, 15 June 2007, from 9.30 am, to take evidence for the committee's inquiry into the fit-out of new leased premises for the Department of Health and Ageing, Sirius Building, Woden Town Centre, ACT, and the rationalisation of ADF facilities at RMAF Butterworth, Malaysia.

Question put and passed.

6 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Bartlett for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 20 June 2007.

General business notice of motion no. 775 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the introduction of the Energy Savings (White Certificate Trading) and Productivity Bill 2007, postponed till 21 June 2007.

General business notice of motion no. 791 standing in the name of Senator Milne for today, relating to Colombia and human rights, postponed till 19 June 2007.

General business notice of motion no. 792 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the introduction of the Peace and Non-Violence Commission Bill 2007, postponed till 18 June 2007.

General business notice of motion no. 799 standing in the name of Senator Bartlett for today, relating to the Legal and Constitutional Affairs Committee report *Unfinished business: Indigenous stolen wages*, postponed till 21 June 2007.

Senator Nettle, by leave, moved—That general business notice of motion no. 810 standing in her name for today, relating to Israel and Palestine, be postponed till the next day of sitting.

Question put and passed.

7 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That—

(1) On Thursday, 14 June 2007:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
- (b) the routine of business from 12.45 pm till not later than 2 pm, and from 7.30 pm shall be government business only;
- (c) divisions may take place after 4.30 pm; and
- (d) the question for the adjournment of the Senate shall be proposed at 11 pm.

(2) The Senate shall sit on Friday, 15 June 2007 and that:

- (a) the hours of meeting shall be 9.30 am to 4.10 pm;
- (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 3.30 pm.

(3) On Tuesday, 19 June 2007:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;

- (b) the routine of business from 7.30 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 10 pm.
- (4) On Thursday, 21 June 2007:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
 - Aboriginal Land Rights (Northern Territory) Amendment (Township Leasing) Bill 2007
 - Aged Care Amendment (Residential Care) Bill 2007
 - Agricultural and Veterinary Chemicals (Administration) Amendment Bill 2007
 - Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Bill 2007
 - Appropriation (Parliamentary Departments) Bill (No. 1) 2007-2008
 - Appropriation Bill (No. 1) 2007-2008
 - Appropriation Bill (No. 2) 2007-2008
 - Appropriation Bill (No. 5) 2006-2007
 - Appropriation Bill (No. 6) 2006-2007
 - Australian Centre for International Agricultural Research Amendment Bill 2007
 - Australian Wine and Brandy Corporation Amendment Bill (No. 1) 2007
 - Communications Legislation Amendment (Content Services) Bill 2007
 - Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007
 - Corporations (Fees) Amendment Bill 2007
 - Corporations (Review Fees) Amendment Bill 2007
 - Corporations (NZ Closer Economic Relations) and Other Legislation Amendment Bill 2007
 - Evidence Amendment (Journalists' Privilege) Bill 2007
 - Families, Community Services and Indigenous Affairs Legislation Amendment (Child Care and Other 2007 Budget Measures) Bill 2007
 - Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Bill 2007
 - Financial Sector Legislation Amendment (Restructures) Bill 2007
 - Fisheries Legislation Amendment Bill 2007
 - Fisheries Levy Amendment Bill 2007
 - Food Standards Australia New Zealand Amendment Bill 2007

Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Bill 2007
 Forestry Marketing and Research and Development Services Bill 2007
 Governance Review Implementation (Science Research Agencies) Bill 2007
 Great Barrier Reef Marine Park Amendment Bill 2007
 Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007
 Higher Education Legislation Amendment (2007 Budget Measures) Bill 2007
 Migration (Sponsorship Fees) Bill 2007
 Migration Amendment (Statutory Agency) Bill 2007
 National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007
 Native Title Amendment (Technical Amendments) Bill 2007
 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment (2007 Budget Measures) Bill 2007
 Social Security Amendment (Apprenticeship Wage Top-Up for Australian Apprentices) Bill 2007
 Tax Laws Amendment (Simplified GST Accounting) Bill 2007
 Veterans' Affairs Legislation Amendment (2007 Measures No. 1) Bill 2007
 Wheat Marketing Amendment Bill 2007
 Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.

Question put and passed.

8 LOBBYING AND MINISTERIAL ACCOUNTABILITY BILL 2007

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. 747—That the following bill be introduced:

A Bill for an Act to provide for the disclosure of lobbying activities intended to inform and influence members of Parliament and ministers, to make unlawful the holding and trading of shares by ministers, to regulate the post-ministerial employment of ministers and ministerial advisers, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Bob Brown, by leave, tabled an explanatory memorandum relating to the bill.

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

9 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Stephens amended business of the Senate notice of motion no. 3 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matters be referred to the Community Affairs Committee for inquiry and report by 13 September 2007:

- (a) the cost of living pressures on older Australians, both pensioners and self-funded retirees, including:
 - (i) the impact of recent movements in the price of essentials, such as petrol and food,
 - (ii) the costs of running household utilities, such as gas and electricity, and
 - (iii) the cost of receiving adequate dental care;
- (b) the impact of these cost pressures on the living standards of older Australians and their ability to participate in the community;
- (c) the impact of these cost pressures on older Australians and their families, including caring for their grandchildren and social isolation;
- (d) the adequacy of current tax, superannuation, pension and concession arrangements for older Australians to meet these costs; and
- (e) review the impact of government policies and assistance introduced across all portfolio areas over the past 10 years which have had an impact on the cost of living for older Australians.

Question put and passed.

10 PUBLIC INTEREST DISCLOSURES BILL 2007

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 807—That the following bill be introduced:

A Bill for an Act to encourage and facilitate the disclosure of information in the public interest, by protecting public officials and others who make disclosures, and for related purposes.

Question put and passed.

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

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

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

11 FAMILY AND COMMUNITY SERVICES—PAID MATERNITY LEAVE

Senator Nettle, also on behalf of Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 804—That the Senate—

- (a) notes that Australia and the United States of America are the only two Organisation for Economic Co-operation and Development countries without a national paid maternity leave scheme;
- (b) congratulates the magazine *marie claire* for its ‘Push It’ campaign calling for mandatory paid maternity leave; and
- (c) calls on the Government to legislate for government-funded paid maternity leave.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison
Bartlett

Brown, Bob
Milne

Murray
Nettle

Siewert (Teller)

NOES, 50

Senators—

Abetz
Adams
Barnett
Bernardi
Birmingham
Bishop
Boswell
Boyce
Brandis
Brown, Carol
Campbell
Carr
Chapman

Colbeck
Crossin
Eggleston
Ferguson
Fielding
Fierravanti-Wells
Fifield
Fisher
Forshaw
Hogg
Humphries
Hurley
Hutchins

Johnston
Kemp
Kirk
Ludwig
Macdonald, Ian
Mason
McEwen
McGauran
McLucas
Moore
O’Brien
Parry (Teller)
Patterson

Payne
Polley
Ronaldson
Sherry
Stephens
Sterle
Troeth
Trood
Watson
Webber
Wortley

Question negatived.

Statement by leave: The Leader of the Family First Party (Senator Fielding), by leave, made a statement relating to the motion.

12 HEALTH—HIV/AIDS, TUBERCULOSIS AND MALARIA

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. 805—That the Senate—

- (a) notes that:
 - (i) the Global Fund to Fight AIDS, Tuberculosis and Malaria was established in 2002 to provide necessary funding for international programs to deal effectively with these diseases,
 - (ii) HIV/AIDS, tuberculosis (TB) and malaria are diseases that affect proportionately more people who live in poverty, particularly in the Asia-Pacific region,

- (iii) more than 6 million people die from these diseases each year, and despite rapid increases in treatment, only one-fifth of people with HIV who need anti-retroviral treatment are receiving it,
 - (iv) TB is a leading killer of people infected with HIV, however, with the proper treatment of TB, this can prolong the lives of people with HIV by years and at a very low cost,
 - (v) the Global Fund has received \$US6.7 billion since its inception but reports that significantly more is required in order to adequately combat HIV/AIDS, TB and malaria,
 - (vi) Australia's past contribution to the Global Fund totals \$AUD55 million and in the 2007-08 Budget the Government indicated it would allocate a further \$AUD45 million,
 - (vii) by 2010, Australia's fair share of support for the Global Fund is calculated by RESULTS Australia and other international non-government organisations to be \$AUD220 million per year, and
 - (viii) at the recently concluded G8 meeting, world leaders promised \$US60 billion to fight HIV/AIDS, TB and malaria over the next few years, which includes a \$US30 billion commitment from the United States of America to fight HIV/AIDS over a 5-year period;
- (b) urges the Australian Government to support the G8's commitment to the fight against HIV/AIDS, TB and malaria by realising its fair share of funding for the Global Fund; and
- (c) urges the Australian Government to make a 4-year commitment to the Global Fund of \$AUD640 million.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Brown, Bob	Murray	Siewert (Teller)
Bartlett	Milne	Nettle	

NOES, 50

Senators—

Abetz	Colbeck	Johnston	Payne
Adams	Crossin	Kemp	Polley
Barnett	Eggleston	Kirk	Ronaldson
Bernardi	Ferguson	Ludwig	Sherry
Birmingham	Fielding	Macdonald, Ian	Stephens
Bishop	Fierravanti-Wells	Mason	Sterle
Boswell	Fifield	McEwen	Troeth
Boyce	Fisher	McGauran	Trood
Brandis	Forshaw	McLucas	Watson
Brown, Carol	Hogg	Moore	Webber
Campbell	Humphries	O'Brien	Wortley
Carr	Hurley	Parry (Teller)	
Chapman	Hutchins	Patterson	

Question negatived.

Statements by leave: The Leader of the Family First Party (Senator Fielding) and Senator Bob Brown, by leave, made statements relating to the motion.

13 ENVIRONMENT—RENEWABLE ENERGY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 809—That the Senate—

(a) notes that:

- (i) renewable electricity generators face significant barriers to entry into the electricity market,
- (ii) households selling electricity into the grid are typically paid low prices that do not fairly reflect the value of zero emission, distributed energy,
- (iii) feed-in tariffs have secured market incentives, driving an unprecedented expansion of the renewables industry in several European nations, and
- (iv) policies such as feed-in tariffs and renewable energy targets are intended to foster emerging industries to ensure that deep cuts in greenhouse gas emissions can be achieved in the medium- and long-term; and

(b) calls on the Government to reject the recommendation of the Prime Ministerial Task Group on Emissions Trading that ‘All Australian schemes that set mandatory targets for deployment of particular technologies should be wound up over time, and new ones forestalled’.

Question put.

The Senate divided—

AYES, 8

Senators—

Allison
Bartlett

Brown, Bob
Fielding

Milne
Murray

Nettle
Siewert (Teller)

NOES, 50

Senators—

Abetz
Adams
Barnett
Bernardi
Birmingham
Bishop
Boswell
Boyce
Brandis
Brown, Carol
Campbell
Carr
Chapman

Colbeck
Crossin
Eggleston
Ferguson
Fierravanti-Wells
Fifield
Fisher
Forshaw
Hogg
Humphries
Hurley
Hutchins
Johnston

Kemp
Kirk
Ludwig
Lundy
Macdonald, Ian
Mason
McEwen
McGauran
McLucas
Moore
O’Brien
Parry (Teller)
Patterson

Payne
Polley
Ronaldson
Sherry
Stephens
Sterle
Troeth
Trood
Watson
Webber
Wortley

Question negatived.

14 COMMUNITY AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Chair of the Community Affairs Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 806—That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 June 2007, from 4 pm, to take evidence on a matter relating to the PET review.

Question put and passed.

15 FOREIGN AFFAIRS—ETHIOPIA

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 808—That the Senate—

(a) notes:

(i) the imprisonment since November 2005 by the Ethiopian Government of members of the main opposition party, representatives of civic organisations and the banned free press, and

(ii) these prisoners are declared by Amnesty International to be prisoners of conscience; and

(b) urges the Government to make representations to the Ethiopian Government asking for the release of these prisoners of conscience, and to accept the results of the 2005 democratic election.

Question put and negatived. All Australian Greens senators and the Leader of the Family First Party (Senator Fielding), by leave, recorded their votes for the ayes.

16 COMMUNITY AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2006-07 AND BUDGET ESTIMATES 2007-08

Senator Parry, at the request of the Chair of the Community Affairs Committee (Senator Humphries), tabled the following additional information received by the committee:

Community Affairs—Standing Committee—

Additional estimates 2006-07—Additional information received between 21 May and 25 May 2007—Families, Community Services and Indigenous Affairs portfolio.

Budget estimates 2007-08—Additional information received between—
28 May and 13 June 2007—Families, Community Services and Indigenous Affairs portfolio.

30 May and 13 June 2007—Health and Ageing portfolio.

17 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT (TOWNSHIP LEASING) BILL 2007
FINANCIAL SECTOR LEGISLATION AMENDMENT (RESTRUCTURES) BILL 2007
HIGHER EDUCATION LEGISLATION AMENDMENT (2007 BUDGET MEASURES) BILL 2007

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

Message no. 578, dated 13 June 2007—A Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*, and for related purposes.

Message no. 580, dated 13 June 2007—A Bill for an Act to amend certain laws relating to the financial sector, and for related purposes.

Message no. 579, dated 13 June 2007—A Bill for an Act to amend the law in relation to higher education and research funding, and for related purposes.

The Minister for Fisheries, Forestry and Conservation (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 Abetz the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

Consideration of legislation: Senator Abetz moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

18 ORDER OF BUSINESS—REARRANGEMENT

Senator Parry, by leave and at the request of the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth), moved—That business of the Senate orders of the day nos 1 and 2, relating to the presentation of reports of the Employment, Workplace Relations and Education Committee, be postponed till a later hour.

Question put and passed.

19 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 2—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:

Tax Laws Amendment (Simplified GST Accounting) Bill 2007

Wheat Marketing Amendment Bill 2007.

Senator O'Brien moved the following amendment:

Omit "Wheat Marketing Amendment Bill 2007".

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 33

Senators—

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

Question negatived.

Main question put and passed.

20 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT (2007 BUDGET MEASURES) BILL 2007

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

Debate resumed.

Senator Carr moved the following amendment:

At the end of the motion, add “but, although the Senate welcomes the additional funding for rural, regional and remote non-government schools, it notes the continuing failure of the Government to immediately address the need for additional funding for needy rural, regional and remote government schools”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Senator Nettle moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for devising a funding system for non-government schools that:

- (a) fails to take into account the relative wealth and income-raising capacities of each school;
- (b) does not require an appropriate level of accountability and openness from non-government schools in exchange for the receipt of public monies;
- (c) consistently favours non-government schools ahead of government schools;
- (d) continues to allow non-government schools which are now largely publicly funded to discriminate against prospective students based on ability to pay fees;

- (e) unfairly ties the funding of non-government schools to the cost of education provision in government schools; and
- (f) is formulated without any reference to its effect on the quality of school education as a whole”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 3

Senators—

Milne

Nettle

Siewert (Teller)

NOES, 59

Senators—

Abetz

Crossin

Kemp

Parry

Adams

Eggleston

Kirk

Patterson

Barnett

Faulkner

Lightfoot

Payne

Bernardi

Ferguson

Ludwig

Polley

Birmingham

Fielding

Lundy

Ray

Bishop

Fierravanti-Wells

Macdonald, Ian

Ronaldson

Boswell

Fifield

Macdonald, Sandy

Scullion

Boyce

Fisher

Marshall

Stephens

Brandis

Forshaw

Mason

Sterle

Brown, Carol

Heffernan

McEwen

Troeth

Calvert

Hogg

McGauran (Teller)

Trood

Carr

Humphries

McLucas

Watson

Chapman

Hurley

Minchin

Webber

Colbeck

Johnston

Moore

Wortley

Coonan

Joyce

O'Brien

Question negatived.

Main question put and passed.

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.

The Minister for Justice and Customs (Senator Johnston) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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

Ordered, on the motion of Senator Johnston, that the committee have leave to sit again at a later hour.

21 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007

Pursuant to order, the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth) tabled the following report and documents:

Employment, Workplace Relations and Education—Standing Committee—Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 [Provisions]—Report, dated June 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [28].

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

22 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—REPORT—WORKPLACE RELATIONS (RESTORING FAMILY WORK BALANCE) AMENDMENT BILL 2007

Pursuant to order, the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth) tabled the following report and documents:

Employment, Workplace Relations and Education—Standing Committee—Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007—Report, dated June 2007, Hansard record of proceedings, documents presented to the committee, additional information and submissions [11].

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

At 12.45 pm—

23 AGRICULTURAL AND VETERINARY CHEMICALS (ADMINISTRATION) AMENDMENT BILL 2007

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

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

24 AGRICULTURE, FISHERIES AND FORESTRY LEGISLATION AMENDMENT (2007 MEASURES NO. 1) BILL 2007

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

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**25 GOVERNANCE REVIEW IMPLEMENTATION (SCIENCE RESEARCH AGENCIES)
BILL 2007**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**26 CORPORATIONS (NZ CLOSER ECONOMIC RELATIONS) AND OTHER LEGISLATION
AMENDMENT BILL 2007**

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

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

27 MIGRATION AMENDMENT (STATUTORY AGENCY) BILL 2007

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

**28 VETERANS' AFFAIRS LEGISLATION AMENDMENT (2007 MEASURES NO. 1)
BILL 2007**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

29 AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL (NO. 1) 2007

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

Debate resumed.

Question put and passed.

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.

Senator Murray moved the following amendments together by leave:

Schedule 1, page 3 (after line 21), after item 4, insert:

4A After section 13

Insert:

13A Procedures for merit selection of appointments under this Act

- (1) The Minister must by writing determine a code of practice for selecting and appointing members of the Corporation that sets out, in addition to the requirements outlined in subsection 13(4) and the guidance outlined in section 29F, general principles on which the selection is to be made, including but not limited to:
 - (a) merit; and
 - (b) independent scrutiny of appointments; and
 - (c) probity; and
 - (d) openness and transparency.
- (2) After determining a code of practice under subsection (1), the Minister must publish the code in the *Gazette*.
- (3) The Minister must review a code of practice determined under subsection (1) not later than every fifth anniversary after the code has been determined.
- (4) In reviewing a code of practice, the Minister must invite the public to comment on the code.
- (5) A code of practice determined under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Schedule 1, page 3 (after line 25), after item 6, insert:

6A Paragraph 29B(a)

Repeal the paragraph, substitute:

- (a) to select, consistent with the code of practice determined pursuant to subsection 13A(1), persons to be nominated for appointment as members of the Corporation referred to in paragraph 13(1)(c); and

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the report from the committee was adopted and the bill read a third time.

30 LIQUID FUEL EMERGENCY AMENDMENT BILL 2007

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

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

31 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) moved—That intervening business be postponed till after consideration of government business order of the day no. 14 (Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Bill 2007).

Question put and passed.

32 HEALTH INSURANCE AMENDMENT (INAPPROPRIATE AND PROHIBITED PRACTICES AND OTHER MEASURES) BILL 2007

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

Debate resumed.

Question put and passed.

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.

Senator Murray moved the following amendments together by leave:

Schedule 1, page 3 (after line 17), after item 4, insert:

4A Paragraph 10AA(7) (definition of spouse)

Repeal the definition, substitute:

spouse, in relation to a person, includes:

- (a) a person who is legally married to, and is not living, on a permanent basis, separately and apart from, that person; and

- (b) another person, who although not legally married to the person, lives with the person on a bona fide domestic basis as the husband or wife of the person; and
- (c) a person in an interdependency relationship as defined in section 10AAA.

Schedule 1, page 3 (after line 17), after item 4, insert:

4B After section 10AA

Insert:

10AAA Interdependency relationship

- (1) Two persons (whether or not related by family) have an *interdependency relationship* under this section if:
 - (a) they have a close personal relationship; and
 - (b) they live together; and
 - (c) one or each of them provides the other with financial support; and
 - (d) one or each of them provides the other with domestic support and personal care.
- (2) In addition, 2 persons (whether or not related by family) also have an interdependency relationship under this section if:
 - (a) they have a close personal relationship; and
 - (b) they do not satisfy one or more of the requirements of an interdependency relationship mentioned in paragraphs (1)(b), (c) and (d); and
 - (c) the reason they do not satisfy those requirements is that either or both of them suffer from a physical, intellectual or psychiatric disability.
- (3) The regulations may specify:
 - (a) matters that are, or are not, to be taken into account in determining under subsection (1) or (2) whether 2 persons have an interdependency relationship under this section; and
 - (b) circumstances in which 2 persons have, or do not have, an interdependency relationship under this section.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the report from the committee was adopted and the bill read a third time.

33 DEFENCE FORCE (HOME LOANS ASSISTANCE) AMENDMENT BILL 2007

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) the bill was read a third time.

Suspension of sitting: On the motion of Senator Mason the sitting of the Senate was suspended at 1.54 pm till 2 pm.

At 2 pm—

34 QUESTIONS

Questions without notice were answered.

35 ADMINISTRATION—POLITICAL DONATIONS—KIRRIBILLI HOUSE—ANSWERS TO QUESTIONS

The Leader of the Opposition in the Senate (Senator Evans) moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked by Senators Evans and Wong today relating to a function for the Liberal Party held at Kirribilli House and political donations.

Debate ensued.

Question put and passed.

36 ENVIRONMENT—WATER MANAGEMENT—ANSWER TO QUESTION

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Siewert today relating to water management and a report of the Snowy Mountains Engineering Corporation.

Question put and passed.

37 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—GOVERNMENT RESPONSE—MR CHEN YONGLIN'S REQUEST FOR POLITICAL ASYLUM

The Minister for Community Services (Senator Scullion) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Mr Chen Yonglin's request for political asylum—Government response, dated May 2007.

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

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

38 LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE—GOVERNMENT RESPONSE—ADMINISTRATION AND OPERATION OF THE MIGRATION ACT 1958

The Minister for Community Services (Senator Scullion) tabled the following document:

Legal and Constitutional References Committee—Report—Administration and operation of the *Migration Act 1958*—Government response, dated May 2007.

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

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

39 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—EXPANDING AUSTRALIA'S TRADE AND INVESTMENT RELATIONS WITH NORTH AFRICA

The Minister for Community Services (Senator Scullion) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Expanding Australia's trade and investment relations with North Africa—Government response, dated May 2007.

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

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

40 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF AUSTRALIA-NEW ZEALAND TRADE AND INVESTMENT RELATIONS

The Minister for Community Services (Senator Scullion) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of Australia-New Zealand trade and investment relations—Government response.

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

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

41 MIGRATION—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—DETENTION CENTRE CONTRACTS

The Minister for Community Services (Senator Scullion) tabled the following document:

Migration—Joint Standing Committee—Report—Detention centre contracts: Review of audit report no. 1, 2005-06, *Management of the detention centre contracts: Part B*—Government response.

42 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—CURRENT AND FUTURE GOVERNANCE ARRANGEMENTS FOR THE INDIAN OCEAN TERRITORIES

The Minister for Community Services (Senator Scullion) tabled the following document:

National Capital and External Territories—Joint Standing Committee—Report—Current and future governance arrangements for the Indian Ocean territories—Government response, dated June 2007.

**43 PUBLICATIONS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—
DISTRIBUTION OF THE PARLIAMENTARY PAPER SERIES**

The Minister for Community Services (Senator Scullion) tabled the following document:

Publications—Joint Standing Committee—Report—Distribution of the Parliamentary Paper Series—Government response [Recommendation 18].

44 AUDITOR-GENERAL—AUDIT REPORT NO. 44 OF 2006-07—DOCUMENT

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

Auditor-General—Audit report no. 44 of 2006-07—Performance audit—Management of tribunal operations – Migration Review Tribunal and Refugee Review Tribunal.

45 DOCUMENTS

The following documents were tabled by the Clerk:

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

Antarctic Treaty (Environment Protection) Act—Select Legislative Instrument 2007 No. 143—Antarctic Seals Conservation Repeal Regulations 2007 [F2007L01565]*.

AusCheck Act—Select Legislative Instrument 2007 No. 137—AusCheck Regulations 2007 [F2007L01570]*.

Bankruptcy Act—Select Legislative Instrument 2007 No. 138—Bankruptcy Amendment Regulations 2007 (No. 2) [F2007L01540]*.

Bankruptcy (Estate Charges) Act—Bankruptcy (Estate Charges) (Amount of Charge Payable) Determination 2007 [F2007L01535]*.

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

105—

AD/CESSNA 500/29—Wing Fuel Boost Pump Wiring [F2007L01726]*.

AD/S-76/75—Main Rotor Shaft – 2 [F2007L01684]*.

AD/SA 315/18—Main Gearbox Oil Acidity [F2007L01590]*.

106—AD/BR700/10 Amdt 1—High Pressure Turbine Time Limits [F2007L01727]*.

Crimes Act—Select Legislative Instrument 2007 No. 139—Crimes Amendment Regulations 2007 (No. 2) [F2007L01572]*.

Farm Household Support Act—Select Legislative Instrument 2007 No. 130—Farm Household Support Amendment Regulations 2007 (No. 1) [F2007L01606]*.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2007/06 – CSS Special Account Variation and Abolition 2007 [F2007L01753]*.

Industrial Chemicals (Notification and Assessment) Act—Select Legislative Instrument 2007 No. 146—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2007 (No. 1) [F2007L01341]*.

Inspector of Transport Security Act—Remuneration for the Inspector of Transport Security [F2007L01685]*.

National Health Act—

Arrangement No. PB 47 of 2007—Highly Specialised Drugs Program [F2007L01702]*.

Declaration No. PB 44 of 2007 [F2007L01699]*.

Determination No. PB 46 of 2007 [F2007L01701]*.

Parliamentary Entitlements Act—Select Legislative Instrument 2007 No. 145—Parliamentary Entitlements Amendment Regulations 2007 (No. 1) [F2007L01549]*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2007 No. 132—Primary Industries (Customs) Charges Amendment Regulations 2007 (No. 5) [F2007L01605]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2007 No. 134—Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 6) [F2007L01666]*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instruments 2007 Nos—

135—Primary Industries Levies and Charges Collection Amendment Regulations 2007 (No. 3) [F2007L01609]*.

136—Primary Industries Levies and Charges Collection Amendment Regulations 2007 (No. 4) [F2007L01662]*.

Productivity Commission Act—Select Legislative Instrument 2007 No. 148—Productivity Commission Amendment Regulations 2007 (No. 1) [F2007L01551]*.

Quarantine Act—Quarantine Amendment Proclamation 2007 (No. 1) [F2007L01607]*.

Radiocommunications Taxes Collection Act—Select Legislative Instrument 2007 No. 142—Radiocommunications Taxes Collection Amendment Regulations 2007 (No. 1) [F2007L01545]*.

Research Involving Human Embryos Act and Acts Interpretation Act—Revocations of declarations of corresponding State laws, dated 2 May 2007 with effect from 12 June 2007—

Human Cloning and Embryo Research Act 2004 (ACT) [F2007L01722]*.

Human Embryonic Research Regulation Act 2003 (Tas) [F2007L01719]*.

Human Reproductive Technology Act (1991) (as amended) (WA) [F2007L01721]*.

Infertility Treatment Act 1995 (Vic) [F2007L01718]*.

Research Involving Human Embryos Act 2003 (South Australia) [F2007L01720]*.

Research Involving Human Embryos and Prohibition of Human Cloning Act 2003 (Queensland) [F2007L01716]*.

Research Involving Human Embryos (New South Wales) [F2007L01717]*.

Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Determination 2007 (No. 4) [F2007L01743]*.

* Explanatory statement tabled with legislative instrument.

46 COMMITTEES—APPOINTMENT OF MEMBER

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

The Minister for Community Services (Senator Scullion), by leave, moved—That Senator Boyce be appointed as a participating member of the following committees:

Economics Committee.

Employment, Workplace Relations and Education Committee.

Question put and passed.

General business was called on.

47 PREGNANCY COUNSELLING (TRUTH IN ADVERTISING) BILL 2006

Order of the day read for the adjourned debate on the motion of Senator Stott Despoja—That this bill be now read a second time.

Debate resumed.

At 6 pm: Debate was interrupted while Senator Webber was speaking.

48 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Forest and Wood Products Research and Development Corporation—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document agreed to.

Australian Broadcasting Corporation (ABC)—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document agreed to.

Australian Fisheries Management Authority—Report for 2005-06. Motion of Senator Webber to take note of document agreed to.

Australian Crime Commission—Report for 2005-06. Motion of Senator Ian Macdonald to take note of document agreed to.

Commonwealth Grants Commission—Report on state revenue sharing relativities—2007 update. Motion of Senator Ian Macdonald to take note of document debated and agreed to.

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities for exports by sea—Report for the period 1 July to 31 December 2006. Motion of Senator Ian Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Wheat Export Authority—Report for 1 October 2005 to 30 September 2006. Motion of Senator Moore to take note of document agreed to.

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 July to 31 October 2006. Motion of Senator Moore to take note of document agreed to.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2006. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Surveillance Devices Act 2004—Report for 2005-06 on the operation of the Act. Motion of Senator Moore to take note of document agreed to.

Bilateral treaty—Text, together with the national interest analysis and annexures—Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds, and Exchange of Notes, done at Canberra on 6 December 2006. Motion of Senator Ian Macdonald to take note of document agreed to.

Regional Forest Agreement between the Commonwealth and the State of Tasmania—Variation, dated 23 February 2007. Motion of Senator McGauran to take note of document called on. On the motion of Senator Barnett debate was adjourned till Thursday at general business.

Australia–Indonesia Institute—Report for 2005–06. Motion of Senator McGauran to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Surveillance Devices Act 2004—Commonwealth Ombudsman's report on inspections of surveillance device records for the period 1 July to 31 December 2006—Australian Crime Commission and Australian Federal Police. Motion of Senator Ian Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Ian Macdonald in continuation.

Telecommunications (Interception and Access) Act 1979—Report for 2005–06 on the operations of the Act. Motion of Senator Stott Despoja to take note of document called on. On the motion of Senator Ian Macdonald debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 126/07 to 137/07. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Commission of inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme—Report by Commissioner the Honourable TRH Cole, AO, RFD, QC—Government response. Motion of Senator Bartlett to take note of document agreed to.

Australian Livestock Export Corporation Limited (Livecorp)—Report for 2005–06. Motion of Senator Bartlett to take note of document debated. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Political Exchange Council—Report for 2005–06. Motion of Senator Bartlett to take note of document debated and agreed to.

Renewable Energy (Electricity) Act 2000—Report for 2006 on the operation of the Act. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 138/07 to 199/07. Motion of Senator Bartlett to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 138/07 to 199/07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business concluded.

**49 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—
CONSIDERATION**

The following orders of the day relating to committee reports and government responses were considered:

Foreign Affairs, Defence and Trade—Standing Committee—Report—Cluster Munitions (Prohibition) Bill 2006. Motion of Senator Bartlett to take note of report agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Unfinished business: Indigenous stolen wages—Additional information. Motion of Senator Bartlett to take note of document agreed to.

Environment, Communications, Information Technology and the Arts—Standing Committee—Report—Conserving Australia: Australia's national parks, conservation reserves and marine protected areas. Motion of Senator Bartlett to take note of report debated. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

At 7.30 pm—

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

CORPORATIONS (FEES) AMENDMENT BILL 2007

CORPORATIONS (REVIEW FEES) AMENDMENT BILL 2007

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

MIGRATION (SPONSORSHIP FEES) BILL 2007

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

Message no. 583, dated 14 June 2007—A Bill for an Act to amend the law relating to corporations, and for related purposes.

Message no. 581, dated 14 June 2007—A Bill for an Act to amend the *Corporations (Fees) Act 2001*, and for related purposes.

Message no. 582, dated 14 June 2007—A Bill for an Act to amend the *Corporations (Review Fees) Act 2003*, and for related purposes.

Message no. 584, dated 14 June 2007—A Bill for an Act to amend the law relating to family assistance and social security, and for related purposes.

Message no. 585, dated 14 June 2007—A Bill for an Act to make payable certain fees paid in relation to sponsorship of applicants for temporary visas, and for related purposes.

The Minister for the Arts and Sport (Senator Brandis) 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 Brandis moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Brandis moved—That the Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007, the Corporations (Fees) Amendment Bill 2007 and the Corporations (Review Fees) Amendment Bill 2007 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

51 SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT (2007 BUDGET MEASURES) BILL 2007

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

In the committee

Consideration resumed of the bill.

Bill further debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for the Arts and Sport (Senator Brandis) the report from the committee was adopted and the bill read a third time.

52 ORDER OF BUSINESS—REARRANGEMENT

The Minister for the Arts and Sport (Senator Brandis) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Evidence Amendment (Journalists' Privilege) Bill 2007).

Question put and passed.

53 EVIDENCE AMENDMENT (JOURNALISTS' PRIVILEGE) BILL 2007

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

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.

Senator Nettle moved the following amendments together by leave:

Schedule 1, item 1, page 5 (line 7), after paragraph 126B(4)(h), insert:

; (i) the public interest in maintaining the protected confidence of journalists' sources.

Schedule 1, item 1, page 5 (lines 8 and 9), omit “, and give the greatest weight to,”.
Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 6

Senators—

Bartlett	Murray	Siewert (Teller)
Milne	Nettle	Stott Despoja

NOES, 52

Senators—

Abetz	Crossin	Hutchins	Parry
Adams	Eggleston	Johnston	Payne
Barnett	Evans	Joyce (Teller)	Polley
Bernardi	Faulkner	Kemp	Ronaldson
Birmingham	Ferguson	Kirk	Sherry
Boswell	Fielding	Ludwig	Stephens
Boyce	Fierravanti-Wells	Macdonald, Ian	Sterle
Brown, Carol	Fifield	Marshall	Trooth
Calvert	Fisher	McEwen	Trood
Campbell	Forshaw	McGauran	Watson
Carr	Hogg	McLucas	Webber
Chapman	Humphries	Moore	Wong
Colbeck	Hurley	O'Brien	Wortley

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Justice and Customs (Senator Johnston) the report from the committee was adopted and the bill read a third time.

54 FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill, including supplementary information relating to the explanatory memorandum to the bill.

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

Schedule 1, item 13, page 6 (lines 11 and 12), omit “boxed” (twice occurring).

Schedule 1, item 76, page 67 (lines 10 to 16), omit subsection 109(9), substitute:

- (9) If the Council notifies the Authority that it is formulating policy guidelines for the purposes of paragraph 18(2)(e):
 - (a) the Authority may, subject to subsections (9A) and (9B), suspend its consideration of any application which, in the opinion of the Authority, would be affected by the guidelines once formulated; and
 - (b) if the Authority suspends its consideration of an application, notify the applicant of the suspension, and the period of the suspension.

(9A) If:

- (a) an applicant has applied for the development or variation of a standard; and
- (b) an exclusive capturable commercial benefit would be conferred on the applicant if the standard were made or varied in the manner sought in the application; and
- (c) either:
 - (i) the charge fixed under subparagraph 146(6)(b)(ii) in relation to the application is paid; or
 - (ii) in a case where the charge is payable in instalments—each instalment that is due and payable in relation to the application is paid;

the Authority must not suspend its consideration of the application unless the applicant first consents to that suspension.

(9B) If:

- (a) an applicant elects to have the consideration of his or her application expedited; and
- (b) either:
 - (i) the charge fixed under subparagraph 146(6)(b)(ii) in relation to the application is paid; or
 - (ii) in a case where the charge is payable in instalments—each instalment that is due and payable in relation to the application is paid;

the Authority must not suspend its consideration of the application unless the applicant first consents to that suspension.

Schedule 1, item 76, page 70 (lines 12 to 14), omit subsection 112(6).

Senator Siewert moved the following amendment:

Schedule 1, page 6 (after line 2), after item 11, insert:

11A Subsection 3(1)

Insert:

product of Australia and *made in Australia* and *Australian made* means 100% manufactured, produced, assembled or processed in Australia.

Debate ensued.

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

Senator Siewert moved the following amendment:

Schedule 1, page 6 (after line 2), after item 11, insert:

11B Subsection 3(1)

Insert:

public health is the organised response by society to minimise illness, injury and disability and to protect and promote health. It recognises that health and health care occur in an economic and socio-cultural system both nationally and internationally, and therefore seeks to influence all sectors to maximise the health and wellbeing of society. The precautionary principle should be applied in relation to all public health outcomes considered under this Act.

Debate ensued.

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

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Schedule 1, page 6 (after line 2), after item 11, insert:

11A Subsection 3(1)

Insert:

public health is the organised response by society to protect, promote and restore health, and to prevent illness, injury and disability at a population level, recognising the multidimensional nature of the determinants of health, including biological, behavioural, social and environmental factors.

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

Senator Allison moved the following amendment:

Schedule 1, page 7 (after line 34), after item 18, insert:

18A After section 9

Insert:

9AA Matters that must be included in standards

- (1) The Authority must develop a standard for a simplified nutrition front-of-pack labelling scheme that:

- (a) provides separate information on the nutrient content of a product being each of the fat, saturated fat, sugar and salt content of a product;
 - (b) uses red, amber or green colour coding to indicate the content level of nutrients mentioned in paragraph (a) in the product where a high level of nutrients is indicated by the colour red, a medium level of nutrients is indicated by the colour amber and a low level of nutrients is indicated by the colour green;
 - (c) uses nutritional criteria developed by the Authority to determine the colour code including a method of linking the colour code to specific levels of nutrients; and
 - (d) gives information on the levels of nutrients mentioned in paragraph (a) contained per portion of product.
- (2) For the purpose of this section, **front-of-pack labelling** means a display of printed information:
- (a) on or attached to the goods;
 - (b) on or attached to a container or primary package in which the goods are supplied.
- (3) The standard required by subsection (1) must be implemented before the expiration of 3 months after the Food Regulation Standing Committee Front-of-Pack Labelling Working Group reports to the Council.

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, item 74, page 37 (line 5), at the end of section 42, add:
; or (iii) involves the addition of vitamins or minerals to food.

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, item 74, page 56 (lines 31 to 34), omit paragraph 95(2)(d).

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 2, item 9, page 79 (lines 2 to 16), omit section 51, substitute:

51 Calling for submissions

- (1) When applying for a high level health claims variation, the Authority must give public notice calling for submissions relating to the matters mentioned in subsection (2).
- (2) The notice must:
 - (a) state that the Authority has prepared a draft high level health claims variation; and
 - (b) include a copy of the draft variation, or state how a copy of the draft variation can be obtained; and

- (c) call for written submissions, for the purpose of the Authority's consideration of the draft variation, to be given to the Authority within the period specified in the notice (the *submission period*).

Debate ensued.

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

Senator Allison moved the following amendments together by leave:

Schedule 3, item 5, page 89 (line 10), omit “**draft after review**”, substitute “**or request second review of draft after first review**”.

Schedule 3, item 5, page 89 (line 17), at the end of subsection 88(1), add:
; or (d) request that the Authority review the draft.

Schedule 3, item 5, page 89 (after line 19), after section 88, insert:

88A Second review

A second review is to be conducted in the same manner as the first review as provided for in this Division.

Debate ensued.

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

Senator Siewert moved the following amendment:

Page 92 (after line 6), at the end of the bill, add:

Schedule 4—Amendment of the Children's Television Standards

Children's Television Standards 2005

1 At the end of CTS 10

Add:

- ; (e) advertise food or beverages unless the Minister for Health, having determined that such an advertisement is beneficial to the health of children, allows such an advertisement.

Debate ensued.

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

55 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.29 pm till Friday, 15 June 2007 at 9.30 am.

56 ATTENDANCE

Present, all senators except Senator Nash.

HARRY EVANS
Clerk of the Senate