

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 140

WEDNESDAY, 28 MARCH 2007

Contents

1	Meeting of Senate	3687
2	Government Documents	3687
3	Consideration of Legislation.....	3687
4	Gene Technology Amendment Bill 2007 Food Standards Australia New Zealand Amendment Bill 2007.....	3688
5	Airports Amendment Bill 2006	3688
6	Tax Laws Amendment (2007 Measures No. 1) Bill 2007 Tax Laws Amendment (2006 Measures No. 7) Bill 2006.....	3698
7	Farm Household Support Amendment Bill 2007.....	3699
8	Matters of Public Interest.....	3699
9	Questions	3700
10	Environment—Climate Change—Answers to Questions.....	3700
11	Petition.....	3700
12	Notices.....	3700
13	Postponements.....	3702
14	Employment, Workplace Relations and Education—Standing Committee— Extension of Time to Report.....	3703
15	Community Affairs—Standing Committee—Reference.....	3703
16	Environment—Tasmania—Proposed Pulp Mill	3703
17	Postponement	3704
18	Environment—Tasmania—Proposed Pulp Mill	3704
19	Foreign Affairs—Mr David Hicks	3705
20	Foreign Affairs—Northern Ireland.....	3706
21	Science and Technology—Science Meets Parliament.....	3706
22	Indigenous Australians—Health—Petrol Sniffing	3706
23	Law and Justice—Human Rights—Slavery.....	3706
24	Community Affairs—Standing Committee—Reference.....	3707
25	Urgency Motion—Family and Community Services—Housing Affordability	3708
26	Scrutiny of Bills—Standing Committee—4th Report and Alert Digest No. 4 of 2007.....	3708

27	Economics—Standing Committee—Document—Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007.....	3708
28	Public Works—Joint Statutory Committee—1st Report of 2007	3709
29	Documents.....	3709
30	Migration Legislation Amendment (Information and Other Measures) Bill 2007	3710
31	Migration Amendment (Border Integrity) Bill 2007	3710
32	Aged Care Amendment (Security and Protection) Bill 2007 Private Health Insurance Bill 2006 Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006.....	3710
33	Private Health Insurance (Reinsurance Trust Fund Levy) Amendment Bill 2006	3711
34	Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Appointment of House Members	3711
35	Farm Household Support Amendment Bill 2007.....	3711
36	Notice	3712
37	Migration Legislation Amendment (Information and Other Measures) Bill 2007	3712
38	Government Documents—Consideration	3712
39	Adjournment	3712
40	Attendance.....	3713

1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Gene Technology Regulator—Quarterly report for the period 1 October to 31 December 2006.

Migration Act 1958—Statements [2] under section 46A for the period 1 July to 31 December 2006, 22 March 2007.

National Health and Medical Research Council, Australian Research Council and Australian Vice-Chancellors' Committee—National statement on ethical conduct in human research, March 2007.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2007.

3 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 1—

- (1) That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Amendment (Border Integrity) Bill 2006, allowing it to be considered during this period of sittings.
- (2) That the bill may be taken together for its remaining stages with the Migration Amendment (Review Provisions) Bill 2006 [2007].

Debate ensued.

Question put.

The Senate divided—

AYES, 49

Senators—

Abetz	Faulkner	Lundy	Ray
Adams	Ferguson	Macdonald, Ian	Ronaldson
Barnett	Fielding	Macdonald, Sandy	Santoro
Bernardi	Fierravanti-Wells	Mason	Stephens
Bishop	Fifield	McEwen	Sterle
Boswell	Forshaw	McGauran	Troeth
Brown, Carol	Hogg	McLucas	Trood
Calvert	Hurley	Moore	Vanstone
Campbell, George	Hutchins	Nash	Watson
Colbeck	Johnston	Parry (Teller)	Wortley
Conroy	Joyce	Patterson	
Crossin	Kemp	Payne	
Eggleston	Ludwig	Polley	

NOES, 8

Senators—

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

Question agreed to.

4 **GENE TECHNOLOGY AMENDMENT BILL 2007**
FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT BILL 2007

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Parliamentary Secretary to the Minister for Health and Ageing (Senator Mason) and pursuant to notice, moved government business notices of motion nos 2 and 3—That the following bills be introduced:

A Bill for an Act to amend the law relating to gene technology, and for related purposes.

A Bill for an Act to amend the law relating to food regulatory measures, and for related purposes.

Question put and passed.

Senator Abetz presented the bills and moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Abetz moved—That these bills be now read a second time.

Explanatory memoranda: Senator Abetz tabled explanatory memoranda [2] relating to the bills.

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.

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

Question put and passed.

5 **AIRPORTS AMENDMENT BILL 2006**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Johnston)—That this bill be now read a second time—*and on the amendment moved by Senator O'Brien:*

At the end of the motion, add “but the Senate condemns the Government for undermining public confidence in the Airports Act through planning approval decisions such as those relating to the Perth brickworks site, located opposite a residential area, and the Essendon direct factory outlet, proposed without regard to the impact on local road infrastructure”.

Debate resumed.

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

Main question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: Senator Johnston tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Johnston moved the following amendments together by leave:

No. 1—Schedule 1, page 9 (after line 14), after item 40, insert:

40A Before subsection 79(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft master plan:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft plan submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 79 is altered by adding at the end “**and advice to State or Territory etc.**”.

40B Subsection 79(1)

Omit “Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft master plan, the company must also”.

Note: The following heading to subsection 79(1) is inserted “*Public comment*”.

No. 2—Schedule 1, item 42, page 9 (line 18), omit “45”, substitute “60”.

No. 3—Schedule 1, item 43, page 9 (line 24), omit “45”, substitute “60”.

No. 4—Schedule 1, item 45, page 9 (line 31), omit “45”, substitute “60”.

No. 5—Schedule 1, item 47, page 10 (lines 8 and 9), omit the item, substitute:

47 Subsection 79(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:

- (a) copies of those comments; and
- (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft plan; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

47A Paragraph 80(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 79(1A))”.

No. 6—Schedule 1, item 48, page 10 (lines 10 to 28), omit the item, substitute:

48 After section 80

Insert:

80A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft master plan or a draft variation of a final master plan.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 81(2) or 84(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 81(5) or 84(3), as applicable, if it is:
 - (a) on or after the day the Minister requested the material; and
 - (b) on or before the day on which the Minister receives the last of the material requested.

No. 7—Schedule 1, page 11 (after line 17), after item 56, insert:

56A Before subsection 84A(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft variation of a final master plan for an airport under subsection 84(1), the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft variation:
 - (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft variation submitted to the Minister must be accompanied by:
 - (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 84A is altered by inserting “**and advice to State or Territory etc.**” after “**comment**”.

56B Subsection 84A(1)

Omit “Before giving the Minister a draft variation of a final master plan for an airport under subsection 84(1), the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft variation, the company must also”.

Note: The following heading to subsection 84A(1) is inserted “*Public comment*”.

No. 8—Schedule 1, item 63, page 12 (lines 14 and 15), omit the item, substitute:

63 Subsection 84A(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft variation submitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft variation; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

No. 9—Schedule 1, page 14 (after line 24), after item 78, insert:

78A Before subsection 92(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft major development plan, the airport-lessee company concerned must advise, in writing, the following persons of its intention to give the Minister the draft major development plan:
- (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft plan submitted to the Minister must be accompanied by:
- (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 92 is altered by adding at the end “**and advice to State or Territory etc.**”.

78B Subsection 92(1)

Omit “Before giving the Minister a draft major development plan, the airport-lessee company concerned must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft major development plan, the company must also”.

Note: The following heading to subsection 92(1) is inserted “*Public comment*”.

No. 10—Schedule 1, item 80, page 14 (line 28), omit “45”, substitute “60”.

No. 11—Schedule 1, item 81, page 15 (line 4), omit “45”, substitute “60”.

No. 12—Schedule 1, item 83, page 15 (line 11), omit “45”, substitute “60”.

No. 13—Schedule 1, item 85, page 15 (lines 19 and 20), omit the item, substitute:

85 Subsection 92(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the draft version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft plan; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

85A Paragraph 93(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 92(1A))”.

No. 14—Schedule 1, item 86, page 15 (line 21) to page 16 (line 9), omit the item, substitute:

86 After section 93

Insert:

93A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft major development plan or a draft variation of a major development plan.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 94(2) or 95(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 94(6) or 95(3), as applicable, if it is:
- (a) on or after the day the Minister requested the material; and
 - (b) on or before the day on which the Minister receives the last of the material requested.

No. 15—Schedule 1, page 16 (after line 17), after item 89, insert:

89A At the end of subsection 94(7)

Add:

Note: For examples of conditions imposed under this subsection, see section 94A.

No. 16—Schedule 1, page 16 (after line 31), after item 91, insert:

91A After section 94

Insert:

94A Examples of conditions

Without limiting subsection 94(7), the following conditions may be imposed under that subsection:

- (a) a condition relating to the ongoing operation of a development to which a major development plan relates;
- (b) a condition requiring the preparation, submission for approval by a specified person, and implementation, of a plan for managing the impact, on an airport and an area surrounding an airport, of a development to which a major development plan relates.

No. 17—Schedule 1, items 97 and 98, page 17 (lines 20 to 28), omit the items, substitute:

97 Before subsection 95A(1)

Insert:

Application of section

- (1A) This section applies if the Minister has, under paragraph 95(2)(c), required a draft variation of a major development plan for an airport to be subject to public comment under this section.

Advice to State or Territory etc.

- (1B) Before resubmitting the draft variation to the Minister, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to resubmit the draft variation to the Minister:
 - (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1C) The draft variation resubmitted to the Minister must be accompanied by:
 - (a) a copy of the advice given under subsection (1B); and
 - (b) a written certificate signed on behalf of the company listing the names of those covered by subsection (1B) to whom the advice was given.

Note: The heading to section 95A is altered by inserting “**and advice to State or Territory etc.**” after “**comment**”.

98 Subsection 95A(1)

Omit “Before giving the Minister a draft variation of a major development plan for an airport under subsection 95(1), the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1B), but

before resubmitting the draft variation to the Minister, the company must also”.

Note: The following heading to subsection 95A(1) is inserted “*Public comment*”.

No. 18—Schedule 1, items 105 and 106, page 18 (lines 23 to 26), omit the items, substitute:

105 Subsection 95A(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1B)) have given written comments about the preliminary version in accordance with the notice, the draft variation resubmitted to the Minister must be accompanied by:
- (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft variation; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

No. 19—Schedule 1, item 120, page 20 (lines 19 to 24), omit the item, substitute:

120 At the end of Division 6 of Part 5

Add:

112A Exclusion of Part III of Australian Capital Territory (Planning and Land Management) Act

- (1) Part III of the *Australian Capital Territory (Planning and Land Management) Act 1988* does not apply in relation to Canberra Airport.
- (2) In particular, despite section 10 of that Act, Canberra Airport is not a Designated Area for the purposes of that Act.

No. 20—Schedule 1, page 21 (after line 14), after item 125, insert:

125A Before subsection 124(1)

Insert:

Advice to State or Territory etc.

- (1A) Before giving the Minister a draft environment strategy for an airport under section 120, 121 or 123, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft environment strategy:
 - (a) the Minister, of the State or Territory in which the airport is situated, with responsibility for town planning or use of land;
 - (b) the authority of that State or Territory with responsibility for town planning or use of land;
 - (c) each local government body with responsibility for an area surrounding the airport.
- (1B) The draft environment strategy submitted to the Minister must be accompanied by:
 - (a) a copy of the advice given under subsection (1A); and
 - (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

Note: The heading to section 124 is altered by adding at the end “**and advice to State or Territory etc.**”.

125B Subsection 124(1)

Omit “Before giving the Minister a draft environment strategy for an airport under section 120, 121 or 123, the airport-lessee company for the airport must”, substitute “After giving the advice under subsection (1A), but before giving the Minister the draft environment strategy, the company must also”.

Note: The following heading to subsection 124(1) is inserted “*Public comment*”.

No. 21—Schedule 1, item 127, page 21 (line 18), omit “45”, substitute “60”.

No. 22—Schedule 1, item 128, page 21 (line 24), omit “45”, substitute “60”.

No. 23—Schedule 1, item 130, page 21 (line 31), omit “45”, substitute “60”.

No. 24—Schedule 1, item 132, page 22 (lines 8 and 9), omit the item, substitute:

132 Subsection 124(2)

Repeal the subsection, substitute:

- (2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft strategy submitted to the Minister must be accompanied by:
 - (a) copies of those comments; and
 - (b) a written certificate signed on behalf of the company:
 - (i) listing the names of those members of the public; and
 - (ii) summarising those comments; and
 - (iii) demonstrating that the company has had due regard to those comments in preparing the draft strategy; and
 - (iv) setting out such other information (if any) about those comments as is specified in the regulations.

132A Paragraph 125(1)(b)

After “consulted”, insert “(other than by giving an advice under subsection 124(1A))”.

No. 25—Schedule 1, item 133, page 22 (lines 10 to 29), omit the item, substitute:

133 After section 125

Insert:

125A Minister may request more material for making decision

- (1) This section applies if an airport-lessee company gives the Minister a draft environment strategy or a draft variation of a final environment strategy.
- (2) If the Minister believes on reasonable grounds that he or she does not have enough material to make a proper decision under subsection 126(2) or 129(2), as applicable, the Minister may request the airport-lessee company to provide specified material relevant to making the decision.

Time does not run while further material being sought

- (3) If the Minister has requested more material under subsection (2) for the purposes of making a decision, a day is not to be counted as a business day for the purposes of subsection 126(5) or 129(3), as applicable, if it is:

- (a) on or after the day the Minister requested the material; and
- (b) on or before the day on which the Minister receives the last of the material requested.

No. 26—Schedule 1, page 28 (after line 28), before item 170, insert:

169A Section 4 (at the end of the definition of *Designated Area*)

Add:

Note: Canberra Airport is not a Designated Area: see section 112A of the *Airports Act 1996*.

No. 27—Schedule 1, item 170, page 29 (line 2), omit “The Plan does not apply to”, substitute “This Part does not apply in relation to”.

No. 28—Schedule 1, item 171, page 30 (line 17), omit “41”, substitute “40A”.

No. 29—Schedule 1, item 171, page 30 (line 26), omit “57”, substitute “56A”.

No. 30—Schedule 1, item 173, page 31 (line 28), omit “79”, substitute “78A”.

No. 31—Schedule 1, item 173, page 32 (lines 3 and 4), omit “, 105 and 106”, substitute “and 105”.

No. 32—Schedule 1, item 173, page 32 (line 7), after “items”, insert “97 and”.

No. 33—Schedule 1, item 174, page 33 (line 14), omit “126”, substitute “125A”.

Debate ensued.

The question was divided—

Question—That amendments nos 2 to 4, 10 to 12 and 21 to 23 be agreed to—put and passed.

Question—That amendments nos 1, 5 to 9, 13 to 20 and 24 to 33 be agreed to—put and passed.

Senator O’Brien moved the following amendments together by leave:

Schedule 1, item 43, page 9 (line 24), omit “45 business”, substitute “90”.

Schedule 1, item 48, page 10 (line 23), omit “as a business day”.

Schedule 1, item 59, page 11 (line 27), omit “15 business”, substitute “30”.

Schedule 1, item 81, page 15 (line 4), omit “45 business”, substitute “90”.

Schedule 1, item 86, page 16 (line 4), omit “as a business day”.

Schedule 1, item 101, page 18 (line 8), omit “15 business”, substitute “30”.

Schedule 1, item 128, page 21 (line 24), omit “45 business”, substitute “90”.

Schedule 1, item 133, page 22 (line 24), omit “as a business day”.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, items 42, 45, 51, 56, 58, 61, 69, 80, 83, 95, 100, 103, 112, 127, 130, 136, 141 and 147.

Schedule 1, items 42, as amended, 45, as amended, 51, 56, 58, 61, 69, 80, as amended, 83, as amended, 95, 100, 103, 112, 127, as amended, 130, as amended, 136, 141 and 147 agreed to.

Senator O’Brien moved the following amendments together by leave:

Schedule 1, page 16 (after line 11), after item 87, insert:

87A After subsection 94(1)

Insert:

- (1A) The Department must ensure that, before the Minister approves or refuses to approve the plan, an assessment of the plan is made by qualified town planners and comments on the plan by town planners are provided to the Minister.

Schedule 1, page 16 (after line 15), after item 88, insert:

88A After subsection 94(5)

Insert:

- (5A) If the Minister's decision is not in accordance with submissions of relevant State or Territory planning agencies or local government authorities, the Minister must provide a statement in writing setting out the reasons for the decision.

Schedule 1, item 89, page 16 (lines 16 and 17), omit the item, substitute:

89 Subsection 94(6)

Repeal the subsection.

Schedule 1, page 16 (after line 17), after item 89, insert:

89A Subsection 94(6A)

Repeal the subsection.

Schedule 1, item 90, page 16 (after line 27), after subsection 94(7B), insert:

- (7C) The Minister must specify in approval conditions whether it is considered that the proposal will have any impact on off-airport infrastructure and, if so, having regard to relevant rate-equivalent contributions, whether there is a reasonable requirement for the airport-lessee company to negotiate in good faith with relevant State, Territory and/or local government authorities with a view to reaching agreement on appropriate contributions to be made by the airport-lessee company to specific off-airport infrastructure.

Debate ensued.

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

Senator Milne moved the following amendments together by leave:

Schedule 1, page 20 (after line 16), after item 118, insert:

118A At the end of subsection 112(1)

Add “unless section 112A applies”.

Schedule 1, page 20 (after line 16), after item 118, insert:

118B At the end of subsection 112(2)

Add “; unless section 112A applies”.

Schedule 1, page 20 (after line 18), after item 119, insert:

119A After section 112

Insert:

112AA Preservation of State, Territory and local planning laws for non-aviation developments

- (1) It is the intention of the Parliament that State, Territory and local laws or by-laws relating to planning, development and the assessment and payment of rates are to apply to any major airport development of a kind specified in paragraph 89(1)(e) or paragraph 89(1)(o), unless a development of a kind specified in paragraph 89(1)(o) is for an aviation purpose.
- (2) This section operates notwithstanding any other section in this Act.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 47

Senators—

Adams	Fierravanti-Wells	Mason	Ronaldson
Barnett	Fifield	McEwen	Santoro
Bernardi	Forshaw	McGauran	Stephens
Boswell	Hogg	McLucas	Sterle
Brown, Carol	Humphries	Moore	Troeth
Campbell, George	Hurley	Nash (Teller)	Trood
Carr	Johnston	O'Brien	Vanstone
Chapman	Joyce	Parry	Watson
Colbeck	Kemp	Patterson	Webber
Crossin	Macdonald, Ian	Payne	Wong
Ferguson	Macdonald, Sandy	Polley	Wortley
Fielding	Marshall	Ray	

Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

6 TAX LAWS AMENDMENT (2007 MEASURES NO. 1) BILL 2007
TAX LAWS AMENDMENT (2006 MEASURES NO. 7) BILL 2006

Order of the day read for the adjourned debate on the motions of the Minister for Communications, Information Technology and the Arts (Senator Coonan) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Explanatory memorandum: The Minister for Justice and Customs (Senator Johnston) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the Tax Laws Amendment (2006 Measures No. 7) Bill 2006.

Question—That the Tax Laws Amendment (2006 Measures No. 7) Bill 2006 be agreed to—divided in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put and negatived.

The Tax Laws Amendment (2007 Measures No. 1) Bill 2007 agreed to and the Tax Laws Amendment (2006 Measures No. 7) Bill 2006, as amended, agreed to.

The Tax Laws Amendment (2007 Measures No. 1) Bill 2007 to be reported without amendments and the Tax Laws Amendment (2006 Measures No. 7) Bill 2006 to be reported with an amendment.

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

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

7 FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2007

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

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Marshall was speaking.

8 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Documents: Senator Bartlett, by leave, tabled the following documents:

Stolen Generation Compensation Bill 2007—

Explanatory memorandum.

Exposure draft.

Further matters of public interest were discussed.

At 2 pm—

9 QUESTIONS

Questions without notice were answered.

10 ENVIRONMENT—CLIMATE CHANGE—ANSWERS TO QUESTIONS

Senator Lundy moved—That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Evans), Senators George Campbell and Hutchins and the Leader of the Australian Democrats (Senator Allison) today relating to climate change.

Debate ensued.

Question put and passed.

11 PETITION

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

From 11 petitioners, requesting that the Senate take action to ensure that a Commonwealth radioactive waste facility is not built at Muckaty, Northern Territory.

12 NOTICES

The Chair of the Environment, Communications, Information Technology and the Arts Committee (Senator Eggleston): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts Committee on Australia's national parks be extended to 12 April 2007. (*general business notice of motion no. 771*)

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

- (a) notes that the week beginning 25 March 2007 marks 50 years of European integration with the 50th anniversary of the Treaty of Rome; and
- (b) acknowledges that through European integration, the Treaty of Rome has led to peace, stability and prosperity within Europe and paved the way for the establishment of the European Union. (*general business notice of motion no. 772*)

Senator Murray: To move on the next day of sitting—That the Senate, noting that private equity will often include investment by funds holding the superannuation savings or investment monies of millions of Australians, and because of the actual and potential scale of private equity market activity, refers the following matters to the Economics Committee for inquiry and report by 20 June 2007:

- (a) an assessment of domestic and international trends concerning private equity and its effects on capital markets;
- (b) an assessment of whether private equity could become a matter of concern to the Australian economy if ownership, debt/equity and risk profiles of Australian business are significantly altered;
- (c) an assessment of long-term government revenue effects, arising from consequences to income tax and capital gains tax, or from any other effects;

- (d) an assessment of whether appropriate regulation or laws already apply to private equity acquisitions when the national economic or strategic interest is at stake and, if not, what those should be; and
- (e) an assessment of the appropriate regulatory or legislative response required to this market phenomenon, if any.

Senator Bartlett: To move on 10 May 2007—That the Senate—

- (a) notes that:
 - (i) 27 May 2007 marks the 40th anniversary of the referendum giving the Federal Government the power to make laws for the benefit of Aboriginal and Torres Strait Islander people and to count them in the census, and
 - (ii) the referendum was passed with an unprecedented level of support from more than 90 per cent of Australians, and is a great example of Indigenous and non-Indigenous people working together in support of equal rights for Indigenous people;
- (b) recognises the continuing need for the legislative and other powers of the Commonwealth to be used to redress the profound economic and social disadvantage continuing to be experienced by many Indigenous Australians;
- (c) acknowledges that efforts of successive governments and parliaments since 1967 have not been successful in eliminating the disadvantages experienced by many Indigenous Australians or in ensuring they have the same opportunities as other Australians;
- (d) notes, in particular, the facts that Indigenous Australians:
 - (i) still have an average life expectancy that is 17 years less than that of their non-Indigenous counterparts,
 - (ii) represent only 2 per cent of the Australian population but represent more than 14 per cent of people in Australian prisons and even more of those taken into police custody, and
 - (iii) experience an unemployment rate approximately three times that of non-Indigenous Australians and enjoy an average income only two-thirds the national average;
- (e) notes that a truly representative structure, established in consultation with Aboriginal and Torres Strait Islander people which will ensure they have a voice in all decisions which affect their communities' Indigenous representation, is sadly lacking and that there is still no national structure;
- (f) commits to giving greater priority to addressing the needs of Indigenous Australians and to paying greater heed to the diverse views, abilities and achievements of Indigenous Australians from all parts of our nation;
- (g) recognises that Australia will not reach its full potential as a nation until there is full respect for Aboriginal and Torres Strait Islander people and their unique, valuable and continuing heritage of this land; and
- (h) encourages all Australians and all political parties to revive and rebuild the cooperative spirit of the 1967 referendum to complete the unfinished business of ensuring true equality of opportunity for all Australians. (*general business notice of motion no. 773*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 10 May 2007—That—

- (a) Amendment 56 (The Griffin Legacy – Principles and Policies);

- (b) Amendment 59 (City Hill Precinct);
- (c) Amendment 60 (Constitution Avenue); and
- (d) Amendment 61 (West Basin)

of the National Capital Plan, made under section 19 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, be disallowed.

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

- (a) notes that the guilt or innocence of Mr David Hicks cannot be definitively assessed as he has not faced a fair and proper legal process; and
- (b) calls on the Government to expedite his return to Australia. (*general business notice of motion no. 774*)

The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to create incentives and a market for energy savings, which are additional to energy efficiency activities set by minimum energy performance regulation, through white certificate trading, and for related purposes. ***Energy Savings (White Certificate Trading) and Productivity Bill 2007***. (*general business notice of motion no. 775*)

The Leader of the Australian Democrats (Senator Allison) and Senator Stott Despoja: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the repatriation of Australian citizens held in detention overseas, and for related purposes. ***Repatriation of Citizens Bill 2007***. (*general business notice of motion no. 776*)

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

- (a) condemns the failure of Tasmania's Minister for Tourism, Arts and the Environment, Ms Paula Wriedt, to respond reasonably and adequately to the environmental crisis caused by the explosion in the number of rats and rabbits on the World Heritage-listed Macquarie Island; and
- (b) calls on the Tasmanian Government to accept its responsibilities for reversing the extraordinary damage to the island's native plant life and threat to its wildlife by:
 - (i) immediately matching the Federal Government's offer to pay half of the \$24.6 million required for a rescue plan,
 - (ii) rejecting Ms Wriedt's contention that World Heritage areas are 'locked up' and a 'cost burden', and
 - (iii) having the Tasmanian Premier, Mr Paul Lennon, intervene, if necessary, to ensure adequate action is taken before winter closes important options. (*general business notice of motion no. 777*)

13 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 747 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Lobbying and Ministerial Accountability Bill 2007, postponed till 29 March 2007.

General business notice of motion no. 761 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007, postponed till 29 March 2007.

14 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Employment, Workplace Relations and Education Committee (Senator Troeth) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 764—That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on workforce challenges in the Australian transport sector be extended to 9 August 2007.

Question put and passed.

15 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Parry, at the request of Senator Adams and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Community Affairs Committee for inquiry and report by 20 September 2007:

The operation and effectiveness of Patient Assisted Travel Schemes, including:

- (a) the need for greater national consistency and uniformity of Patient Assisted Travel Schemes across jurisdictions, especially the procedures used to determine eligibility for travel schemes covering patients, their carers, escorts and families; the level and forms of assistance provided; and reciprocal arrangements for inter-state patients and their carers;
- (b) the need for national minimum standards to improve flexibility for rural patient access to specialist health services throughout Australia;
- (c) the extent to which local and cross-border issues are compromising the effectiveness of existing Patient Assisted Travel Schemes in Australia, in terms of patient and health system outcomes;
- (d) the current level of utilisation of schemes and identification of mechanisms to ensure that schemes are effectively marketed to all eligible patients and monitored to inform continuous improvement;
- (e) variations in patient outcomes between metropolitan and rural, regional and remote patients and the extent to which improved travel and accommodation support would reduce these inequalities;
- (f) the benefit to patients in having access to a specialist who has the support of a multidisciplinary team and the option to seek a second opinion;
- (g) the relationship between initiatives in e-Health and Patient Assisted Travel Schemes;
- (h) the feasibility and desirability of extending Patient Assisted Travel Schemes to all treatments listed on the Medicare Benefits Schedule Enhanced Primary Care items such as allied health and dental treatment and fitting of artificial limbs; and
- (i) the role of charity and non-profit organisations in the provision of travel and accommodation assistance to patients.

Question put and passed.

16 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL

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. 763—That the Senate calls on the Minister for the Environment and Water Resources to ensure that federal guidelines for assessing Gunns Limited's proposed pulp mill in Tasmania include the impact, direct and indirect, on rare and endangered species.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 52

Senators—

Abetz	Conroy	Ludwig	Polley
Adams	Eggleston	Lundy	Ray
Barnett	Ferguson	Macdonald, Ian	Ronaldson
Bernardi	Fielding	Marshall	Santoro
Bishop	Fierravanti-Wells	Mason	Scullion
Boswell	Fifield	McEwen	Sterle
Brandis	Forshaw	McLucas	Troeth
Brown, Carol	Heffernan	Moore	Trood
Calvert	Hogg	Nash	Vanstone
Campbell, George	Humphries	O'Brien	Watson
Carr	Hurley	Parry (Teller)	Webber
Chapman	Hutchins	Patterson	Wong
Colbeck	Kemp	Payne	Wortley

Question negatived.

17 POSTPONEMENT

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved—That general business notice of motion no. 770 standing in his name for today, relating to interrogation and torture, be postponed till 29 March 2007.

Question put and passed.

18 ENVIRONMENT—TASMANIA—PROPOSED PULP MILL

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 762—That the Senate calls on the Government to ensure that both the Stockholm Convention and the Biodiversity Convention will be upheld in assessing Gunns Limited's proposed pulp mill in Tasmania.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 52

Senators—

Abetz	Conroy	Ludwig	Polley
Adams	Eggleston	Lundy	Ray
Barnett	Ferguson	Macdonald, Ian	Ronaldson
Bernardi	Fielding	Marshall	Santoro
Bishop	Fierravanti-Wells	Mason	Scullion
Boswell	Fifield	McEwen	Sterle
Brandis	Forshaw	McLucas	Troeth
Brown, Carol	Heffernan	Moore	Trood
Calvert	Hogg	Nash	Vanstone
Campbell, George	Humphries	O'Brien	Watson
Carr	Hurley	Parry (Teller)	Webber
Chapman	Hutchins	Patterson	Wong
Colbeck	Kemp	Payne	Wortley

Question negatived.

19 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 767—That the Senate—

- (a) notes the guilty plea by Mr David Hicks;
- (b) rejects the validity of the United States of America military commission occurring at Guantanamo Bay; and
- (c) calls on the Government to expedite Mr Hicks' return to Australia.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 52

Senators—

Abetz	Conroy	Ludwig	Polley
Adams	Eggleston	Lundy	Ray
Barnett	Ferguson	Macdonald, Ian	Ronaldson
Bernardi	Fielding	Marshall	Santoro
Bishop	Fierravanti-Wells	Mason	Scullion
Boswell	Fifield	McEwen	Sterle
Brandis	Forshaw	McLucas	Troeth
Brown, Carol	Heffernan	Moore	Trood
Calvert	Hogg	Nash	Vanstone
Campbell, George	Humphries	O'Brien	Watson
Carr	Hurley	Parry (Teller)	Webber
Chapman	Hutchins	Patterson	Wong
Colbeck	Kemp	Payne	Wortley

Question negatived.

20 FOREIGN AFFAIRS—NORTHERN IRELAND

Senator Watson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 766—That the Senate notes the achievement of the power sharing agreement in Northern Ireland as an historic day and trusts that this will lead to a lasting and resilient peace for the benefit of all people in Northern Ireland.

Question put and passed.

21 SCIENCE AND TECHNOLOGY—SCIENCE MEETS PARLIAMENT

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 768—That the Senate—

- (a) notes that 28 March 2007 is the annual Science Meets Parliament event;
- (b) congratulates the Federation of Australian Scientific and Technological Societies for organising this annual event since 1999;
- (c) welcomes the attending scientists to Parliament House; and
- (d) commends the Australian scientific community for its continued success in generating world-leading innovation.

Question put and passed.

22 INDIGENOUS AUSTRALIANS—HEALTH—PETROL SNIFFING

Senator Siewert, also on behalf of Senators Adams, Humphries, Moore, Bartlett and Crossin, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 769—That the Senate—

- (a) notes:
 - (i) the success to date of the roll-out of the non-sniffable Opal fuel and the dramatic reduction in the number of young people sniffing petrol over the 2006-07 summer, particularly in remote communities, and
 - (ii) that some progress has been made on the difficult issue of tackling petrol sniffing in Alice Springs, but that some issues still remain to be resolved;
- (b) congratulates the film makers involved in the Remote Fest short film festival and all the participants in the successful youth programs they documented;
- (c) acknowledges that substance-abuse experts recommend (as noted in the Community Affairs References Committee report, *Beyond petrol sniffing: Renewing hope for Indigenous communities*, tabled on 20 June 2006) that reducing the availability of inhalants is an important first step to addressing petrol sniffing that needs to be backed up by other complementary programs, including youth workers, holiday programs and other diversionary programs; and
- (d) notes that further resources are needed to provide programs and infrastructure to consolidate the success of the initiative, and to bring renewed hope to Aboriginal communities of a future free from the scourge of petrol sniffing.

Question put and passed.

23 LAW AND JUSTICE—HUMAN RIGHTS—SLAVERY

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. 765—That the Senate—

- (a) notes that 25 March 2007 was the 200th anniversary of the abolition of the trans-Atlantic slave trade;
- (b) calls on the Government to:
- (i) work for the eradication of the modern day version of slavery, the trafficking of humans for the sex industry in Australia, and
 - (ii) allocate sufficient funds for eradicating this form of slavery through prosecution of traffickers and support for the victims of this crime, noting that the current budget of \$20 million for this work runs out in June 2007; and
- (c) congratulates the Australian Catholic Religious Against Trafficking in Humans for its work in the fight against trafficking, including its publication warning women in Thailand about the dangers of working in the Australian sex industry.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

Abetz	Coonan	Joyce	Payne
Adams	Eggleston	Kemp	Ronaldson
Barnett	Ellison	Macdonald, Ian	Santoro
Bernardi	Ferguson	Mason	Troeth
Brandis	Fierravanti-Wells	McGauran	Trood
Calvert	Fifield	Minchin	Vanstone
Campbell, Ian	Heffernan	Nash	Watson
Chapman	Humphries	Parry (Teller)	
Colbeck	Johnston	Patterson	

Question negatived.

24 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the following matter be referred to the Community Affairs Committee for inquiry and report by 30 June 2008:
Ongoing efforts towards improving mental health services in Australia, with reference to the National Action Plan on Mental Health agreed upon at the July 2006 meeting of the Council of Australian Governments, particularly examining the commitments and contributions of the different levels of government with regard to their respective roles and responsibilities.
- (2) That the committee, in considering this matter, give consideration to:

- (a) the extent to which the action plan assists in achieving the aims and objectives of the National Mental Health Strategy;
 - (b) the overall contribution of the action plan to the development of a coordinated infrastructure to support community-based care;
 - (c) progress towards implementing the recommendations of the Select Committee on Mental Health, as outlined in its report *A national approach to mental health – from crisis to community*; and
 - (d) identifying any possible remaining gaps or shortfalls in funding and in the range of services available for people with a mental illness.
- (3) That the committee have access to, and have power to make use of, the evidence and records of the Select Committee on Mental Health.

Question put and passed.

25 URGENCY MOTION—FAMILY AND COMMUNITY SERVICES—HOUSING AFFORDABILITY

The Deputy President (Senator Hogg) informed the Senate that the President had received a letter from Senator Bartlett advising that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for a national affordable housing strategy to be developed, involving all levels of government and all political parties, to address the serious and ongoing crisis in housing affordability.

The proposal was supported by 4 senators.

Senator Bartlett moved the motion.

Debate ensued.

Question put and negatived.

26 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2007

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

4th report of 2007, dated 28 March 2007.

Alert Digest No. 4 of 2007, dated 28 March 2007.

Report ordered to be printed on the motion of Senator George Campbell.

Senator George Campbell moved—That the Senate take note of the report.

Question put and passed.

27 ECONOMICS—STANDING COMMITTEE—DOCUMENT—QANTAS SALE (KEEP JETSTAR AUSTRALIAN) AMENDMENT BILL 2007

Senator Parry tabled the following document:

Economics—Standing Committee—Report—Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007—Corrected version of Senator Joyce's comment.

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

28 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST REPORT OF 2007

Senator Parry, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—1st report of 2007—Proposed redevelopment of propellant manufacturing and other specified capabilities at Mulwala, dated March 2007.

Senator Parry moved—That the Senate take note of the report.

Question put and passed.

29 DOCUMENTS

The following documents were tabled by the Clerk:

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

Civil Aviation Act—

Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—AD/TBM 700/46—Main Landing Gear Shock Strut Cylinder [F2007L00743]*.
Select Legislative Instrument 2007 No. 41—Civil Aviation Safety Amendment Regulations 2007 (No. 1) [F2007L00794]*.

Customs Act—

Tariff Concession Orders—

0619398 [F2007L00757]*.
0619475 [F2007L00784]*.
0619680 [F2007L00758]*.
0619681 [F2007L00759]*.
0619711 [F2007L00760]*.
0619717 [F2007L00783]*.
0619742 [F2007L00761]*.
0619948 [F2007L00762]*.
0619977 [F2007L00792]*.
0620223 [F2007L00770]*.

Tariff Concession Revocation Instrument 50/2007 [F2007L00781]*.

Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—NPF Directions Nos—

101—First season closures [F2007L00666]*.
102—Protected area closures [F2007L00768]*.
107—Gear requirements [F2007L00776]*.

Higher Education Support Act—Higher Education in External Territories Guidelines [F2007L00834]*.

Migration Act—Migration Regulations—Instrument IMMI 07/009—Classes of persons who may make an internet application for a Tourist Visa [F2007L00706]*.

Trade Practices Act—Select Legislative Instrument 2007 No. 45—Trade Practices Amendment Regulations 2007 (No. 1) [F2007L00708]*.

* Explanatory statement tabled with legislative instrument.

30 MIGRATION LEGISLATION AMENDMENT (INFORMATION AND OTHER MEASURES) BILL 2007

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

Message no. 523, dated 26 March 2007—A Bill for an Act to amend the law relating to migration, fisheries and the environment, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That this bill be now read a second time.

On the motion of Senator Scullion the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

31 MIGRATION AMENDMENT (BORDER INTEGRITY) BILL 2007

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

Message no. 529, dated 28 March 2007—A Bill for an Act to amend the law relating to migration, and for related purposes.

The Minister for Community Services (Senator Scullion) 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 Scullion moved—That this bill be now read a second time.

Explanatory memorandum: Senator Scullion tabled a revised explanatory memorandum relating to the bill.

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

32 AGED CARE AMENDMENT (SECURITY AND PROTECTION) BILL 2007

PRIVATE HEALTH INSURANCE BILL 2006

PRIVATE HEALTH INSURANCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2006

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

Message no. 527, dated 27 March 2007—Aged Care Amendment (Security and Protection) Bill 2007.

Message no. 528, dated 27 March 2007—Private Health Insurance Bill 2006.

Message no. 526, dated 27 March 2007—Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006.

33 PRIVATE HEALTH INSURANCE (REINSURANCE TRUST FUND LEVY) AMENDMENT BILL 2006

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. 525, dated 27 March 2007—Private Health Insurance (Reinsurance Trust Fund Levy) Amendment Bill 2006.

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

34 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—APPOINTMENT OF HOUSE MEMBERS

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, as follows:

Message no. 524, dated 27 March 2007—Ms Hall and Mr Wilkie.

35 FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2007

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator O'Brien moved the following amendments together by leave:

Schedule 1, item 4, page 4 (line 6), omit "*small business*", substitute "*eligible business*".

Schedule 1, page 3 (line 2) to page 15 (line 28), omit "small business" (wherever occurring), substitute "eligible business".

Schedule 1, page 3 (line 2) to page 15 (line 28), omit "small businesses" (wherever occurring), substitute "eligible businesses".

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Abetz) the report from the committee was adopted and the bill read a third time.

36 NOTICE

Senator Joyce, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes that 25 March 2007 was the 200th anniversary of the passing of William Wilberforce's bill for the abolition of the trans-Atlantic slave trade;
- (b) commends the Government for continuing its work to eradicate the modern day version of slavery, the trafficking of humans for the sex industry in Australia; and
- (c) congratulates the Australian Catholic Religious Against Trafficking in Humans for its work in the fight against trafficking, including its publication warning women in Thailand about the dangers of working in the Australian sex industry. (*general business notice of motion no. 778*)

**37 MIGRATION LEGISLATION AMENDMENT (INFORMATION AND OTHER MEASURES)
BILL 2007**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

At 6.50 pm—

38 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (*see entry no. 2*) was considered:

Migration Act 1958—Statements [2] under section 46A for the period 1 July to 31 December 2006, dated 22 March 2007. Motion to take note of document moved by Senator Bartlett and agreed to.

The following order of the day relating to government documents was considered:

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2006. Motion to take note of document moved by Senator Watson, debated and agreed to.

General business orders of the day nos 12 to 14 and 16 relating to government documents were called on but no motion was moved.

39 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.37 pm till Thursday, 29 March 2007 at 9.30 am.

40 ATTENDANCE

Present, all senators except Senators Ferris*, Kirk*, Lightfoot* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate