

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 15

TUESDAY, 17 JUNE 2008

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Administrative Review Council—Report no. 48—The coercive information-gathering powers of government agencies, May 2008.

Airservices Australia—Equity and diversity program—Progress report for 2006-07.

Australian Communications and Media Authority—National relay service provider performance—Report for 2006-07.

Australian Maritime College—Report for 2007 [Final report].

Australian Military Court—Chief Military Judge—Report for the period 1 October to 31 December 2007.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2008, and a report to Parliament under section 61 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

Australian Research Council—Report for 2006-07—Addendum.

Director of Military Prosecutions—Report for the period 12 June 2006 to 31 December 2007.

International Labour Organisation—Submission reports on ILO instruments—Employment Relationship Recommendation, 2006 (No. 198).

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197).

Judge Advocate General—Report for 2007.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 413/08 to 436/08—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

NetAlert Limited—Report for 2006-07—Statement relating to exemption from reporting requirements.

Productivity Commission—Report no. 44—Safeguards inquiry into the import of pigmeat—Government response.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Second five yearly review, February 2008.

Snowy Hydro Limited—Financial report for the period 2 July 2006 to 30 June 2007.

Treaties—

Bilateral—

Agreement between the Government of the United Arab Emirates and the Government of Australia on Defence Cooperation, done at Abu Dhabi on 23 April 2007—Text, together with national interest analysis.

Australia-Chile Free Trade Agreement—Text, together with national interest analysis, regulation impact statement and annexures.

Multilateral—

Explanatory statement 2 of 2008—Amendment, adopted 1 October 2007, to Annex 1 of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport of 19 October 2005.

United Nations Convention on the Rights of Persons with Disabilities (New York, 13 December 2006)—Text, together with national interest analysis and annexures.

Wreck Bay Aboriginal Community Council—Report for 2006-07.

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

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That—

- (1) On Tuesday, 17 June 2008:
 - (a) the hours of meeting shall be 12.30 pm to adjournment; and
 - (b) the routine of business from 5 pm shall be:
 - (i) valedictory statements, and
 - (ii) after the conclusion of valedictory statements or at not later than midnight, whichever is the earlier, the Senate shall adjourn without any question being put.
- (2) On Wednesday, 18 June 2008:
 - (a) the hours of meeting shall be 9.30 am to adjournment; and
 - (b) the routine of business from 5.30 pm shall be:
 - (i) valedictory statements, and
 - (ii) the Senate shall adjourn without any question being put.
- (3) On Thursday, 19 June 2008:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to 11.40 pm;
 - (b) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
 - (c) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) not be proceeded with;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (4) The Senate shall sit on Friday, 20 June 2008 and that:
 - (a) the hours of meeting shall be 9 am to 4.25 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 3.45 pm.
- (5) On Monday, 23 June 2008:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to 11.40 pm;

- (b) the routine of business from 7 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (6) On Tuesday, 24 June 2008:
- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to adjournment;
 - (b) the routine of business from approximately 5.30 pm shall be:
 - (i) Senator Murray to make a valedictory statement, and
 - (ii) government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (7) On Wednesday, 25 June 2008:
- (a) the hours of meeting shall be 9 am to adjournment; and
 - (b) the routine of business from 6.50 pm shall be:
 - (i) valedictory statements, and
 - (ii) the Senate shall adjourn without any question being put.
- (8) On Thursday, 26 June 2008:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 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 not later than 3.45 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9 am on Friday, 27 June 2008.
- (9) In making valedictory statements in accordance with this order, a senator shall not speak for more than 20 minutes.

Question put and passed.

**4 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMMUNICATIONS FUND)
BILL 2008—ORDER OF THE DAY DISCHARGED**

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 2—That the government business order of the day relating to the Telecommunications Legislation Amendment (Communications Fund) Bill 2008 be discharged from the *Notice Paper*.

Question put and passed.

**5 WHEAT EXPORT MARKETING BILL 2008
WHEAT EXPORT MARKETING (REPEAL AND CONSEQUENTIAL AMENDMENTS)
BILL 2008**

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

Debate resumed.

Question put.

The Senate divided—

AYES, 59

Senators—

Abetz	Colbeck	Kemp	Patterson
Adams	Collins	Ludwig	Payne
Allison	Coonan	Lundy	Polley
Barnett	Cormann	Macdonald, Ian	Ronaldson
Bartlett	Crossin	Marshall	Sherry
Bernardi	Ellison	Mason	Siewert
Birmingham	Ferguson	McEwen	Stephens
Bishop	Fierravanti-Wells	McGauran	Sterle
Boyce	Fisher	McLucas	Stott Despoja
Brandis	Forshaw	Milne	Troeth
Brown, Bob	Hogg	Minchin	Trood
Brown, Carol	Humphries	Moore	Watson
Bushby	Hurley	Murray	Webber
Campbell	Hutchins	O'Brien (Teller)	Wortley
Chapman	Johnston	Parry	

NOES, 5

Senators—

Boswell	Joyce (Teller)	Macdonald, Sandy	Scullion
Fielding			

Question agreed to.

Bills read a second time.

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) consideration of the bills in committee of the whole was made an order of the day for the next day of sitting.

**6 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME)
BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

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

Bill to be reported without amendment.

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

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

7 TAX LAWS AMENDMENT (2008 MEASURES NO. 2) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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 McLucas) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 2, page 2 (table item 7), omit “9 to 11”, substitute “9 to 13”.

Page 38 (after line 20), at the end of the bill, add:

Schedule 12—Austudy rent assistance

Income Tax Assessment Act 1997

1 Section 52-15 (cell at table item 4, column headed “the supplementary amount is the total of:”)

Repeal the cell, substitute:

- (a) so much of the payment as is included by way of rental assistance; and
- (b) so much of the payment as is included by way of remote area allowance; and
- (c) so much of the payment as is included by way of pharmaceutical allowance

2 Application

The amendment made by this Schedule applies to assessments for the 2007-08 income year and later income years.

Page 38 (after line 20), at the end of the bill, add:

Schedule 13—Carer adjustment payments

Income Tax Assessment Act 1997

1 Section 11-15 (table item headed “social security or like payments”)

After:

ABSTUDY scheme, payment under..... Subdivision 52-E

insert:

carer adjustment payment..... 53-10

2 Section 53-10 (table item 1)

Repeal the item, substitute:

1	Carer adjustment payment	The power of the Commonwealth to make ex-gratia payments	None
2	Disability services payment	Part III of the <i>Disability Services Act 1986</i>	None

3 Application

The amendments made by this Schedule apply to assessments for the 2007-08 income year and later years.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator McLucas the report from the committee was adopted and the bill read a third time.

**8 FIRST HOME SAVER ACCOUNTS BILL 2008
INCOME TAX (FIRST HOME SAVER ACCOUNTS MISUSE TAX) BILL 2008
FIRST HOME SAVER ACCOUNTS (CONSEQUENTIAL AMENDMENTS) BILL 2008**

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

Debate resumed.

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

9 QUESTIONS

A question without notice was asked.

Document: Senator Colbeck, by leave, tabled the following document:

Health—Medicare levy surcharge—Extract from Tasmanian Budget 2008-09, Budget paper no. 2, Government Services, volume 1, p. 6.12, relating to hospital admissions and waiting times.

Questions without notice were answered.

10 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Colbeck moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Ludwig) to a question without notice asked by Senator Colbeck today relating to hospital admissions and waiting times.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Siewert today relating to natural resource management.

Question put and passed.

11 PETITION

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

From 16 704 petitioners, requesting that the Senate take action to abolish the live export trade and replace it with an expanded chilled meat trade.

12 NOTICES

Notices of motion:

The Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 20 June 2008, from 9.15 am, to take evidence for the committee's inquiry into the review of reforms to Australia's military justice system by the Australian Defence Force. (*general business notice of motion no. 108*)

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 provide for the regulation of poker machines to promote responsible gambling practices and minimise problem gambling, and for related purposes. ***Poker Machine Harm Minimisation Bill 2008***. (*general business notice of motion no. 109*)

Senators Stott Despoja and Bartlett: To move on 19 June 2008—That the Senate—

- (a) welcomes the Government's engagement with the United Nations (UN) and commitment to human rights through its:
 - (i) proposed ratification of the Convention on the Rights of Persons with Disabilities, and
 - (ii) consultations on Australia's ascension to the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment;
- (b) notes that:
 - (i) Australian companies are increasingly active in developing countries, some of which have weak regulatory environments,

- (ii) the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises has reported to the Human Rights Council on the responsibilities of host and home states and the corporate responsibility to respect human rights,
 - (iii) the Special Representative emphasises that it should be an ‘urgent priority of governments’ to ‘foster a corporate culture respectful of human rights at home and abroad’, and that states must provide access to remedies, and
 - (iv) the Special Representative advises that companies have a responsibility to respect human rights, undertake human rights impact due diligence, and institute rights-compliant grievance mechanisms; and
- (c) calls on the Government to:
- (i) encourage Australian companies to respect the rights of members of the communities in which they operate and to develop rights-compliant grievance mechanisms, whether acting in Australia or overseas,
 - (ii) consider options to develop regulatory and non-regulatory measures to prevent human rights violations by Australian companies overseas,
 - (iii) consider options to develop mechanisms, that are accessible to persons whose human rights are violated by Australian companies operating overseas, to hear complaints and enforce remedies against companies, and
 - (iv) support development at the international level of standards and mechanisms aimed at ensuring that transnational corporations and other business enterprises respect human rights. (*general business notice of motion no. 110*)

Notices of motion withdrawn: Senator Parry, at the request of Senator Ellison, withdrew business of the Senate notices of motion nos 5, 7 and 8 standing in the name of Senator Ellison for today, proposing references to certain committees.

13 LEAVE OF ABSENCE

Senator O’Brien, by leave, moved—That leave of absence be granted to Senator Fielding on 16 June 2008, for family reasons.

Question put and passed.

Senator O’Brien, by leave, moved—That leave of absence be granted to Senator Forshaw from 19 June to 27 June 2008, on account of parliamentary business overseas.

Question put and passed.

Senator Parry, by leave, moved—That leave of absence be granted to Senator Nash from 16 June to 20 June 2008, for family reasons.

Question put and passed.

14 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Environment, Communications and the Arts Committee, postponed till 18 June 2008.

Business of the Senate notice of motion no. 2 standing in the name of Senator Watson for today, proposing the disallowance of ASIC Class Order [CO 07/753], postponed till 24 June 2008.

Business of the Senate notice of motion no. 4 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senator Murray for today, proposing a reference to the Economics Committee, postponed till 18 June 2008.

General business notice of motion no. 69 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to music education, postponed till 19 June 2008.

General business notice of motion no. 94 standing in the name of the Leader of the Opposition in the Senate (Senator Minchin) for today, proposing an order for the production of documents relating to government appointments, postponed till 23 June 2008.

General business notice of motion no. 95 standing in the name of the Leader of the Opposition in the Senate (Senator Minchin) for today, proposing an order for the production of documents relating to grants approved in each portfolio or agency, postponed till 23 June 2008.

General business notice of motion no. 100 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to crimes against women in Iraq, postponed till 18 June 2008.

General business notice of motion no. 101 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Australia's skills challenge, postponed till 18 June 2008.

General business notice of motion no. 102 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to global warming, postponed till 18 June 2008.

General business notice of motion no. 103 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Western Sahara, postponed till 18 June 2008.

General business notice of motion no. 105 standing in the name of Senator Johnston for today, proposing the introduction of the Save Our Solar (Solar Rebate Protection) Bill 2008, postponed till 23 June 2008.

15 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

- (1) That the Senate:
 - (a) notes the report of the Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, dated June 2006, and the current expenditure on programs aimed at addressing petrol sniffing; and
 - (b) expresses concern at recent reports on the increase of petrol sniffing in central Australia.
- (2) That the following matters be referred to the Community Affairs Committee for inquiry and report by 16 October 2008:
 - (a) the ongoing effectiveness of the eight-point plan in combating petrol sniffing in central Australia;
 - (b) the extent of the rollout of Opal fuel;

- (c) the delivery of youth services in affected areas;
- (d) the effectiveness and adequacy of resources provided to address petrol sniffing and substance abuse in central Australia; and
- (e) what more needs to be done to effectively address petrol sniffing.

Question put and passed.

16 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator O'Brien, at the request of Senator Hogg and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 96—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate on Wednesday, 18 June 2008, and Wednesday, 25 June 2008, from 11 am to 1.30 pm, to take evidence for the committee's review of Auditor-General's reports.

Question put and passed.

17 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REPORTING DATE

Senator O'Brien, at the request of the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 97—That the report of the Environment, Communications and the Arts Committee on waste management in Australia and the Drink Container Recycling Bill 2008 be presented by 28 August 2008.

Question put and passed.

18 CRIMES LEGISLATION AMENDMENT (ENHANCED CHILD PROTECTION FROM PREDATORY TOURISM OFFENCES) BILL 2008

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 98—That the following bill be introduced:

A Bill for an Act to amend the law relating to sexual offences against children, and for related purposes.

Question put and passed.

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

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

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

19 HEALTH—REMOTE AREA NURSES

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. 104—That the Senate—

- (a) notes that remote area nurses are the mainstay of health service provision in remote Indigenous communities, often providing the only local health service available;
- (b) recognises that remote area nurses provide an invaluable service to some of the most disadvantaged populations in Australia, while their work context and role put them at risk of emotional and physical burnout due to insufficient access to resources, limited professional support and social and cultural isolation; and
- (c) calls on the Government to recognise the primacy of remote area nurses in providing health care to remote Indigenous communities and to improve remote area nurse representation in government efforts to develop long-term plans of action to overturn existing inequalities in health services between Indigenous and non-Indigenous Australians.

Question put and passed.

20 SPORT—SPORTS AND RECREATION FACILITIES—GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 99—That there be laid on the table, no later than 5 pm on 23 June 2008, a list of the commitments made by the Government during the election period to provide grants for sports and recreation facilities, which are being administered by the Department of Health and Ageing and the Department of Infrastructure, Transport, Regional Development and Local Government, showing the recipients, locations and amounts of the grants.

Question put and passed.

21 LAW AND JUSTICE—WHALING IN AUSTRALIAN WATERS

Senator Siewert amended general business notice of motion no. 106 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the high level of support in the Australian community for the Government to take international legal action to stop ‘scientific whaling’ in Australia’s Antarctic territorial waters;
- (b) expresses its continuing deep concern at the killing of the whales in Australian waters; and
- (c) urges the Government to immediately prepare international legal action to stop the killing of whales in Australian waters.

Question put and passed.

22 ADMINISTRATION—EXCISE AND CUSTOMS RATES—ALCOHOL

Senator Siewert, at the request of the Leader of the Australian Greens (Senator Bob Brown) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 107—That the Senate declares its opposition to the rates of excise and customs duties contained in the Excise Tariff Proposal (No. 1) 2008 and the Customs Tariff Proposal (No. 1) 2008 tabled in the House of Representatives on 13 May 2008 unless and until the Government tables in the Senate a comprehensive and costed plan of new action to address the \$10 billion per annum problem of alcohol abuse in Australia.

Question put and passed.

Statement by leave: Senator Parry, by leave, made a statement relating to the motion.

23 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (2008 MEASURES NO. 1) BILL 2008

Senator Carol Brown, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—Schedule 1 of the Tax Laws Amendment (2008 Measures No. 1) Bill 2008—Advisory report, dated June 2008.

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

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

24 DOCUMENTS

The following documents were tabled by the Clerk:

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

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

105—

AD/A320/224—Hydraulic Power – Ram Air Turbine Georotor Pump [F2008L01904]*.

AD/AT-6/2—Horizontal Stabiliser Rear Spar Connector Fittings [F2008L01909]*.

AD/AT 800/9 Amdt 2—Engine Mount [F2008L01908]*.

AD/B727/101 Amdt 2—Rear Pressure Bulkhead Web [F2008L01912]*.

AD/B767/242—Airworthiness Limitations and Inspections – Fuel Systems [F2008L01923]*.

AD/BEECH 65/36 Amdt 1—Exhaust Augmenter Clamps [F2008L01714]*.

AD/BEECH 65/37—Electrothermal Deice Firewall Connector – Sealing [F2008L01715]*.

AD/BEECH 65/41—Fuel System – Placards [F2008L01717]*.

AD/BEECH 65/44—Flap Gearbox – Inspection of Gears [F2008L01718]*.

AD/BEECH 65/54 Amdt 2—Aft and Nose Hinged Baggage Door Latching [F2008L01720]*.

AD/BEECH 65/55 Amdt 1—Nose Baggage Compartment Door [F2008L01721]*.

AD/BEECH 65/59 Amdt 1—Elevators [F2008L01723]*.

AD/BEECH 76/13—Rudder Torque Lower Hinge Adaptor [F2008L01730]*.

- AD/BEECH 77/13—Engine Control Rod Safety Washers [F2008L01751]*.
 AD/BEECH 77/15 Amdt 1—Alternator System [F2008L01752]*.
 AD/BEECH 90/1—Engine Oil Pressure Gauges – Modification [F2008L01753]*.
 AD/BEECH 90/2—Firewall Fuel Shut-Off Valve Switches – Modification [F2008L01754]*.
 AD/BEECH 90/18—Rudder Control System – Inspection [F2008L01763]*.
 AD/BEECH 90/59—Elevator Control Horn Attachment – Modification [F2008L01781]*.
 AD/BELL 206/172 Amdt 1—Power Turbine RPM Steady State Operation Avoidance [F2008L01925]*.
 AD/CESSNA 180/57—Fuel Hose [F2008L01803]*.
 AD/CESSNA 185/23—Throttle/Mixture Control Cable Attachment [F2008L01816]*.
 AD/CESSNA 340/30 Amdt 1—Placards and Cabin Fittings [F2008L01831]*.
 AD/CL-600/99—Fuel Tank Climb Vent Loop [F2008L01926]*.
 AD/DAUPHIN/97—VNE Limitation [F2008L02076]*.
 AD/DHC-8/141 Amdt 1—Elevator Centering Torsion Springs [F2008L01929]*.
 AD/ERJ-190/10—Ram Air Turbine Deployment [F2008L01930]*.
 AD/ERJ-190/11—Hydraulic Tube Clamps in the Fuel Tanks [F2008L01931]*.
 AD/ERJ-190/12—Hydraulic Shutoff Valves [F2008L01932]*.
 AD/ERJ-190/13—Cargo Doors [F2008L01933]*.
 AD/F100/88—Engine Controls – Reverse Thrust Control Normal Maximum (Second) Detent [F2008L01937]*.
 AD/FU24/66—Aileron Control Cables [F2008L01939]*.
 AD/PA-23/31 Amdt 1—Rudder Trim Tab Control Rod – Inspection [F2008L01942]*.
 AD/PA-28/43—Rudder Bar Assembly – Inspection and Modification [F2008L01875]*.
 AD/TBM 700/50—Alternator and Vapour Cycle Cooling System Pulley Drive Assembly [F2008L01945]*.
- 106—
 AD/ARRIEL/29—Low Fuel Pressure Switch [F2008L01906]*.
 AD/THIELERT/9 Amdt 1—Engine – Clutch Assembly [F2008L02078]*.
- 107—AD/SEAT/29—Sicma Passenger Seat Inspection [F2008L01944]*.
- Commissioner of Taxation—Public rulings—
 Class Rulings—
 CR 2008/41-CR 2008/43.
 Notice of Withdrawal—CR 2007/58.
 Goods and Services Tax Ruling—Notice of Withdrawal—GSTR 2003/13.
 Product Rulings—
 Addendum—PR 2008/3.
 Notice of Withdrawal—PR 2007/76.
 PR 2008/56.
 Taxation Ruling—Erratum—TR 2008/3.
- Customs Act—Tariff Concession Orders—
 0802512 [F2008L01915]*.

0803012 [F2008L01981]*.
 0803086 [F2008L01980]*.
 0803252 [F2008L01948]*.
 0803283 [F2008L01950]*.
 0803404 [F2008L01911]*.
 0803430 [F2008L01967]*.

Financial Management and Accountability Act—Determinations—

2008/12—To establish the Australian Fisheries Management Authority Services for Other Entities and Trust Moneys Special Account [F2008L02081]*.

2008/13—To establish the Department of the Prime Minister and Cabinet Services for Other Entities and Trust Moneys Special Account [F2008L02082]*.

2008/14—To establish the Department of Education, Employment and Workplace Relations Services for Other Entities and Trust Moneys Special Account [F2008L02083]*.

2008/15—To vary the purposes of certain Services for Other Governments and Non-agency Bodies Accounts, and Other Trust Moneys Accounts [F2008L02084]*.

2008/16—Special Accounts Abolition [F2008L02085]*.

2008/17—To establish the Old Parliament House Services for Other Entities and Trust Moneys Special Account [F2008L02086]*.

Migration Act—Migration Regulations—Instruments IMMI—

08/028—Places and currencies for paying of fees [F2008L02080]*.

08/033—Class of persons – public interest criteria – risk factor [F2008L01746]*.

08/043—Payment of visa application charges and fees in foreign currencies [F2008L02077]*.

National Health Act—Instruments Nos PB—

59 of 2008—Amendment declaration and determination – drugs and medicinal preparations [F2008L02048]*.

61 of 2008—Amendment determination – responsible persons [F2008L02051]*.

Navigation Act—Marine Orders Nos—

6 of 2008—Construction — Subdivision & stability, machinery and electrical installations [F2008L02064]*.

7 of 2008—Load Lines [F2008L02065]*.

Northern Territory National Emergency Response Act—Northern Territory National Emergency Response (Other Areas) Declaration 2008 (No. 4) [F2008L02079]*.

Remuneration Tribunal Act—Determinations—

2008/05: Remuneration and Allowances for Holders of Public Office [F2008L01800]*.

2008/06: Specified Statutory Officers – Remuneration and Allowances [F2008L02069]*.

2008/07: Remuneration and Allowances for Holders of Part-Time Public Office [F2008L02070]*.

2008/08: Remuneration and Allowances for Holders of Full-Time Public Office [F2008L02072]*.

* Explanatory statement tabled with legislative instrument.

25 COMMITTEES—PROPOSED REFERENCES

Senator Ellison, by leave, moved business of the Senate notices of motion nos 6 and 9 to 14, together with a motion to refer a bill to a joint committee, as follows:

No. 6—

- (1) That:
 - (a) the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 be referred to the Legal and Constitutional Affairs Committee for inquiry and report; and
 - (b) any related bill or bills that may be introduced to give effect to the recommendations of the Human Rights and Equal Opportunity Commission's report *Same Sex: Same Entitlements*, dated May 2007, also be referred to the Legal and Constitutional Affairs Committee for inquiry and report together with the following matters:
 - (i) the definition of 'couple relationship',
 - (ii) empirical evidence from the states concerning the existence, recognition and relative numbers of interdependent relationships, other than de facto (whether heterosexual or same-sex) and marital relationships,
 - (iii) whether the definition of 'couple relationship' should be amended to incorporate other interdependent relationships and, if so, whether the definitions should be broadened to include those relationships or whether a separate definition is required,
 - (iv) the fiscal implications of the statutory recognition of other interdependent relationships for superannuation and taxation purposes,
 - (v) the definitions of 'child' and 'child of a couple relationship',
 - (vi) the legal and fiscal implications of the definitions referred to in (v), particularly as they relate to the rights, obligations and liabilities of co-parents (i.e., the parent in a couple relationship that does not have a biological connection to a child of that relationship), and
 - (vii) all other matters considered necessary by the committee.
- (2) That the committee is not to conclude its consideration of the matter contained in subparagraph (1)(a) until it has concluded its consideration of the matters in subparagraph (1)(b).
- (3) That the committee must hear evidence, inter alia, from:
 - (a) the Attorney-General's Department;
 - (b) the Department of Finance and Deregulation;
 - (c) the Relationship Registries of Tasmania, Victoria and the Australian Capital Territory;
 - (d) the Human Rights and Equal Opportunity Commission; and
 - (e) the Law Council of Australia (Family Law Section).

No. 9—

- (1) That the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008 be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:
 - (a) the impact of changes to the thresholds on the number of Australians with private health insurance (PHI), including an examination of how many will abandon their policies as a result and how many will not take up PHI in the future;
 - (b) the modelling underpinning the decision and the veracity of that modelling;
 - (c) the anticipated impact on PHI premiums and PHI products offered;
 - (d) the impact of the change on the cost of living and the consumer price index;
 - (e) the threshold, PHI rebate and lifetime health cover on increasing PHI membership; and
 - (f) the anticipated impact of changes to the threshold on:
 - (i) the public hospital system including waiting lists and the financial requirements of state governments,
 - (ii) the ongoing viability of PHI, and
 - (iii) private hospitals.
- (2) That the inquiry hear evidence in all capital cities and from, inter alia, the private health insurance sector about the impact of the measures in the bill on the industry and on the public hospital system.

No. 10—

- (1) That the National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 be referred to the Community Affairs Committee for inquiry and report not before 18 August 2008, together with the following matters:
 - (a) the impact of the Pharmaceutical Benefit Scheme (PBS) cost recovery on:
 - (i) patients' timely and affordable access to medicines,
 - (ii) the Australian pharmaceutical industry,
 - (iii) new products and innovation, and
 - (iv) the independence of the Pharmaceutical Benefits Advisory Committee;
 - (b) cost recovery mechanisms in other countries;
 - (c) how cost recovery will improve the timeliness and effectiveness of the current PBS process for listing new medicines; and
 - (d) the modelling and consultation underpinning the decision.
- (2) That, in conducting its inquiry, the committee hear evidence, inter alia, from the pharmaceutical industry, generic medicines industry, consumer and patient health groups, the Department of Health and Ageing, the PBS Evaluation Units and the Australian Medical Association and other medical bodies.

No. 11—

(1) That the following bills:

Tax Laws Amendment (Luxury Car Tax) Bill 2008

A New Tax System (Luxury Car Tax Imposition—General) Amendment Bill 2008

A New Tax System (Luxury Car Tax Imposition—Customs) Amendment Bill 2008 and

A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Bill 2008,

be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:

- (a) the incidence of the luxury car tax (LCT) and the effect of the proposed increase in the LCT rate on rural and regional communities, small business families and tourism operators;
- (b) the effect of the LCT increase on the prices of vehicles, the affordability of motor vehicles, the cost of living, and the consumer price index (CPI);
- (c) the expected impact of the increase in the LCT rate on vehicle demand and the likely consequences for government revenues including from the LCT, goods and services tax (GST) and stamp duty;
- (d) the growing incidence of the LCT over time and the adequacy of current arrangements for indexation of the LCT threshold, in comparison with alternative measures including the CPI, average weekly earnings and the increase in the retail price of motor vehicles;
- (e) the rationale for taxing 'luxury' cars at a higher rate than other goods and services;
- (f) the effect of the LCT and the proposed increase in the LCT rate on Australian vehicle manufacturers and vehicle importers and distributors;
- (g) the overall taxation burden on ownership and operation of motor vehicles including customs duty, GST, LCT, stamp duty and excise on fuel;
- (h) the effect of the LCT and the proposed increase in the LCT rate on the adoption of vehicle safety features and environmental technologies; and
- (i) the extent to which the LCT is viewed as a non-tariff barrier by other car exporting countries.

(2) That:

- (a) as a minimum, the committee hold hearings in Melbourne and Adelaide and hear evidence, inter alia, from Australia's vehicle manufacturers, importers and distributors as well as from the Federal Chamber of Automotive Industries, the Australian Automobile Association, the Motor Trades Association of Australia, the Victorian Automobile Chamber of Commerce, the Motor Trades Association of Queensland and the tourism industry; and
- (b) the committee also take into account submissions to, and recommendations of, the Bracks' Review of Australia's Automotive Industry.

No. 12—

- (1) That the Excise Legislation Amendment (Condensate) Bill 2008 and the Excise Tariff Amendment (Condensate) Bill 2008 be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:
 - (a) the impact of the changes on retail prices of domestic gas and electricity in Western Australia, and any consequent effect on consumer prices;
 - (b) the impact of the decision on the industry generally and on the exploration for petroleum products in Australia; and
 - (c) the impact of the decision, and the decision-making process, on domestic and international investment confidence in Australia.
- (2) That the committee must conduct hearings in Western Australia and hear evidence from, inter alia, industry bodies and joint venture partners on the North West Shelf.

No. 13—

- (1) That the National Fuelwatch (Empowering Consumers) Bill 2008 and the National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008 be referred to the Economics Committee for inquiry and report not before 29 September 2008, together with the following matters:
 - (a) the impact of the proposed Fuelwatch scheme on the price consumers will pay for motor fuel (including unleaded petrol, diesel and LPG) in metropolitan areas, regional centres and rural Australia;
 - (b) the economic benefits and costs of the proposed Fuelwatch scheme to consumers in metropolitan areas, regional centres and rural Australia;
 - (c) other economic costs of the proposed Fuelwatch scheme, including the compliance costs of the scheme for industry, particularly independent retailers;
 - (d) the impact of the proposed Fuelwatch scheme on competition between motor fuel retailers and the operation and viability of independent motor fuel retailers;
 - (e) intraday price volatility in the retail market, established price cycles in each state and territory, and consumer awareness of price cycles;
 - (f) the impact of Fuelwatch on discounting, as well as the amplitude and duration of price cycles, including any penalties that will apply to motor fuel retailers for not fixing prices for 24 hour periods;
 - (g) the potential use under the Fuelwatch scheme of sophisticated pricing strategies by motor fuel retailers who have more than one retail outlet, and how they may take advantage of the 24 hour rule;
 - (h) independent analysis of the overall economic benefits and costs of the proposed Fuelwatch scheme;
 - (i) independent analysis of the differences in motor fuel prices between Western Australia and other Australian states and territories, with particular reference to volumetric or consumption-weighted prices; and
 - (j) the legal basis for the legislation.
- (2) That, in conducting its inquiry, the committee:
 - (a) hear evidence in all capital cities and in such major rural and regional centres as may be determined by the committee; and

- (b) hear evidence, *inter alia*, from independent retailers, motoring bodies with knowledge of the retail motor fuel market, business organisations with an interest in motor fuel prices and independent think tanks and economists who have knowledge of retail pricing arrangements in the motor fuel industry.

No. 14—That the provisions of Schedules 1 and 2 of the Tax Laws Amendment (2008 Measures No. 3) Bill 2008 be referred to the Economics Committee for inquiry and report not before 18 August 2008.

That the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report on 30 June 2009 in conjunction with the committee's inquiry into the 2007 Federal Election.

Debate ensued.

Senator Bartlett, also on behalf of Senator Nettle, moved the following amendments to motion no. 6 together by leave:

At the end of subparagraph (1)(a), add "by 24 June 2008".

Omit paragraph (2).

Debate ensued.

At 5 pm: Debate was interrupted while the Minister for Human Services (Senator Ludwig) was speaking.

26 VALEDICTORY STATEMENTS

Pursuant to order (*see entry no. 3*), senators made statements relating to the retirement of certain senators.

27 ADJOURNMENT

Pursuant to order, the Senate adjourned at 11.41 pm till Wednesday, 18 June 2008 at 9.30 am.

28 ATTENDANCE

Present, all senators except Senators Carr*, Conroy*, Heffernan and Nash* (* on leave).

HARRY EVANS
Clerk of the Senate