

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 36

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**Contents**

1	Meeting of Senate.....	947
2	Temporary Chair of Committees .....	947
3	Petition .....	947
4	Notices.....	947
5	Order of Business—Rearrangement.....	948
6	Postponement.....	948
7	Rural and Regional Affairs and Transport—Standing Committee— Extension of Time to Report .....	949
8	Environment, Communications and the Arts—Standing Committee— Extension of Time to Report .....	949
9	Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008 .....	949
10	Economics—Standing Committee—Reference .....	949
11	Urgent Relief for Single Age Pensioners Bill 2008—Consideration.....	950
12	Education—Voluntary Student Unionism .....	950
13	Law and Justice—Freedom of Information .....	951
14	Foreign Affairs—South Africa—Sand Mining .....	952
15	Exclusive Brethren—Document .....	952
16	Publications—Standing Committee—5th Report.....	953
17	Senators’ Interests—Standing Committee—Documents .....	953
18	Committees—Additional Information—Additional Estimates 2007-08 and Budget Estimates 2008-09 .....	954
19	Legal and Constitutional Affairs—Standing Committee—Report— Evidence Amendment Bill 2008.....	954
20	Legal and Constitutional Affairs—Standing Committee—Additional Information—Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008.....	955
21	International Tax Agreements Amendment Bill (No. 2) 2008.....	955
22	Tax Laws Amendment (Luxury Car Tax) Bill 2008.....	955
23	Community Affairs—Standing Committee—Report—Mental Health Services in Australia.....	956

24	Order of Business—Rearrangement.....	956
25	Routine of Business—Variation .....	956
26	Excise Legislation Amendment (Condensate) Bill 2008 Excise Tariff Amendment (Condensate) Bill 2008.....	957
27	Order of Business—Rearrangement.....	958
28	Excise Legislation Amendment (Condensate) Bill 2008 Excise Tariff Amendment (Condensate) Bill 2008.....	958
29	AusLink (National Land Transport) Amendment Bill 2008.....	962
30	Australian Research Council Amendment Bill 2008 .....	963
31	Questions .....	963
32	Motions to Take Note of Answers .....	963
33	Taxation—North West Shelf—Document.....	963
34	Environment—Caring For Our Country—Ministerial Statement— Document.....	963
35	Community Affairs References Committee—Government Response— Workplace Exposure to Toxic Dust .....	964
36	Rural and Regional Affairs and Transport Legislation Committee— Government Response.....	964
37	Electoral Matters—Joint Standing Committee—Government Response— Review of Certain Aspects of the Administration of the Australian Electoral Commission .....	964
38	Odgers' Australian Senate Practice—12th Edition—Document.....	964
39	Auditor-General—Audit Report No. 5 of 2008-09—Document.....	964
40	Department of the Senate—Register of Senate Senior Executive Officers' Interests—Document.....	964
41	Selection of Bills—Standing Committee—Report No. 12 of 2008.....	965
42	Documents .....	966
43	Committee Membership.....	966
44	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008.....	966
45	Legal and Constitutional Affairs—Standing Committee—Extensions of Time to Report.....	967
46	Routine of Business—Variation .....	967
47	Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2] .....	967
48	Excise Legislation Amendment (Condensate) Bill 2008 Excise Tariff Amendment (Condensate) Bill 2008.....	967
49	Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2] .....	968
50	Government Documents—Orders of the Day—Consideration.....	968
51	Committee Reports and Government Responses—Orders of the Day— Consideration.....	969
52	Auditor-General's Reports—Orders of the Day—Consideration .....	970
53	Adjournment .....	970
54	Attendance .....	970

**1 MEETING OF SENATE**

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

**2 TEMPORARY CHAIR OF COMMITTEES**

The President tabled a warrant, dated 25 September 2008, nominating Senator Ellison as an additional temporary chair of committees.

**3 PETITION**

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

From 2 254 petitioners, requesting that the Senate repeal legislation relating to the Northern Territory national emergency response and take action to provide infrastructure and social services to all Aboriginal communities across Australia.

**4 NOTICES**

*Notices of motion:*

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Friday, 10 October 2008 marked the sixth annual World Day Against the Death Penalty, and

(ii) this day of action was established in 2003 by the World Coalition Against the Death Penalty in a commitment to the universal abolition of capital punishment; and

(b) calls on the Rudd Government to urge the 60 remaining nation states that continue to use the death penalty as a form of punishment to abolish the death penalty as a matter of urgency and halt all executions of those sentenced to death. (*general business notice of motion no. 225*)

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

(a) notes:

(i) the community opposition to 24 hour operations at Canberra airport, and

(ii) the current effective operation of curfews in Sydney, Coolangatta, Essendon and Adelaide; and

(b) calls on the Government to implement a curfew at Canberra airport. (*general business notice of motion no. 226*)

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

No. 1—That the Determination of Fees for Water and Sewerage Services No. 1 of 2008, made under section 9 of the *Christmas Island Act 1958*, be disallowed.

No. 2—That the Determination of Fees for Water and Sewerage Services No. 1 of 2008, made under section 12 of the *Cocos (Keeling) Islands Act 1955*, be disallowed.

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

The Leader of the Australian Greens (Senator Bob Brown): To move on 14 October 2008—That, in light of the \$US700 billion economic reform package to address the financial crisis in the United States of America (US) currently before the US Congress, which includes potential restrictions on chief executive officers' 'golden handshakes', the Senate calls on the Australian Government to investigate similar measures for termination payouts for executives. (*general business notice of motion no. 227*)

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

- (a) notes the arrest of a farmer in Victoria who opposed the Sugarloaf Pipeline, which is being forcibly constructed from the Goulburn Valley to Melbourne; and
- (b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to urgently reconsider his approval of this costly, environmentally unsound and controversial project. (*general business notice of motion no. 228*)

*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 1 for 11 sitting days after today for the disallowance of the Higher Education in External Territories Guidelines 2008, made under section 238-10 of the *Higher Education Support Act 2003*.

Business of the Senate notice of motion no. 1 for 13 sitting days after today for the disallowance of the Social Security (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2008, made under subparagraph 209(a)(i) and paragraph 209(b) of the *Social Security (Administration) Act 1999*.

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

##### 5 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Human Services (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 4 AusLink (National Land Transport) Amendment Bill 2008.

No. 5 Australian Research Council Amendment Bill 2008.

Question put and passed.

##### 6 **POSTPONEMENT**

The following item of business was postponed:

General business notice of motion of motion no. 183 standing in the name of Senator Milne for today, proposing the introduction of the Energy Efficiency Opportunities Amendment (Mandatory Implementation) Bill 2008, postponed till 10 November 2008.

**7 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 218—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on matters specified in part (1) of the inquiry into the management of the Murray-Darling Basin system and on the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 be extended to 3 October 2008.

Question put and passed.

**8 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 219—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008 be extended to 10 November 2008.

Question put and passed.

**9 COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (REPEAL AND  
CONSEQUENTIAL AMENDMENT) BILL 2008**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 222—That the following bill be introduced:

A Bill for an Act to repeal the *Commonwealth Radioactive Waste Management Act 2005*, and for related purposes.

Question put and passed.

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

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

**10 ECONOMICS—STANDING COMMITTEE—REFERENCE**

Senator Humphries, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics Committee for inquiry and report by the first sitting day of April 2009:

The funding, planning, allocation, capital and equity of residential and community aged care in Australia, with particular reference to:

- (a) whether current funding levels are sufficient to meet the expected quality service provision outcomes;

- (b) how appropriate the current indexation formula is in recognising the actual cost of pricing aged care services to meet the expected level and quality of such services;
- (c) measures that can be taken to address regional variations in the cost of service delivery and the construction of aged care facilities;
- (d) whether there is an inequity in user payments between different groups of aged care consumers and, if so, how the inequity can be addressed;
- (e) whether the current planning ratio between community, high- and low-care places is appropriate; and
- (f) the impact of current and future residential places allocation and funding on the number and provision of community care places.

Question put and passed.

#### 11 URGENT RELIEF FOR SINGLE AGE PENSIONERS BILL 2008—CONSIDERATION

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. 217—That a message be sent to the House of Representatives requesting that the House immediately consider the Urgent Relief for Single Age Pensioners Bill 2008.

Question put and passed.

#### 12 EDUCATION—VOLUNTARY STUDENT UNIONISM

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 221—That the Senate—

- (a) recognises that university enrolments for 2009 are due to begin in the week beginning 28 September 2008 around the country;
- (b) notes:
  - (i) the summary report, *The impact of voluntary student unionism on services, amenities and representation for Australian university students*, dated April 2008, that specifically highlighted the devastating impact voluntary student unionism (VSU) has had on the quality of student support services on campuses across the country,
  - (ii) the alternative solutions to the current system of VSU put forward by a number of key stakeholders, including a proposal based on a combination of shared funding arrangements between students, universities and government, and
  - (iii) the Government's commitment to restoring essential student services and representation; and
- (c) calls on the Minister for Education (Ms Gillard) to confirm before enrolments for the 2009 university calendar commence, that the current system of VSU will be scrapped to address the regressive impact VSU has had on student services and the educational experience, to ensure any change in legislation is in place before 2010.

Statement by leave: The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob	Ludlam	Milne	Siewert (Teller)
Hanson-Young			

NOES, 56

Senators—

Abetz	Cash	Hogg	Moore
Adams	Colbeck	Humphries	Parry (Teller)
Arbib	Collins	Hurley	Polley
Barnett	Coonan	Hutchins	Pratt
Bernardi	Cormann	Johnston	Ronaldson
Bilyk	Crossin	Kroger	Ryan
Birmingham	Farrell	Ludwig	Scullion
Bishop	Feeney	Lundy	Sherry
Boswell	Ferguson	Macdonald	Sterle
Boyce	Fielding	Marshall	Trooth
Brown, Carol	Fierravanti-Wells	Mason	Trood
Bushby	Fisher	McEwen	Williams
Cameron	Forshaw	McLucas	Wortley
Carr	Furner	Minchin	Xenophon

Question negatived.

**13 LAW AND JUSTICE—FREEDOM OF INFORMATION**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 224—That the Senate—

(a) notes that:

- (i) prior to the 2007 federal election the Australian Labor Party (ALP) promised to reform the Freedom of Information (FOI) process and establish an FOI Commissioner,
- (ii) at the time the ALP said that ‘The current FOI regime allows the Howard Government to escape real transparency and genuine accountability. For 11 years, the Howard Government has shrunk away from the light of public scrutiny and transparency – by abusing the current FOI laws’,
- (iii) it took the Government 6 months to decide to release (subject to the agreement of Gunns Ltd) the report by Dr Michael Herzfeld on the potential marine impact of effluent from the Gunns’ pulp mill, and
- (iv) the Government has recently refused the Senate’s request for the release of the Wilkins report, *Strategic Review of Climate Change Policies*, citing Howard Government precedence as an excuse; and

(b) calls on the Government:

- (i) to live up to its election promise to govern with transparency and accountability, strengthening the public interest test for access to information, and
- (ii) to update the Senate on its review of the FOI process.

Question put and passed.

#### 14 FOREIGN AFFAIRS—SOUTH AFRICA—SAND MINING

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 223—That the Senate—

(a) notes that:

- (i) the South African Minister of Minerals and Energy, Ms Buyelwa Sonjica, in the week beginning 21 September 2008, put on hold the mining rights previously awarded to the Australian company Mineral Commodities Limited and its South African partner Transworld Energy and Mineral Resources,
- (ii) this planned sand mining operation along a 22 kilometre stretch of coastal dunes on South Africa's wild coast would have changed the way of life of the AmaDiba people who have lived in the area for centuries, and
- (iii) such changes may cause further social conflict, forced evictions, loss of access to farmland, relocation of ancestral graves, destruction of culturally important archaeological sites and unacceptable environmental and health impacts; and

(b) calls on the Government to investigate whether human rights abuses, violence and conflict have occurred or are occurring, as a result of this Australian company's activities and planned mining operations.

Question put.

The Senate divided—

#### AYES, 7

Senators—

Brown, Bob	Hanson-Young	Milne	Xenophon
Fielding	Ludlam	Siewert (Teller)	

#### NOES, 48

Senators—

Adams	Cash	Furner	McLucas
Arbib	Colbeck	Hogg	Moore
Barnett	Collins	Hurley	Parry (Teller)
Bernardi	Coonan	Hutchins	Polley
Bilyk	Cormann	Johnston	Pratt
Birmingham	Crossin	Kroger	Ronaldson
Bishop	Farrell	Ludwig	Ryan
Boswell	Feeney	Lundy	Scullion
Brown, Carol	Ferguson	Macdonald	Sterle
Bushby	Fierravanti-Wells	Marshall	Troeth
Cameron	Fisher	Mason	Trood
Carr	Forshaw	McEwen	Wortley

Question negatived.

#### 15 EXCLUSIVE BRETHREN—DOCUMENT

*Leave refused:* The Leader of the Australian Greens (Senator Bob Brown) sought leave to table the document, *Behind the Exclusive Brethren*, by Michael Bachelard.

An objection was raised and leave was not granted.



**16 PUBLICATIONS—STANDING COMMITTEE—5TH REPORT**

Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Carol Brown), tabled the following report:

**PUBLICATIONS COMMITTEE**

**5TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 4 September 2008, recommends that the following be printed:

Commonwealth Ombudsman—Report for 2007-08 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission, the Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

*Export Market Development Grants Act 1997*—Winning in world markets—Review of the Export Market Development Grants scheme—Report by David Mortimer, 1 September 2008.

Finance—Budget 2008-09—Budget Paper No. 3—Australia's federal relations—Corrigendum.

*Research Involving Human Embryos Act 2002*—Report pursuant to section 47C.

Reserve Bank of Australia—Report for 2007-08.

*Witness Protection Act 1994*—Report for 2007-08 on the operation of the National Witness Protection Program.

Senator Carol Brown

Chair

25 September 2008.

Senator McEwen moved—That the report be adopted.

Question put and passed.

**17 SENATORS' INTERESTS—STANDING COMMITTEE—DOCUMENTS**

The Chair of the Standing Committee of Senators' Interests (Senator Johnston) tabled the following documents:

Senators' Interests—Standing Committee—

Register of senators' interests, incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 24 June and 22 September 2008, dated September 2008.

Register of senators' interests, incorporating statements of registrable interests of senators lodged by 23 September 2008, dated September 2008 [2 vols].

Register of gifts to the Senate and to the Parliament, incorporating declarations of gifts lodged between 19 June 2007 and 23 September 2008, dated September 2008.

**18 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2007-08 AND BUDGET ESTIMATES 2008-09**

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2007-08—Environment, Communications and the Arts—Standing Committee—Additional information received between 4 September and 24 September 2008—Environment, Water, Heritage and the Arts portfolio.

Budget estimates 2008-09—

Community Affairs—Standing Committee—Additional information received between 4 September and 24 September 2008—Health and Ageing portfolio.

Economics—Standing Committee—Additional information received between 4 September and 24 September 2008—Treasury portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 1 August and 24 September 2008—Education, Employment and Workplace Relations portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 5 September and 25 September 2008—Human Services portfolio.

Foreign Affairs, Defence and Trade—Standing Committee—Additional information received between 31 July and 25 September 2008—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 30 May and 24 September 2008—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 14 August and 23 September 2008—

Agriculture, Fisheries and Forestry portfolio.

Infrastructure, Transport, Regional Development and Local Government portfolio.

**19 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—EVIDENCE AMENDMENT BILL 2008**

Senator McEwen, 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—Evidence Amendment Bill 2008 [Provisions]—Report, dated September 2008, Hansard record of proceedings, additional information and submissions.

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

**20 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER MEASURES) BILL 2008**

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following document:

Legal and Constitutional Affairs—Standing Committee—Report—Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 [Provisions]—Additional information.

**21 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 2008**

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

Message no. 160, dated 24 September 2008—A Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

The Minister for Human Services (Senator Ludwig) 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 Ludwig 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.

**22 TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008**

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 158, dated 24 September 2008—Tax Laws Amendment (Luxury Car Tax) Bill 2008.

The Minister for Human Services (Senator Ludwig) moved—That this bill be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

Arbib	Crossin	Hurley	Moore
Bilyk	Farrell	Hutchins	Polley
Bishop	Feeney	Ludlam	Pratt
Brown, Bob	Fielding	Ludwig	Sherry
Brown, Carol	Forshaw	Lundy	Siewert
Cameron	Furner	Marshall	Sterle
Collins	Hanson-Young	McEwen (Teller)	Wortley
Conroy	Hogg	Milne	Xenophon

## NOES, 30

## Senators—

Abetz	Cash	Humphries	Ronaldson
Adams	Colbeck	Johnston	Ryan
Barnett	Coonan	Kroger	Scullion
Bernardi	Cormann	Macdonald	Troeth
Birmingham	Eggleston	Mason	Trood
Boswell	Ferguson	McGauran	Williams (Teller)
Boyce	Fierravanti-Wells	Minchin	
Bushby	Fisher	Parry	

Question agreed to.

Bill read a third time.

**23 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—MENTAL HEALTH SERVICES IN AUSTRALIA**

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

Community Affairs—Standing Committee—Towards recovery: Mental health services in Australia—Report, dated September 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 Boyce in continuation.

**24 ORDER OF BUSINESS—REARRANGEMENT**

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

- (a) government business notice of motion no. 1 standing in his name for today, relating to the hours of meeting and routine of business for today, be postponed till a later hour of the day; and
- (b) government business notice of motion no. 2 standing in his name for today, relating to the approval of works in the Parliamentary Zone, be postponed till the next day of sitting.

Question put and passed.

**25 ROUTINE OF BUSINESS—VARIATION**

The Minister for Human Services (Senator Ludwig), by leave, moved—That, on Thursday, 25 September 2008:

- (a) 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;
- (b) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only; and
- (c) divisions may take place after 4.30 pm.

Debate ensued.

Question put and passed.

**26 EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008**  
**EXCISE TARIFF AMENDMENT (CONDENSATE) 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.

*Reference to committee:* Senator Xenophon moved the following amendment in respect of the Excise Legislation Amendment (Condensate) Bill 2008:

At the end of the motion, add “and the following matter be referred to the Economics Committee for inquiry and report by 10 November 2008:

The joint marketing arrangements on the North West Shelf project and their impact on competition in the upstream gas market and on prices paid by consumers”.

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

Excise Legislation Amendment (Condensate) Bill 2008 and Excise Tariff Amendment (Condensate) Bill 2008—Copy of letter from Senator Xenophon to the Treasurer (Mr Swan) and attachment.

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Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Arbib	Crossin	Hogg	Pratt
Bilyk	Evans	Hurley	Siewert
Bishop	Farrell	Hutchins	Stephens
Brown, Bob	Faulkner	Ludlam	Sterle
Brown, Carol	Feeney	Ludwig	Wong
Cameron	Fielding	Marshall	Wortley
Carr	Forshaw	McEwen (Teller)	Xenophon
Collins	Furner	Milne	
Conroy	Hanson-Young	Moore	

NOES, 32

Senators—

Abetz	Bushby	Fisher	Nash
Adams (Teller)	Cash	Humphries	Parry
Barnett	Colbeck	Johnston	Ronaldson
Bernardi	Coonan	Kroger	Ryan
Birmingham	Cormann	Macdonald	Scullion
Boswell	Eggleston	Mason	Troeth
Boyce	Ferguson	McGauran	Trood
Brandis	Fierravanti-Wells	Minchin	Williams

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 34

Senators—

Arbib	Crossin	Hogg	Pratt
Bilyk	Evans	Hurley	Siewert
Bishop	Farrell	Hutchins	Stephens
Brown, Carol	Faulkner	Ludlam	Sterle
Brown, Bob	Feeney	Ludwig	Wong
Cameron	Fielding	Marshall	Wortley
Carr	Forshaw	McEwen (Teller)	Xenophon
Collins	Furner	Milne	
Conroy	Hanson-Young	Moore	

NOES, 32

Senators—

Abetz	Bushby	Fisher	Nash
Adams (Teller)	Cash	Humphries	Parry
Barnett	Colbeck	Johnston	Ronaldson
Bernardi	Coonan	Kroger	Ryan
Birmingham	Cormann	Macdonald	Scullion
Boswell	Eggleston	Mason	Troeth
Boyce	Ferguson	McGauran	Trood
Brandis	Fierravanti-Wells	Minchin	Williams

Question agreed to.

Bills read a second time.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) consideration of the bills in committee of the whole was made an order of the day for a later hour.

**27 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That consideration of government business order of the day no. 1 (Excise Legislation Amendment (Condensate) Bill 2008 and a related bill) continue till not later than 1.45 pm.

Question put and passed.

**28 EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008  
EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

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

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*In the committee*

Bills taken together and as a whole by leave.

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*Statement by Chair of Committees:* The Temporary Chair of Committees (Senator Humphries) made a statement indicating that the bills were classified as bills imposing taxation and therefore any Senate amendments must proceed by way of requests.

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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 requests for amendments to be moved to the bills.

Senator Conroy moved the following requests for amendments together by leave:

—*In respect of the Excise Legislation Amendment (Condensate) Bill 2008:*

That the House of Representatives be requested to make the following amendments:

Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

**2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) the start of the day on which the <i>Excise Tariff Amendment (Condensate) Act 2008</i> receives the Royal Assent.  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

Schedule 1, item 7, page 5 (line 3), omit “or in the regulations”.

Schedule 1, item 7, page 5 (line 9), omit “or in the regulations”.

Schedule 1, item 7, page 5 (line 12), after “following in”, insert “the regulations, or in”.

Schedule 1, item 13, page 7 (after line 14), after subitem (2), insert:

*Determination of interim VOLWARE prices*

(2A) Subsections 7(2), (3) and (4) of the Petroleum Excise (Prices) Act 1987 apply, in relation to a prescribed condensate production area and the pre-commencement period, as if those subsections were replaced with the following:

- “ (2) The Minister, or a person authorised by the Minister to exercise the Minister’s powers under this section, must, not later than 2 months, or such longer period as the Minister allows, after the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences, determine a price in relation to each month in the pre-commencement period and an oil producing region, to be known as the interim VOLWARE price for that month and that region, being an estimate by the Minister or authorised person, on the basis of the information available to him or her at the time (being information obtained under section 6 or otherwise), of the amount that will finally be determined to be the volume weighted average of realised prices for that month and that region.”
- “ (3) The Minister, or a person authorised by the Minister to exercise the Minister’s powers under this section, must, not later than 6 months after the day on which an interim VOLWARE price is determined for a month in relation to an oil producing region, determine a price in relation to that month and that region, to be known as the final VOLWARE price for that month and that region, being the final determination by the Minister or authorised person of the volume weighted average of realised prices for that month and that region.”
- “ (4) A determination of the final VOLWARE price for a month and an oil producing region must not be made unless:
- (a) the Minister or authorised person is satisfied that accurate and complete information concerning all of the transactions relevant to determining the price has become available to the Minister or authorised person; or
  - (b) 5 months and 20 days have passed since the day on which an interim VOLWARE price was determined for that month and information that the Minister or authorised person is satisfied is accurate and complete concerning all of those transactions has not yet become available to the Minister or authorised person.”

Schedule 1, item 13, page 7 (before line 15), before subitem (3), insert:

*Definitions*

Schedule 1, item 13, page 7 (after line 16), after the definition of *month*, insert:

*pre-commencement period* means the period:

- (a) beginning at midnight (by legal time in the Australian Capital Territory) on 30 April 2008; and
- (b) ending at midnight on the last day of the last month that ends before the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences.



Schedule 1, item 14, page 8 (lines 11 and 12), omit “the definition of *first day* were 14 May 2008”, substitute “the references to “the first day” in paragraph (a) and subparagraph (b)(iii) of the definition of *transition period*, and in subparagraph 15(4)(a)(ii) and paragraph 15(4)(b) of the *Excise Act 1901*, were references to “the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences””.

Schedule 1, page 8 (after line 12), at the end of the Schedule, add:

**15 Time for compliance with *Excise Act 1901***

Section 15 of the *Excise Act 1901* applies in relation to condensate as if the references to “the first day” in the following provisions were references to “the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences”:

- (a) paragraph (a) and subparagraph (b)(iii) of the definition of *transition period* in subsection 15(3);
- (b) subparagraph 15(4)(a)(ii);
- (c) paragraph 15(4)(b).

—*In respect of the Excise Tariff Amendment (Condensate) Bill 2008:*

That the House of Representatives be requested to make the following amendments:

Clause 2, page 1 (lines 16 to 18), omit the clause, substitute:

**2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The later of: (a) the start of the day on which this Act receives the Royal Assent; and (b) the start of the day on which the <i>Excise Legislation Amendment (Condensate) Act 2008</i> receives the Royal Assent.  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

Schedule 1, item 13, page 5 (lines 23 to 25), omit the item.

Schedule 1, item 32, page 18 (lines 7 and 8), omit “the definition of *first day* were 14 May 2008”, substitute “the references to “the first day” in paragraph (a) and subparagraph (b)(iii) of the definition of *transition period*, and in subparagraph 15(4)(a)(ii) and paragraph 15(4)(b) of the *Excise Act 1901*, were references to “the day on which Schedule 1 to the *Excise Tariff Amendment (Condensate) Act 2008* commences””.

Debate ensued.

Question—That the requests be agreed to—put.

The committee divided—

AYES, 34

Senators—

Arbib	Farrell	Ludlam	Pratt
Bilyk	Faulkner	Ludwig	Siewert
Bishop	Feeny	Lundy	Stephens
Brown, Bob	Fielding	Marshall	Sterle
Cameron	Forshaw	McEwen (Teller)	Wong
Carr	Furner	McLucas	Wortley
Collins	Hanson-Young	Milne	Xenophon
Conroy	Hurley	Moore	
Crossin	Hutchins	Polley	

NOES, 32

Senators—

Abetz	Bushby	Fisher	Nash
Adams	Cash	Humphries	Parry
Barnett	Colbeck	Johnston	Ronaldson
Bernardi	Coonan	Kroger	Ryan
Birmingham	Cormann	Macdonald	Scullion
Boswell	Eggleston	Mason	Troeth
Boyce	Ferguson	McGauran	Trood
Brandis	Fierravanti-Wells	Minchin	Williams (Teller)

Question agreed to.

Bills agreed to, subject to requests.

Bills to be reported with requests for amendments.

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

On the motion of Senator Conroy the report from the committee was adopted.

**29 AUSLINK (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

**30 AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

*Suspension of sitting:* On the motion of the Minister for Human Services (Senator Ludwig) the sitting of the Senate was suspended at 1.57 pm till 2 pm.

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At 2 pm—

**31 QUESTIONS**

Questions without notice were answered.

**32 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Cormann 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 Carol Brown today relating to the Medicare levy surcharge.

Debate ensued.

Question put and passed.

Senator Siewert 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 Siewert today relating to food contamination.

Question put and passed.

**33 TAXATION—NORTH WEST SHELF—DOCUMENT**

Senator Xenophon, by leave, tabled the following document:

Taxation—North West Shelf—Copy of letter from the Treasurer (Mr Swan) to the Chairman, Australian Competition and Consumer Commission (Mr Samuel).

**34 ENVIRONMENT—CARING FOR OUR COUNTRY—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Environment—Caring for our country—Ministerial statement by the Minister for the Environment, Heritage and the Arts (Mr Garrett), dated 25 September 2008.

Senator Siewert, by leave, moved—That the Senate take note of the document.  
Debate ensued.

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

**35 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—  
WORKPLACE EXPOSURE TO TOXIC DUST**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Community Affairs References Committee—Report—Workplace exposure to toxic dust—Government response, dated May 2008.

**36 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
GOVERNMENT RESPONSE**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Rural and Regional Affairs and Transport Legislation Committee—Reports—An appropriate level of protection? The importation of salmon products: A case study of the administration of Australian Quarantine and the impact of international trade arrangements; Biosecurity Australia's import risk analysis for pig meat; Administration of Biosecurity Australia: Revised draft import risk analysis for bananas from the Philippines; Administration of Biosecurity Australia: Revised draft import risk analysis for apples from New Zealand; The administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak—Government response.

**37 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—GOVERNMENT  
RESPONSE—REVIEW OF CERTAIN ASPECTS OF THE ADMINISTRATION OF THE  
AUSTRALIAN ELECTORAL COMMISSION**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Electoral Matters—Joint Standing Committee—Report—Review of certain aspects of the administration of the Australian Electoral Commission—Government response, dated September 2008.

**38 ODGERS' AUSTRALIAN SENATE PRACTICE—12TH EDITION—DOCUMENT**

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

Odgers' Australian Senate Practice—12th edition, 2008.

**39 AUDITOR-GENERAL—AUDIT REPORT NO. 5 OF 2008-09—DOCUMENT**

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

Auditor-General—Audit report no. 5 of 2008-09—Performance audit—The Senate order for departmental and agency contracts (calendar year 2007 compliance).

**40 DEPARTMENT OF THE SENATE—REGISTER OF SENATE SENIOR EXECUTIVE  
OFFICERS' INTERESTS—DOCUMENT**

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

Department of the Senate—Register of Senate senior executive officers' interests incorporating statement of registrable interests of Senate senior executive officers lodged between 24 June and 23 September 2008, dated September 2008.

41 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 12 OF 2008**

Senator Sterle, by leave and at the request of the Acting Chair of the Selection of Bills Committee (Senator McEwen), tabled the following report:

## SELECTION OF BILLS COMMITTEE

## REPORT NO. 12 OF 2008

1. The committee met in private session on Thursday, 25 September 2008 at 12.36 pm.
2. The committee resolved to recommend—That—
  - (a) the Broadcasting Legislation Amendment (Digital Radio) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 13 October 2008;
  - (b) the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 25 November 2008;
  - (c) the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 10 November 2008;
  - (d) the *provisions* of the National Rental Affordability Scheme Bill 2008 and the National Rental Affordability Scheme (Consequential Amendments) Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 20 November 2008;
  - (e) the *provisions* of the Social Security Legislation Amendment (Employment Services Reform) Bill 2008 be *referred immediately* to the Education, Employment and Workplace Relations Committee for inquiry and report by 24 November 2008;
  - (f) the *provisions* of the Tax Laws Amendment (2008 Measures No. 5) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 13 October 2008;
  - (g) the *provisions* of the Tax Laws Amendment (Education Refund) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 13 October 2008; and
  - (h) the *provisions* of the Temporary Residents' Superannuation Legislation Amendment Bill 2008 and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 20 November 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Archives Amendment Bill 2008
  - Australian Organ and Tissue Donation and Transplantation Authority Bill 2008
  - Financial Transaction Reports Amendment (Transitional Arrangements) Bill 2008
  - National Measurement Amendment Bill 2008
  - Stolen Generations Reparations Tribunal Bill 2008.

*The committee recommends accordingly.*

4. The committee deferred consideration of the following bills to its next meeting:
- Dairy Adjustment Levy Termination Bill 2008
  - Education Legislation Amendment Bill 2008
  - Interstate Road Transport Charge Amendment Bill (No. 2) 2008
  - Road Charges Legislation Repeal and Amendment Bill 2008
  - Migration Legislation Amendment (Worker Protection) Bill 2008
  - Schools Assistance Bill 2008
  - Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008
  - Trade Practices Amendment (Clarity in Pricing) Bill 2008
  - Transport Security Amendment (2008 Measures No. 1) Bill 2008
  - Urgent Relief for Single Age Pensioners Bill 2008
  - Water Amendment Bill 2008.

Anne McEwen  
Acting Chair  
25 September 2008.

Senator Sterle moved—That the report be adopted.

Question put and passed.

#### 42 DOCUMENTS

The following documents were tabled by the Clerk:

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

AusLink (National Land Transport) Act—National Land Transport Network Determination (No. 1) 2005 Variation 2 [F2008L03488]\*.

Commonwealth Inscribed Stock Act, Financial Management and Accountability Act and Loans Securities Act—Directions relating to Commonwealth Borrowing, Securities Lending and the Investment of Public Money 2008 [F2008L03184]\*.

\* Explanatory statement tabled with legislative instrument.

#### 43 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Forshaw) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, moved—That Senator Cormann be discharged from and Senator Parry be appointed to the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Question put and passed.

#### 44 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET AND OTHER MEASURES) BILL 2008

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

Message no. 161, dated 25 September 2008—A Bill for an Act to amend the law relating to family assistance, child support and veterans' affairs, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) 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 Carr 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.

**45 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT**

Senator McEwen, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the time for the presentation of the reports of the Legal and Constitutional Affairs Committee on the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 and related matters and on the provisions of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008 be extended to 14 October 2008.

Question put and passed.

**46 ROUTINE OF BUSINESS—VARIATION**

The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, moved—That the routine of business for the remainder of the day be as follows:

- (a) general business order of the day no. 62 (Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2]);
- (b) consideration of a message from the House of Representatives relating to the Excise Legislation Amendment (Condensate) Bill 2008 and a related bill;
- (c) not later than 6 pm, consideration of government documents under general business; and
- (d) not later than 7 pm, consideration of committee reports, government responses and Auditor-General's reports.

Question put and passed.

**47 SAVE OUR SOLAR (SOLAR REBATE PROTECTION) BILL 2008 [NO. 2]**

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

Debate resumed.

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

**48 EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008  
EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

Messages from the House of Representatives were reported indicating that the House had made the amendments requested by the Senate to the following bills:

- Message no. 163, dated 25 September 2008—Excise Legislation Amendment (Condensate) Bill 2008.

Message no. 162, dated 25 September 2008—Excise Tariff Amendment (Condensate) Bill 2008.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That these bills be now read a third time.

Question put.

The Senate divided—

AYES, 28

Senators—

Arbib	Farrell	Hutchins	Moore
Bilyk	Feeney	Ludlam	Polley
Bishop	Fielding	Lundy	Pratt
Brown, Carol	Forshaw	Marshall	Siewert
Cameron	Hanson-Young	McEwen (Teller)	Sterle
Collins	Hogg	McLucas	Wortley
Crossin	Hurley	Milne	Xenophon

NOES, 27

Senators—

Abetz	Cash	Johnston	Parry
Adams (Teller)	Colbeck	Kroger	Ronaldson
Barnett	Cormann	Macdonald	Ryan
Bernardi	Ferguson	Mason	Scullion
Birmingham	Fierravanti-Wells	McGauran	Troeth
Boswell	Fisher	Minchin	Williams
Boyce	Humphries	Nash	

Question agreed to.

Bills read a third time.

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

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

Debate resumed.

*At 6 pm:* Debate was interrupted while Senator Parry was speaking.

**50 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

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

Great Barrier Reef Marine Park Authority—Report for 2006-07. Motion of Senator Nash to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

NetAlert Limited—Report for 2006-07—Statement relating to exemption from reporting requirements. Motion of Senator Barnett to take note of document agreed to.

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, dated February 2008. Motion of Senator Barnett to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Treaties—*Bilateral*—Australia-Chile Free Trade Agreement—Text, together with the national interest analysis, regulation impact statement and annexures. Motion of Senator McEwen to take note of document agreed to.



AusLink—Report for 2006-07. Motion of Senator Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Institute of Health and Welfare—Report—Australia's health 2008—Eleventh biennial report. Motion of Senator Boyce to take note of document agreed to.

Indigenous Business Australia—Corporate plan 2008-2013. Motion of Senator Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

#### 51 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

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

Economics—Standing Committee—Report—Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 [Provisions], Offshore Petroleum (Annual Fees) Amendment (Greenhouse Gas Storage) Bill 2008 [Provisions], Offshore Petroleum (Registration Fees) Amendment (Greenhouse Gas Storage) Bill 2008 [Provisions] and Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Bill 2008 [Provisions]. Motion of Senator Milne to take note of report agreed to.

Rural and Regional Affairs and Transport—Standing Committee—Report—Implementation, operation and administration of the legislation underpinning carbon sink forests. Motion of the chair of the committee (Senator Sterle) to take note of report called on. On the motion of Senator Macdonald the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Standing Committee—Fourth progress report—Reforms to Australia's military justice system. Motion of the chair of the committee (Senator Bishop) to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

State Government Financial Management—Select Committee—Report. Motion of the chair of the committee (Senator Macdonald) to take note of report debated. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport—Standing Committee—Report—Administration of the Civil Aviation Safety Authority (CASA) and related matters. Motion of the chair of the committee (Senator Sterle) to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Procedure—Standing Committee—First report of 2008—Restructuring question time; Reference of bills to committees; Questions to chairs of committees; Deputy chairs of committees; Leave to make statements. Motion of the chair of the committee (Senator Ferguson) to take note of report called on—*and on the amendment moved by the Leader of the Family First Party (Senator Fielding)*—At the end of the motion, add “, but the Senate is of the opinion that, instead of restructuring question time in a manner that could reduce the accountability of ministers to the Senate, the rules relating to questions and answers, contained in past presidential rulings, which require, amongst other things, that questions actually be questions relating to ministerial responsibilities, and that answers be responsive and relevant to the questions, be written into the standing orders, and

that the Procedure Committee, with the assistance of external expert advisers, review the effectiveness of question time and the application of those rules at the end of each period of sittings". Debate adjourned till the next day of sitting, the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) in continuation.

Environment, Communications and the Arts—Standing Committee—Report—Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008. Motion of Senator Collins to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Environment, Communications and the Arts—Standing Committee—Report—Waste management in Australia (including consideration of the Drink Container Recycling Bill 2008). Motion of the chair of the committee (Senator McEwen) to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Report—Save Our Solar (Solar Rebate Protection) Bill 2008 [No. 2]. Motion of the chair of the committee (Senator McEwen) to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

#### 52 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 4 of 2008-09—Performance audit—The Business Partnership Agreement between the Department of Education, Employment and Workplace Relations (DEEWR) and Centrelink. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Order of the day no. 1 relating to reports of the Auditor-General was called on but no motion was moved.

#### 53 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.43 pm till Monday, 13 October 2008 at 12.30 pm.

#### 54 ATTENDANCE

Present, all senators except Senators Ellison, Fifield, Heffernan, Joyce, O'Brien\* and Payne\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate