

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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:

AusLink—Report for 2006-07.

Australian Institute of Health and Welfare—Report—Australia's health 2008—Eleventh biennial report.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the operation of the Government co-contribution scheme for the period 1 January to 31 March 2008.

*Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2008.

**3 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

The Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), by leave, moved—That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.30 pm, to take evidence for the committee's inquiry into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008.

Question put and passed.

**4 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (ASSESSMENTS AND ADVERTISING) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—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.

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*In the committee*

Bill taken as a whole by leave.

The Leader of the Family First Party (Senator Fielding) moved the following amendment:

Schedule 1, item 9, page 6 (line 29), at the end of subsection 31(4), add:

“and, in so doing, the scheme must:

- (a) limit any advertising of an unclassified film or an unclassified computer game to the title and description of that film or game;
- and

- (b) not include excerpts of the sound or vision from that unclassified film or unclassified computer game until that film or game has been classified”.

Debate ensued.

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

Question—That the bill be agreed to—divided in respect of Schedule 2.

Schedule 2 debated and agreed to.

Bill agreed to.

Bill to be reported without amendment.

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The Acting Deputy President (Senator Watson) 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 McLucas) the report from the committee was adopted and the bill read a third time.

#### 5 JUDICIARY AMENDMENT BILL 2008

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

Message no. 116, dated 23 June 2008—A Bill for an Act to amend the *Judiciary Act 1903*, and for related purposes.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) 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 McLucas moved—That this bill be now read a second time.

Debate ensued.

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.

Senator McLucas moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

#### 6 CRIMES LEGISLATION AMENDMENT (MISCELLANEOUS MATTERS) BILL 2008

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

Message no. 117, dated 23 June 2008—A Bill for an Act to make minor amendments to various Acts, and for related purposes.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) 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 McLucas moved—That this bill be now read a second time.

Debate ensued.

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 for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

**7 TAX LAWS AMENDMENT (2008 MEASURES NO. 1) 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.

*At 2 pm:* Debate was interrupted.

**8 QUESTIONS**

Questions without notice were answered.

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*Document:* Senator Barnett, by leave, tabled the following document:

Industry—Commercial Ready program—Extract from Senate *Hansard* of 14 May 2008, p. 1761.

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Further questions without notice were answered.

**9 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Abetz moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today relating to the Commercial Ready program.

Debate ensued.

Question put and passed.

Senator Murray moved—That the Senate take note of the answer given by the Special Minister of State (Senator Faulkner) to a question without notice asked by Senator Murray today relating to Zimbabwe.

Question put and passed.

**10 PETITION**

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

From 1 009 petitioners, requesting that the Senate draw to the attention of the Environment, Communications and the Arts Committee and the Minister for Climate Change and Water, matters relating to climate change.

## 11 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 Thursday, 26 June 2008, from 4 pm, 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. 132*)

The Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan): To move on the next day of sitting—That the following matter be referred to the Select Committee on Agricultural and Related Industries for inquiry and report by 27 November 2008:

Food production in Australia and the question of how to produce food that is:

- (a) affordable to consumers;
- (b) viable for production by farmers; and
- (c) of sustainable impact on the environment. (*general business notice of motion no. 133*)

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That—

- (a) the Senate notes that:
  - (i) the response from the Minister for Defence, the Honourable Joel Fitzgibbon MP, of 16 June 2008 to a Senate order for production of documents advised that 'the documents in question are "Restricted" and "Commercial in Confidence" and as such I will not be making them available to the Special Minister of State for tabling in the Senate', and
  - (ii) the procedural order of continuing effect relating to accountability provides that 'The Senate...shall not entertain any claim to withhold information...on the grounds that it is commercial-in-confidence, unless the claim is...accompanied by a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of the information'; and
- (b) there be laid on the table by the Minister representing the Minister for Defence, no later than 3.30 pm on Wednesday, 25 June 2008, a statement of the commercial harm that would result from the disclosure of the commercial-in-confidence information in the red folder relating to defence procurement projects. (*general business notice of motion no. 134*)

The Minister for Immigration and Citizenship (Senator Evans): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to migration, and for other purposes. ***Migration Legislation Amendment Bill (No. 1) 2008.***

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

- (a) notes the critical role of the former Howard Government's Commercial Ready program in fostering innovation, leveraging private sector capital, creating jobs and developing new ideas and medical solutions for Australians;
- (b) condemns:
  - (i) the Rudd Labor Government for its foolish and short-sighted decision to cut this program,

- (ii) the Rudd Labor Government for pre-empting the outcome of the National Innovation Review, and
  - (iii) the Minister for Innovation, Industry, Science and Research (Senator Carr) for describing the Commercial Ready program as assistance to ‘millionaires’; and
- (c) calls on the Rudd Labor Government to:
- (i) fund all projects approved between 28 April and 13 May 2008,
  - (ii) compensate individuals and companies who spent money preparing grant applications in good faith, and
  - (iii) at least restore the Commercial Ready program for the 2008-09 financial year. (*general business notice of motion no. 135*)

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

- (1) That a select committee, to be known as the Select Committee on Fuel and Energy, be established to inquire into and report on:
- (a) the impact of higher petroleum, diesel and gas prices on:
    - (i) families,
    - (ii) small business,
    - (iii) rural and regional Australia,
    - (iv) grocery prices, and
    - (v) key industries, including but not limited to tourism and transport;
  - (b) the role and activities of the Petrol Commissioner, including whether the Petrol Commissioner reduces the price of petroleum;
  - (c) the operation of the domestic petroleum, diesel and gas markets, including the fostering of maximum competition and provision of consumer information;
  - (d) the impact of an emissions trading scheme on the fuel and energy industry, including but not limited to:
    - (i) prices,
    - (ii) employment in the fuel and energy industries, and any related adverse impacts on regional centres reliant on these industries,
    - (iii) domestic energy supply, and
    - (iv) future investment in fuel and energy infrastructure;
  - (e) the existing set of state government regulatory powers as they relate to petroleum, diesel and gas products;
  - (f) taxation arrangements on petroleum, diesel and gas products including:
    - (i) Commonwealth excise,
    - (ii) the goods and services tax, and
    - (iii) new state and federal taxes;
  - (g) the role of alternative fuels to petroleum and diesel including, but not limited to, LPG, LNG, CNG, gas to liquids, coal to liquids, electricity and bio-fuels such as, but not limited to, ethanol;
  - (h) the domestic oil/gas exploration and refinement industry, with particular reference to:
    - (i) the impact of Commonwealth, state and local government regulations on this industry,
    - (ii) increasing domestic oil/gas exploration and refinement activities, with a view to reducing Australia’s reliance on imported oil, and

- (iii) other tax incentives; and
  - (i) the impact of higher petroleum, diesel and gas prices on public transport systems, including the adequacy of public transport infrastructure and record of public transport investment by state governments.
- (2) That the committee report to the Senate from time to time on any related matters and present its final report by 21 October 2009.
- (3) That the committee consist of 8 members, 2 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of Family First in the Senate and 1 nominated by any minority group or groups or independent senator or independent senators.
- (4)
  - (a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
  - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of committee, but may not vote on any questions before the committee; and
  - (c) a participating member shall (not) be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (6) That the committee elect an Opposition member as its chair.
- (7) That the committee elect a Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the quorum of the committee be 5 members.
- (10) That the committee have power to appoint subcommittees consisting of 4 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (11) That 3 members of a subcommittee shall be a quorum of that subcommittee.
- (12) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and interim recommendations.
- (13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (14) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 136*)



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

- (1) That a select committee, to be known as the Select Committee on the National Broadband Network, be established to inquire into and report on:
  - (a) the Government's proposal to partner with the private sector to upgrade parts of the existing network to fibre to provide minimum broadband speeds of 12 megabits per second to 98 per cent of Australians on an open access basis; and
  - (b) the implications of the proposed National Broadband Network (NBN) for consumers in terms of:
    - (i) service availability, choice and costs,
    - (ii) competition in telecommunications and broadband services, and
    - (iii) likely consequences for national productivity, investment, economic growth, cost of living and social capital.
- (2) That the committee's investigation include, but not be limited to:
  - (a) the availability, price, level of innovation and service characteristics of broadband products presently available, the extent to which those services are delivered by established and emerging providers, the likely future improvements in broadband services (including the prospects of private investment in fibre, wireless or other access networks) and the need for this government intervention in the market;
  - (b) the effects on the availability, price, choice, level of innovation and service characteristics of broadband products if the NBN proceeds;
  - (c) the extent of demand for currently available broadband services, what factors influence consumer choice for broadband products and the effect on demand if the Government's fibre-to-the-node (FTTN) proposal proceeds;
  - (d) what technical, economic, commercial, regulatory and social barriers may impede the attainment of the Government's stated goal for broadband availability and performance;
  - (e) the appropriate public policy goals for communications in Australia and the nature of regulatory settings that are needed, if FTTN or fibre-to-the-premise (FTTP), to continue to develop competitive market conditions, improved services, lower prices and innovation given the likely natural monopoly characteristics and longevity of the proposed network architecture;
  - (f) the possible implications for competition, consumer choice, prices, the need for public funding, private investment, national productivity, if the Government does not create appropriate regulatory settings for the NBN;
  - (g) the role of government and its relationship with the private sector and existing private investment in the telecommunications sector;
  - (h) the effect of the NBN proposal on existing property or contractual rights of competitors, supplier and other industry participants and the exposure to claims for compensation;
  - (i) the effect of the proposed NBN on the delivery of Universal Service Obligations services;
  - (j) whether, and if so to what extent, the former Government's OPEL initiative would have assisted making higher speed and more affordable broadband services to areas under-served by the private sector; and

- (k) the cost estimates on which the Government has based its policy settings for a NBN, how those cost estimates were derived, and whether they are robust and comprehensive.
- (3) That, in carrying out this inquiry, the committee will:
- (a) expressly seek the input of the telecommunications industry, industry analysts, consumer advocates, broadband users and service providers;
  - (b) request formal submissions that directly respond to the terms of reference from the Australian Competition and Consumer Commission, the Productivity Commission, Infrastructure Australia, the Department of the Treasury, the Department of Finance and Deregulation, and the Department of Infrastructure, Transport, Regional Development and Local Government;
  - (c) invite contributions from organisations and individuals with expertise in:
    - (i) public policy formulation and evaluation,
    - (ii) technical considerations including network architecture, interconnection and emerging technology,
    - (iii) regulatory framework, open access, competition and pricing practice,
    - (iv) private sector telecommunications retail and wholesale business including business case analysis and price and demand sensitivities,
    - (v) contemporary broadband investment, law and finance,
    - (vi) network operation, technical options and functionality of the 'last mile' link to premises, and
    - (vii) relevant and comparative international experiences and insights applicable to the Australian context;
  - (d) advertise for submissions from members of the public and to the fullest extent possible, conduct hearings and receive evidence in a manner that is open and transparent to the public; and
  - (e) recognise the Government's NBN proposal represents a significant public sector intervention into an increasingly important area of private sector activity and that the market is seeking openness, certainty and transparency in the public policy deliberations.
- (4) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups or independents.
- (5)
- (a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
  - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
  - (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (6) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

- (7) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.
- (8) That the quorum of the committee be 4 members.
- (9) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present, at a meeting of the committee.
- (10) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (11) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine, and that the quorum of a subcommittee be 2 members.
- (12) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (14) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (*general business notice of motion no. 137*)

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

- (1) That the Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2] be referred to the Environment, Communications and the Arts Committee for inquiry and report by 15 August 2008, together with the following matters:
  - (a) the impact of the means test threshold of \$100 000 on the \$8 000 solar rebate per household on the solar industry;
  - (b) the effect on the uptake of solar panels by Australian households, comparing state-by-state results;
  - (c) the impact on the number of applications for the \$8 000 since the budget decision to impose the means test;
  - (d) the impact on jobs in the solar industry, comparing state-by-state results;
  - (e) the impact on emissions reductions as a consequence of this decision, comparing state-by-state results;
  - (f) the consultation that occurred within government, including departments and agencies, prior to the decision and the input of each department and agency on the measure;
  - (g) the economic and environmental modelling underpinning the decision to impose the means test;
  - (h) the extent of the discussion prior to the decision with the solar panel industry on the impact of the decision;
  - (i) the future viability of, and effects on, the solar industry as a result of the means test;

- (j) the impact on the Solar Cities programs at various sites around Australia and other related programs; and
  - (k) other relevant matters.
- (2) That, as a minimum, the committee hold hearings in all Australian capital cities and hears evidence, inter alia, from Australia's solar industry.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate requests the Government to explain, by Thursday, 26 June 2008, its opposition to general business notice of motion no. 102 from the Leader of the Australian Democrats (Senator Allison). (*general business notice of motion no. 138*)

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

Governor-General Amendment (Salary and Superannuation) Bill 2008  
Governance Review Implementation (AASB and AUASB) Bill 2008.

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*Documents:* Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of the bills in the 2008 winter sittings.

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The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the Film Certification Advisory Board Rules 2008, made under subsection 376-260(1) of the *Income Tax Assessment Act 1997*, be disallowed.

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

*Notices of motion withdrawn:*

Senator Watson, by leave, made a statement relating to the disallowance of ASIC Class Order [CO 07/753] and tabled the following documents:

Finance—

Australian Securities and Investment Commission—Cross border recognition: Facilitating access to overseas markets and financial services, dated June 2008.  
Collective investment schemes—Registration, licensing and governance requirements.

Senator Watson, pursuant to notice of intention given on 23 June 2008, withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of ASIC Class Order [CO 07/753], made under paragraphs 601QA(1)(a), 911A(2)(l), 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to notice of intention given on 23 June 2008, withdrew business of the Senate notices of motion nos 2, 3, 8 and 9 standing in her name for 12 sitting days after today for the disallowance of the following instruments:

Agricultural and Veterinary Chemicals Code Amendment Order 2007 (No. 1), made under subsection 7(1) of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Agricultural and Veterinary Chemicals Code Amendment Instrument No. 1 (Trial Protocols) 2008, made under subsection 32(1) of the *Agricultural and Veterinary Chemicals (Administration) Act 1992*.

Listable Chemicals Product (Home Swimming Pool and Spa Products) Standard 2007, made under section 56D of the *Agricultural and Veterinary Chemicals Code Act 1994*.

Listable Chemicals Product (Joint Health Products for Dogs and Horses) Standard 2007, made under section 56D of the *Agricultural and Veterinary Chemicals Code Act 1994*.

#### 12 HOURS OF MEETING—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That—

- (a) the sitting of the Senate be suspended from 6.30 pm to 7.30 pm today; and
- (b) the Senate meet on Wednesday, 25 June 2008 at 9.30 am.

Question put and passed.

#### 13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE— EXTENSION OF TIME TO REPORT

Senator O'Brien, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the 2008-09 Budget estimates be extended to 25 June 2008.

Question put and passed.

#### 14 POSTPONEMENTS

The following items of business were postponed:

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 25 June 2008.

General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 25 June 2008.

**15 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—REFERENCE**

Senator O'Brien, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That—

- (a) the following matter be referred to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 30 May 2009:  
The major economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific, with particular reference to:
  - (i) the implications for Australia, and
  - (ii) how the Australian Government can, in practical and concrete ways, assist these countries to meet the challenges; and
- (b) the inquiry include an examination of the following:
  - (i) employment opportunities, labour mobility, education and skilling,
  - (ii) barriers to trade, foreign investment, economic infrastructure, land ownership and private sector development, and
  - (iii) current regional organisations such as the Pacific Islands Forum and the Secretariat of the Pacific Community.

Question put and passed.

**16 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REFERENCE**

Senator Fifield, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 11 November 2008:

The current level of academic freedom in school and higher education, with particular reference to:

- (a) the level of intellectual diversity and the impact of ideological, political and cultural prejudice in the teaching of senior secondary education and of courses at Australian universities, including but not limited to:
  - (i) the content of curricula,
  - (ii) the content of course materials,
  - (iii) the conduct of teaching professionals, and
  - (iv) the conduct of student assessments;
- (b) the need for the teaching of senior secondary and university courses to reflect a plurality of views, be accurate, fair, balanced and in context; and
- (c) ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms.

Question put and passed.

**17 SAVE OUR SOLAR (SOLAR REBATE PROTECTION) BILL 2008 [No. 2]**

Senator Johnston, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 105—That the following bill be introduced:

A Bill for an Act to make provisions for the better operation of the solar rebate scheme.

Question put and passed.

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

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

**18 ENVIRONMENT—CARBON SEQUESTRATION**

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. 122—That the Senate requests the Government to report by 1 September 2008 on:

(a) the total amount of carbon sequestered in Australia's:

- (i) native forests and woodlands,
- (ii) plantations, and
- (iii) planted and non-planted regrowth; and

(b) the rate of loss of these stores.

Question put and passed.

**19 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 125—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on Australia's involvement in peacekeeping operations be extended to 31 July 2008.

Question put and passed.

**20 DEPARTMENTAL AND AGENCY APPOINTMENTS—DEPARTMENTAL AND AGENCY GRANTS—ORDERS FOR PRODUCTION OF DOCUMENTS**

Senator Kemp, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notices of motion not objected to as formal motions, moved general business notices of motion nos 94 and 95 together by leave—

No. 94—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 7 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings:

- (a) a list of all appointments made by the Government (through Executive Council, Cabinet and ministers) to statutory authorities, executive agencies, advisory boards, government business enterprises and all other Commonwealth bodies including the term of the appointment and remuneration for the position; and
  - (b) a list of existing vacancies to be filled by government appointment to statutory authorities, executive agencies, advisory boards, government business enterprises and all other Commonwealth bodies.
- (2) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.
- (3) This order is of continuing effect.

No. 95—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 7 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings:
- A list of all grants approved in each portfolio or agency, including the value of the grant, recipient of the grant and the program from which the grant was made.
- (2) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.
- (3) This order is of continuing effect.

Question put and passed.

## 21 ENVIRONMENT—GLOBAL WARMING

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. 102—That the Senate—

- (a) notes that on 11 June and 12 June 2008 citizens and scientists came together in Canberra for the 2008 Manning Clark House Conference ‘Imagining the Real Life on a Greenhouse Earth’, in honour of former federal Minister, the Honourable Dr Barry Jones, AO, and concluded that:
- (i) global warming is accelerating,
  - (ii) the Arctic summer sea ice is expected to melt entirely within the next 5 years, decades earlier than predicted in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (2007),
  - (iii) scientists judge the risks to humanity of dangerous global warming to be high,
  - (iv) the loss of the Great Barrier Reef now seems likely,
  - (v) extreme weather events, such as storm surges adding to rising sea levels and threatening coastal cities, will become more frequent,
  - (vi) there is a real danger that we have reached or will soon reach critical tipping points and the future will be taken out of our hands – the melting Arctic sea ice could be the first such tipping point,
  - (vii) beyond 2°C of warming seems inevitable, unless greenhouse gas reduction targets are tightened, and we risk huge human and societal costs, and perhaps even the effective end of industrial civilisation,



- (viii) we need to cease our assault on our own life support system and that of millions of species, and that global warming is only one of many symptoms of that assault,
  - (ix) peak oil, global warming and long-term sustainability pressures all require that we reduce energy needs and switch to renewable energy sources and many credible studies show that Australia can quickly and cost-effectively reduce greenhouse gas emissions through dramatic improvements in energy efficiency and by increasing Australia's investment in solar, wind and other renewable sources,
  - (x) the need for action is extremely urgent and the window of opportunity for avoiding severe impacts is rapidly closing, yet the obstacles to change are not technical or economic, they are political and social, and
  - (xi) democratic societies have responded successfully to dire and immediate threats, as was demonstrated in World War II, and this is a last call for an effective response to global warming;
- (b) thanks the delegates of this conference, including Professor Barry Brook, Sir Hubert Wilkins, Dr Geoff Davies, Dr Andrew Glikson and Mr Sebastian Clark for their efforts in drawing this warning to the Senate's attention; and
- (c) urges the Government to act on these conclusions.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 48

Senators—

Adams	Collins	Hurley	Moore
Barnett	Cormann	Hutchins	O'Brien
Bernardi	Crossin	Johnston	Parry (Teller)
Birmingham	Eggleston	Joyce	Patterson
Bishop	Ellison	Kemp	Payne
Boswell	Faulkner	Kirk	Ronaldson
Boyce	Ferguson	Ludwig	Stephens
Brandis	Fierravanti-Wells	Lundy	Sterle
Brown, Carol	Fifield	Macdonald, Ian	Troeth
Bushby	Fisher	Marshall	Trood
Chapman	Hogg	McEwen	Watson
Colbeck	Humphries	McLucas	Wortley

Question negatived.

**22 FOREIGN AFFAIRS—CHINA—FALUN GONG**

Senator Nettle, also on behalf of Senator Bartlett, amended general business notice of motion no. 127 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
  - (i) the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong Practitioners worldwide, and

- (ii) the practise of religion should not form the basis of the incarceration of any individual;
- (b) appreciates the commitment by the Prime Minister (Mr Rudd) to being a *zhengyou*, or a ‘true friend’, to the Chinese leadership and his willingness to raise challenging human rights issues; and
- (c) expresses its support for an end to the persecution of Falun Gong practitioners in China.

Question put and passed.

### 23 IMMIGRATION—TEMPORARY RETIREMENT VISAS

Senator Ellison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 129—That the Senate—

- (a) notes that:
  - (i) currently persons who reside in Australia on a temporary Retirement Visa (subclass 410) are unable to apply for permanent residency, and
  - (ii) this is a small group of people with a high commitment to Australia who are restricted in the contribution they can make to our nation as a result of being unable to apply for a permanent visa;
- (b) recognises that:
  - (i) many 410 visa holders are highly skilled, yet they are restricted to just 20 hours of work per week due to the restrictions on their temporary visa,
  - (ii) if 410 visa holders were able to apply for permanent residency, then as permanent residents there would be no restrictions on their workforce participation and this would be of benefit to the labour market, the Australian economy and the individuals concerned, and
  - (iii) a number of these visa holders have a strong involvement in community and volunteer activities and that, again, the nature of the visa restricts the number of hours that the individual can commit;
- (c) believes that these individuals should not be subject to the uncertainty and requirement to comply with visa renewal requirements;
- (d) recognises:
  - (i) the additional cost in taxation and health insurance that these visa holders are subject to as a result of being on a temporary visa, and
  - (ii) that these visa holders have a strong commitment to the community and should not be restricted in the contribution they can make;
- (e) believes that it is fitting that Australia acknowledge the commitment of many of these visa holders to our nation; and
- (f) calls on the Government to enable temporary retirement 410 visa holders to apply for permanent residency.

Question put and passed. All Australian Greens senators, by leave, recorded their votes for the ayes.

**24 FOREIGN AFFAIRS—TIBET**

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. 131—That the Senate—

- (a) notes the statement in Lhasa on 21 June 2008 by Tibet's Communist Party Secretary General Zhang Qing Li, that 'we will certainly be able to totally smash the splittist schemes of the Dalai Lama clique';
- (b) calls on the Minister for Foreign Affairs (Mr Smith) to ascertain if Mr Li was reflecting the policy of the People's Republic of China and, if so, how that policy is being carried into effect; and
- (c) asks the Minister to find out how many Tibetan citizens, arrested since violence erupted in Lhasa in March 2008, remain in custody and, as of 23 June 2008, how many have been brought to trial.

Question put.

The Senate divided—

**AYES, 9**

Senators—

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

**NOES, 47**

Senators—

Adams	Collins	Hurley	O'Brien (Teller)
Barnett	Cormann	Hutchins	Parry
Bernardi	Crossin	Johnston	Patterson
Birmingham	Eggleston	Kemp	Payne
Bishop	Ellison	Kirk	Ronaldson
Boswell	Faulkner	Ludwig	Stephens
Boyce	Ferguson	Lundy	Sterle
Brandis	Fierravanti-Wells	Macdonald, Ian	Troeth
Brown, Carol	Fifield	Marshall	Trood
Bushby	Fisher	McEwen	Watson
Chapman	Hogg	McLucas	Wortley
Colbeck	Humphries	Moore	

Question negatived.

*Statements by leave:* The Special Minister of State (Senator Faulkner) and Senators Payne and Bob Brown, by leave, made statements relating to the motion.

**25 FOREIGN AFFAIRS—UNITED STATES OF AMERICA, ISRAEL AND IRAN**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 128—That the Senate—

- (a) notes:
  - (i) the growing tension between the United States of America (US), Israel and Iran, including recent military exercises by Israel,
  - (ii) the recent statement by Israel's Deputy Prime Minister Shaul Mofaz that Israel would attack Iran if it continued with its nuclear program, and
  - (iii) that US intelligence bases in Australia are likely to be used in any US military strike on Iran; and

- (b) calls on the Government to:
- (i) support a diplomatic resolution to the crisis, and
  - (ii) rule out Australian support for a military strike on Iran.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 49

Senators—

Adams	Conroy	Hutchins	Patterson
Barnett	Cormann	Johnston	Payne
Bernardi	Crossin	Joyce	Ronaldson
Birmingham	Eggleston	Kemp	Stephens
Bishop	Ellison	Kirk	Sterle
Boswell	Faulkner	Ludwig	Troeth
Boyce	Ferguson	Lundy	Trood
Brandis	Fierravanti-Wells	Marshall	Watson
Brown, Carol	Fifield	McEwen	Webber
Bushby	Fisher	McLucas	Wortley
Chapman	Hogg	Moore	
Colbeck	Humphries	O'Brien	
Collins	Hurley	Parry (Teller)	

Question negatived.

*Statements by leave:* The Special Minister of State (Senator Faulkner), the Leader of the Australian Greens (Senator Bob Brown) and Senator Stott Despoja, by leave, made statements relating to the motion.

**26 FOREIGN AFFAIRS—PAPUA NEW GUINEA—KOKODA TRACK**

Senator Barnett, also on behalf of Senator McGauran, amended general business notice of motion no. 130 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recognises the importance of the Kokoda Track campaign in World War II in stopping the overland Japanese advance to Port Moresby, which would have given the enemy a beachhead into Australia;
- (b) acknowledges the courage, endurance, mateship and sacrifice demonstrated by the Australian Defence Force personnel during the Kokoda battles;
- (c) pays tribute to the contribution of the Papua New Guinea (PNG) nationals, specifically the Koiari people, affectionately known as 'Fuzzy Wuzzy Angels', in carrying supplies and equipment for Australian soldiers in the Kokoda campaign as well as the carriage of wounded to safety;
- (d) notes that the Kokoda battles were fought in PNG from July 1942 on Australian soil; and
- (e) in recognition of this contribution, urges the Australian Government to:
  - (i) acknowledge the service of the PNG nationals affectionately known as Fuzzy Wuzzy Angels,

- (ii) direct the new Defence Awards and Honours Tribunal to promptly determine the most appropriate form of medal or recognition for the remaining Fuzzy Wuzzy Angels or their surviving families,
- (iii) consider any other appropriate initiatives including making a small ex-gratia payment to each Fuzzy Wuzzy Angel in recognition of their contribution over and above the call of duty, and
- (iv) examine and, where appropriate, fund initiatives to upgrade the health and education status of the PNG people in the isolated villages along the Kokoda Track.

Question put and passed.

**27 TRADE—ASIA PACIFIC ECONOMIC CO-OPERATION—MINISTERIAL STATEMENT—DOCUMENT**

The Special Minister of State (Senator Faulkner) tabled the following document:

Trade—Asia Pacific Economic Co-operation—Ministerial statement by the Minister for Trade (Mr Crean), dated 24 June 2008.

**28 REGIONAL AUSTRALIA—DROUGHT—MINISTERIAL STATEMENT—DOCUMENT**

The Special Minister of State (Senator Faulkner) tabled the following document:

Regional Australia—Drought—Ministerial statement by the Minister for Agriculture, Fisheries and Forestry (Mr Burke), dated 24 June 2008.

**29 ECONOMICS—SMALL BUSINESS—MINISTERIAL STATEMENT—DOCUMENT**

The Special Minister of State (Senator Faulkner) tabled the following document:

Economics—Small business—Ministerial statement by the Minister for Small Business, Independent Contractors and the Service Economy (Mr Emerson), dated 24 June 2008.

**30 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—BETTER SHAREHOLDERS – BETTER COMPANY: SHAREHOLDER ENGAGEMENT AND PARTICIPATION IN AUSTRALIA**

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

Corporations and Financial Services—Joint Statutory Committee—Better Shareholders – Better Company: Shareholder engagement and participation in Australia—Report, dated June 2008, Hansard record of proceedings and submissions.

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

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

Debate ensued.

Question put and passed.

**31 AUDITOR-GENERAL—AUDIT REPORT NO. 43 OF 2007-08—DOCUMENT**

The Acting Deputy President (Senator Troeth) tabled the following document:

Auditor-General—Audit report no. 43 of 2007-08—Performance audit—Third tranche sale of Telstra shares—Department of Finance and Deregulation.

## 32 DOCUMENTS

The following documents were tabled by the Clerk:

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

Aged Care Act—Residential Care Subsidy Amendment Principles 2008 (No. 3) [F2008L02172]\*.

Charter of the United Nations Act—Select Legislative Instrument 2008 No. 109—Charter of the United Nations (Sanctions — Iran) Amendment Regulations 2008 (No. 1) [F2008L02097]\*.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Order 40.1.0 Amendment Order (No. 1) 2008 [F2008L01477]\*.

Instrument No. CASA EX26/08—Exemption – training and checking organisation, flight check system [F2008L01365]—Explanatory Statement *[in substitution for explanatory statement tabled with instrument on 16 June 2008]*.

Customs Act—

Select Legislative Instruments 2008 Nos—

102—Customs Amendment Regulations 2008 (No. 4) [F2008L02025]\*.

103—Customs (Prohibited Imports) Amendment Regulations 2008 (No. 4) [F2008L02066]\*.

Tariff Concession Orders—

0800039 [F2008L02137]\*.

0802156 [F2008L02138]\*.

0802632 [F2008L02139]\*.

0802702 [F2008L02140]\*.

0802706 [F2008L02141]\*.

0802707 [F2008L02142]\*.

0802719 [F2008L02143]\*.

0802940 [F2008L02108]\*.

0803087 [F2008L02110]\*.

0803239 [F2008L02144]\*.

0803249 [F2008L02145]\*.

0803251 [F2008L02146]\*.

0803282 [F2008L02147]\*.

0803431 [F2008L02148]\*.

0803433 [F2008L01996]\*.

0803794 [F2008L02149]\*.

0803795 [F2008L02150]\*.

0803832 [F2008L02107]\*.

0803909 [F2008L02111]\*.

0803926 [F2008L02112]\*.

0803930 [F2008L02113]\*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened ecological communities, dated 29 May 2008 [F2008L02188]\*.

Family Law Act—Select Legislative Instrument 2008 No. 104—Family Law Amendment Regulations 2008 (No. 1) [F2008L02125]\*.

Future Fund Act—Future Fund (Crediting of Additional Amounts) Determination 2008 [F2008L02181]\*.

## Health Insurance Act—

## Determinations HIB—

08/2008 [F2008L02176]\*.

09/2008 [F2008L02177]\*.

10/2008 [F2008L02179]\*.

Health Insurance (Allied Health Services) Amendment Determination 2008 (No. 1) [F2008L02167]\*.

## Select Legislative Instruments 2008 Nos—

110—Health Insurance Amendment Regulations 2008 (No. 1) [F2008L01330]\*.

111—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2008 (No. 2) [F2008L01395]\*.

112—Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 2) [F2008L01332]\*.

113—Health Insurance (Pathology Services Table) Amendment Regulations 2008 (No. 2) [F2008L01331]\*.

114—Health Insurance (Pathology Services Table) Amendment Regulations 2008 (No. 3) [F2008L01130]\*.

## Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 79/02 — Emission Control for Light Vehicles) 2005 Amendment 1 [F2008L02122]\*.

Vehicle Standard (Australian Design Rule 81/01 — Fuel Consumption Labelling for Light Vehicles) 2005 Amendment 1 [F2008L02123]\*.

Vehicle Standard (Australian Design Rule 81/02 — Fuel Consumption Labelling for Light Vehicles) 2008 Amendment 1 [F2008L02124]\*.

National Health Act—Select Legislative Instrument 2008 No. 116—National Health (Pharmaceutical Benefits) Amendment Regulations 2008 (No. 2) [F2008L01021]\*.

Protection of the Sea (Shipping Levy) Act—Select Legislative Instrument 2008 No. 120—Protection of the Sea (Shipping Levy) Amendment Regulations 2008 (No. 1) [F2008L02126]\*.

## Social Security (Administration) Act—

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 22)) Determination 2008 [F2008L02182]\*.

Social Security (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2008 [F2008L02218]\*.

Sydney Airport Curfew Act—Dispensation Report 08/08.

Telecommunications (Interception and Access) Act—Select Legislative Instrument 2008 No. 105—Telecommunications (Interception and Access) Amendment Regulations 2008 (No. 1) [F2008L02095]\*.

## Therapeutic Goods Act—Select Legislative Instruments 2008 Nos—

117—Therapeutic Goods Amendment Regulations 2008 (No. 1) [F2008L01367]\*.

119—Therapeutic Goods (Medical Devices) Amendment Regulations 2008 (No. 1) [F2008L01366]\*.

Therapeutic Goods (Charges) Act—Select Legislative Instrument 2008 No. 118—Therapeutic Goods (Charges) Amendment Regulations 2008 (No. 1) [F2008L01351]\*.

Trade Practices Act—Determination under section 152AQA—Pricing principles for Integrated Services Digital Network [F2008L02180]\*.

*Governor-General's Proclamations—Commencement of provisions of Acts*

*Australian Energy Market Amendment (Gas Legislation) Act 2007—Schedule 1—Date of commencement of the National Gas (South Australia) Act 2008 [SA] [F2008L02164]\*.*

*Cross-Border Insolvency Act 2008—Parts 2, 3 and 4—1 July 2008 [F2008L02165]\*.*

\* Explanatory statement tabled with legislative instrument.

### 33 MILITARY MEMORIALS OF NATIONAL SIGNIFICANCE BILL 2008

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

Message no. 115, dated 23 June 2008—A Bill for an Act to provide for certain memorials to have the status of Military Memorials of National Significance, and for related purposes.

The Minister for Immigration and Citizenship (Senator Evans) 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 Evans moved—That this bill be now read a second time.

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

### 34 GOVERNOR-GENERAL AMENDMENT (SALARY AND SUPERANNUATION) BILL 2008

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

Message no. 118, dated 23 June 2008—A Bill for an Act to amend the *Governor-General Act 1974*, and for related purposes.

The Minister for Immigration and Citizenship (Senator Evans) 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 Evans moved—That this bill be now read a second time.

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

### 35 DENTAL BENEFITS BILL 2008

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

**WHEAT EXPORT MARKETING BILL 2008**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 112, dated 23 June 2008—Dental Benefits Bill 2008.

Message no. 113, dated 23 June 2008—Tax Laws Amendment (2008 Measures No. 2) Bill 2008.

Message no. 114, dated 23 June 2008—Wheat Export Marketing Bill 2008.



**36 COMMITTEES—REPORTS—BUDGET ESTIMATES 2008-09**

Pursuant to order, Senator Sterle, at the request of the chairs of the respective committees, tabled the following reports, dated June 2008, and documents:

Budget estimates 2008-09—

Community Affairs—Standing Committee—Report, Hansard record of proceedings and additional information.

Economics—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Education, Employment and Workplace Relations—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Environment, Communications and the Arts—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Finance and Public Administration—Standing Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Foreign Affairs, Defence and Trade—Standing Committee—Report and Hansard record of proceedings.

Legal and Constitutional Affairs—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Reports ordered to be printed on the motion of Senator Sterle.

**37 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—READY-TO-DRINK ALCOHOL BEVERAGES**

Pursuant to order, the Chair of the Community Affairs Committee (Senator Moore) tabled the following report and documents:

Community Affairs—Standing Committee—Ready-to-drink alcohol beverages—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

**38 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2008**

Pursuant to order, Senator Wortley, at the request of the Chair of the Finance and Public Administration Committee (Senator Polley), tabled the following report and documents:

Finance and Public Administration—Standing Committee—Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008—Report, dated June 2008, Hansard record of proceedings, additional information and submissions.

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

**39 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2008**

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

Legal and Constitutional Affairs—Standing Committee—Passenger Movement Charge Amendment Bill 2008—Report, dated June 2008, Hansard record of proceedings, additional information and submissions.

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

**40 ECONOMICS—STANDING COMMITTEE—REPORT—TAX LAWS AMENDMENT (BUDGET MEASURES) BILL 2008**

Pursuant to order, Senator Wortley, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—Tax Laws Amendment (Budget Measures) Bill 2008—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**41 TAX LAWS AMENDMENT (2008 MEASURES NO. 1) 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.

*At 5.30 pm:* Debate was interrupted while Senator Milne was speaking.

**42 VALEDICTORY STATEMENT**

Pursuant to order (*see entry no. 3, 17 June 2008*), Senator Murray made his valedictory statement.

*Statements by leave:* The Leader of the Government in the Senate (Senator Evans), the Leader of the Opposition in the Senate (Senator Minchin), Senator Ellison, the President, Senators Chapman and Heffernan, the Leader of the Family First Party (Senator Fielding) and the Leader of The Nationals in the Senate (Senator Scullion), by leave, made statements relating to the matter.

**43 TAX LAWS AMENDMENT (2008 MEASURES NO. 1) 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.

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Question—That the bill be agreed to—divided in respect of Schedules 2 to 6.  
Schedules 2 to 6 debated.

Question—That Schedules 2 to 6 stand as printed—put and negatived.

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

Clause 2, page 1 (line 7) to page 2 (line 6), omit the clause, substitute:

## **2 Commencement**

This Act commences on the day on which it receives the Royal Assent.  
Schedule 1, page 3 (before line 4), insert:

### ***A New Tax System (Goods and Services Tax) Act 1999***

#### **1A Amendments of the *A New Tax System (Goods and Services Tax) Act 1999***

The provisions of the *A New Tax System (Goods and Services Tax) Act 1999* listed in the table are amended as set out in the table.

<b>Amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit:</b>	<b>Substitute:</b>
1	Paragraph 38-250(1)(a)	*gift-deductible entity	*concessional entity
2	Paragraph 38-250(2)(a)	*gift-deductible entity	*concessional entity
3	Subsection 38-250(3) (example)	gift-deductible entity	concessional entity
4	Subsection 38-250(4)	*gift-deductible entity	*concessional entity
5	Subsection 38-250(4) (note)	gift-deductible entities	concessional entities
6	Paragraph 38-255(1)(a)	*gift-deductible entity	*concessional entity
7	Paragraph 38-255(1)(b)	gift-deductible entity	concessional entity
8	Subsection 38-255(1)	gift-deductible entity (last occurring)	concessional entity
9	Subsection 38-255(2) (example)	gift-deductible entity	concessional entity
10	Subsection 38-255(3)	*gift-deductible entity	*concessional entity
11	Subsection 38-255(3) (note)	gift-deductible entities	concessional entities
12	Paragraph 38-270(1)(a)	*gift-deductible entity	*concessional entity
13	Subsection 38-270(2) (example)	gift-deductible entity	concessional entity

<b>Amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit:</b>	<b>Substitute:</b>
14	Subsection 38-270(3)	*gift-deductible entity	*concessional entity
15	Subsection 38-270(3) (note)	gift-deductible entities	concessional entities
16	Paragraph 40-160(1)(a)	*gift-deductible entity	*concessional entity
17	Subsection 40-160(2) (example)	gift-deductible entity	concessional entity
18	Subsection 40-160(3)	*gift-deductible entity	*concessional entity
19	Subsection 40-160(3) (note)	gift-deductible entities	concessional entities
20	Subparagraph 48-15(1)(e)(iii)	*gift-deductible entity	*concessional entity
21	Subsection 48-15(1AA) (example)	gift-deductible entity	concessional entity
22	Paragraph 63-5(2)(aa)	*gift-deductible entity	*concessional entity
23	Subsection 63-5(3) (example)	gift-deductible entity	concessional entity
24	Paragraph 111-18(1)(a)	*gift-deductible entity	*concessional entity
25	Subsection 111-18(1)	gift-deductible entity (second, third and fourth occurring)	concessional entity
26	Subsection 111-18(2) (example)	gift-deductible entity	concessional entity
27	Subsection 111-18(3)	*gift-deductible entity	*concessional entity
28	Subsection 111-18(3) (note)	gift-deductible entities	concessional entities
29	Section 129-45 (heading)	<b>129-45 Gifts to gift-deductible entities</b>	<b>129-45 Gifts to concessional entities</b>
30	Subsection 129-45(1)	*gift-deductible entity	*concessional entity
31	Subsection 129-45(2) (example)	gift-deductible entity	concessional entity
32	Subsection 129-45(3)	*gift-deductible entity	*concessional entity
33	Subsection 129-45(3) (note)	gift-deductible entities	concessional entities
34	Section 157-1	gift-deductible entity	concessional entity
35	Subsection 157-5(1)	*gift-deductible entity	*concessional entity
36	Subsection 157-5(2)	gift-deductible entity	concessional entity

<b>Amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit:</b>	<b>Substitute:</b>
	(example)		
37	Subsection 157-5(3)	*gift-deductible entity	*concessional entity
38	Subsection 157-5(3) (note)	gift-deductible entities	concessional entities
39	Subsection 157-10(1)	*gift-deductible entity	*concessional entity
40	Subsection 157-10(2) (example)	gift-deductible entity	concessional entity
41	Subsection 157-10(3)	*gift-deductible entity	*concessional entity
42	Subsection 157-10(3) (note)	gift-deductible entities	concessional entities

**1B Section 195-1**

Insert:

*Australian legislature* has the same meaning as in the *Income Tax Assessment Act 1997*.

**1C Section 195-1**

Insert:

*concessional entity* means:

- (a) an entity, gifts or contributions to which can be deductible under Division 30 of the *Income Tax Assessment Act 1997*; or
- (b) a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918* or under a corresponding \*State law or \*Territory law; or
- (c) an \*independent candidate; or
- (d) an \*independent member.

**1D Section 195-1 (definition of gift-deductible entity)**

Repeal the definition.

**1E Section 195-1**

Insert:

*independent candidate*: an individual is an *independent candidate* at a time if, at that time:

- (a) the individual's candidature in an election for members of an \*Australian legislature has been declared or otherwise publicly announced by an entity authorised under the relevant electoral legislation; and
- (b) the individual's candidature is not endorsed by a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918* or under a corresponding \*State law or \*Territory law; and

- (c) the earliest of these has not occurred:
- (i) the time when the result of the election is declared or otherwise publicly announced by an entity authorised under the relevant electoral legislation; and
  - (ii) the time (if any) when the individual's intention to no longer be a candidate for the election is publicly available; and
  - (iii) the time (if any) when, after the election is taken to have wholly failed under the relevant electoral legislation, candidates for the replacement election are declared or otherwise publicly announced by an entity authorised under that legislation.

#### 1F Section 195-1

Insert:

***independent member***: an individual is an ***independent member*** at a time if, at that time:

- (a) one of the following applies:
  - (i) the individual is a member of an \*Australian legislature;
  - (ii) the individual's election as a member of an Australian legislature (including as a result of an election that is later declared void) has been declared or otherwise publicly announced by an entity authorised under the relevant electoral legislation, in a case where the individual has not yet started serving as such a member;
  - (iii) the individual has ceased to be a member of an Australian legislature because the legislature, or a house of the legislature, is dissolved or has reached its maximum duration, because the individual comes up for election or because the relevant election has been declared void, in a case where candidates for the resulting election have not yet been declared or otherwise publicly announced by an entity authorised under the relevant electoral legislation; and
- (b) the individual is not a member of a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918* or under a corresponding \*State law or \*Territory law.

Senator Milne moved the following amendment:

Page 23 (after line 21), at the end of the bill, add:

### **Schedule 7—Safeguards on the establishment of carbon sink forests**

#### ***Income Tax Assessment Act 1997***

##### **1 After paragraph 40-1010(2)(c)**

Insert:

- (ca) the trees are a mixture of species that approximate the local native vegetation or, if not available, from an ecologically similar location;

**2 After subsection 40-1010(3)**

Insert:

- (3A) The guidelines provided for in subsection (3) must ensure that:
- (a) any property claiming a carbon sink forest expenditure has an environmental management system audited to conform to ISO14001 in place; and
  - (b) forests over 100 hectares require an ecosystem evaluation to develop recommendations for appropriate planting; and
  - (c) the owner is required to enter into an easement agreement with the Department of Climate Change preventing any development or modification of the property which would result in the property no longer meeting the conditions specified for a carbon sink forest; and
  - (d) an easement agreement entered into in accordance with paragraph (c) remains in force for a period of not less than 100 years, or until the Commonwealth determines that the forest no longer requires protection, whichever is the earlier.

**3 After section 40-1015**

Insert:

**40-1016 Ecosystem evaluation**

*Ecosystem evaluation* means an ecological assessment and report prepared by a suitably qualified person which includes, but is not limited to:

- (a) an assessment of impact of the carbon sink forest on the hydrology of the catchments within which it is situated;
- (b) an assessment of the local and regional linkage and connectivity values of the site, including potential links in relation to any other remnant vegetation areas;
- (c) identification of constrained areas such as steep land and land adjacent to waterways which are likely to have particular management requirements;
- (d) an assessment of fire risk within the site and in relation to adjacent premises including areas of native forest;
- (e) identification of any other environmentally sensitive areas which may potentially be impacted by the proposed use;
- (f) identification of any likely conflicts between the proposed carbon sink forest use and any adjacent or nearby premises or places;
- (g) identification of a selection of suitably benign species for planting.

Debate ensued.

The Leader of the Australian Greens (Senator Bob Brown) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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The Acting Deputy President (Senator Barnett) 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 Conroy, that the committee have leave to sit again on the next day of sitting.

**44 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) 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.

Senator Bernardi moved the following amendment:

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

- (a) condemns the Rudd Government for its failure to provide a taper rate with the introduction of the means test on the baby bonus; and
- (b) records its concern at the Government’s decision to impose a means test on the family tax benefit Part B”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) tabled a supplementary explanatory memorandum relating to the government amendments and a request for an amendment to be moved to the bill.

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Bill debated.

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

Page 4 (after line 8), after clause 3, insert:

**4 Review of operation of amendments**

- (1) The Minister must cause an independent review of the operation of the amendments made by this Act to be undertaken and completed by 30 June 2010.
- (2) The persons who undertake the review under subsection (1) must give the Minister a written report of the review.



- (3) The Minister must cause a copy of the report of the review under subsection (1) to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.
- (4) The review must be conducted by a panel of not less than 5 persons, of which at least:
- (a) 3 persons must be nominated by relevant key stakeholder organisations; and
  - (b) 2 persons must be nominated by the Minister.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 3.

Question—That Schedule 3 stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 5.

Question—That Schedule 5 stand as printed—put and negatived.

On the motion of Senator Stephens the following request for amendment was agreed to:

That the House of Representatives be requested to make the following amendment:  
Schedule 6, page 34 (after line 16), after item 9, insert:

**9A Paragraph 2(1)(b) of Schedule 3**

Omit “reportable fringe benefits total”, substitute “adjusted fringe benefits total”.

**9B Clause 4 of Schedule 3**

Repeal the clause, substitute:

**4 Adjusted fringe benefits total**

An individual’s *adjusted fringe benefits total* for an income year is the amount worked out using the formula:

$$\text{Reportable fringe benefits total} \times \left( 1 - \text{FBT rate} \right)$$

where:

*FBT rate* is the rate of tax set by the *Fringe Benefits Tax Act 1986* for the FBT year (as defined in the *Fringe Benefits Tax Assessment Act 1986*) beginning on the 1 April just before the start of the income year.

*reportable fringe benefits total* is the amount that the Secretary is satisfied is the individual’s reportable fringe benefits total (as defined in the *Fringe Benefits Tax Assessment Act 1986*) for the income year.

**9C Application**

The amendments made by items 9A and 9B apply in relation to the 2008-09 income year and later income years.

On the motion of Senator Stephens the following amendment was agreed to:

Clause 2, page 3 (after table item 15), insert:

15A. Schedule 6, items 9A, 9B and 9C	Immediately after the commencement of items 1 and 2 of Schedule 2 to the <i>Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006</i> .	1 July 2008
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Question—That the bill, as amended, be agreed to—divided in respect of Schedule 6, items 12 and 14.

Question—That Schedule 6, items 12 and 14 stand as printed—put and negatived.

On the motion of Senator Stephens the following amendment was agreed to:

Clause 2, page 3 (table items 17 and 19), omit the table items.

Senator Siewert moved the following amendment:

Schedule 6, page 42 (after line 27), after item 20, insert:

***Fringe Benefits Tax Assessment Act 1986***

**20A Subsection 5B(1E) (method statement, step 2)**

Omit “\$17,000” (twice occurring), substitute “\$23,000”.

**20B Subsection 5B(1E) (method statement, at the end of step 2)**

Add:

Note: The dollar amounts mentioned in step 2 are indexed under section 124AA.

**20C Subsection 5B(1E) (method statement, step 3, paragraph (b))**

Omit “\$30,000”, substitute “\$40,000”.

**20D Subsection 5B(1E) (method statement, at the end of step 3)**

Add:

Note: The dollar amount mentioned in paragraph (b) is indexed under section 124AA.

**20E Subsection 65J(2B) (method statement, step 2, paragraph (b))**

Omit “\$30,000”, substitute “\$40,000”.

**20F Subsection 65J(2B) (method statement, at the end of step 2)**

Add:

Note 2: The dollar amount mentioned in paragraph (b) is indexed under section 124AA.

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

**45 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 11.28 pm till Wednesday, 25 June 2008 at 9.30 am.

**46 ATTENDANCE**

Present, all senators except Senators Campbell, Forshaw\*, Mason, Nash\* and Polley (\* on leave).

**HARRY EVANS**  
Clerk of the Senate